

**Text of the Act concluded following the Amendments of the Senate
Act
of 29 July 2005
on Waste Electrical and Electronic Equipment¹**

**Section 1
General Provisions**

Article 1

1. The Act provides for:
 - 1) the requirements to be met by electrical and electronic equipment, hereinafter referred to as “the equipment”,
 - 2) the principles of dealing with waste equipment in a manner ensuring the protection of the health and life of humans as well as environmental protection, according to the principle of balanced development
 - in order to reduce the quantity of waste from equipment and ensure the appropriate collection, recovery and recycling level of waste electrical and electronic equipment.
2. In matters relating to proceeding with waste equipment in the scope not referred to in this Act, the regulations concerning waste shall apply.

Article 2

1. The provisions of the Act shall be applicable to:
 - 1) the equipment manufactured and introduced within the territory of Poland;
 - 2) the equipment introduced into the territory of Poland through import or intra-Community acquisition;
 - 3) waste equipment derived from the equipment referred to in points (1) and (2) above.
2. The provisions of Articles 7-14, Articles 18-21, Article 23, Article 24 and Article 27 also apply to equipment sold remotely through means of mass communication or telecommunication network to EU member countries other than Poland.
3. The provisions of the Act shall not apply to:
 - 1) the equipment used for the purpose of protecting the security of Poland, if the equipment is dedicated only for military purposes;

¹ The provisions of this Act implement the regulations of the DIRECTIVE 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (Official Journal of the European Union L 37 of 13 February 2003, pp. 34 and L 345 of 31 December 2003, p. 106). The publication data concerning the act of the European Union announced before 01 May 2004 included in this Act refer to the announcement of the act in the Official Journal of the European Union - special issue. The present Act alters the provisions of the following acts: the Act of 20 June 1991 on the Environment Protection Inspection, the Act of 26 June 1991 on personal income tax, the Act of 15 February 1992 on corporate income tax, the Act of 13 September 1996 on maintaining cleanliness and order in communes, the Act of 26 November 1998 on public finance, the Act of 15 December 2000 on Trade Inspection, the Act of 27 April 2001 – Environmental Protection Act, the Act of 27 April 2001 on Waste and the Act of 11 May 2001 on the obligations of entrepreneurs regarding managing certain types of waste, product fee and deposit fee.

- 2) radioactive waste in the meaning of the provisions of the Act of 29 November 2000 – Nuclear Law (Official Journal of 2004, No. 161, item 1689 and No. 173, item 1808);
- 3) the equipment being a component part of a device itself not falling into the definition of the equipment in the meaning contained in the Act.

Article 3

1. Whenever reference in this Act is made to:

1) decisions concerning waste management – this shall be understood as decisions referred to in Article 17 (1) (1) and (2), Article 26 (1) and Article 28 (1) of the Act of 27 April 2001 on Waste (Official Journal No. 62, Item 628 with subsequent changes²), in Article 181 (1) (1) of the Act of 27 April 2001 on Environmental Protection (Official Journal No. 62, Item 627 with subsequent changes³) and in Article 7 (1) (1) of the Act of 13 September 1996 on Maintaining Cleanliness and Order in Municipalities (Official Journal No. 132, Item 622 with subsequent changes⁴)

2) import – this shall be understood as the entry of the equipment from the territory of a country which is not a member state of the EU for the purpose of introducing it on the territory of Poland;

3) recovery – this shall be understood as recovery in the meaning of Article 3 (3) (9) of the Act of 27 April 2001 on Waste;

4) re-use – this shall be understood as use of waste equipment or its component parts for the same purpose as originally designed and made for;

5) processing – this shall be understood as all activities undertaken after transferring waste equipment to the entity operating a processing plant, for the purpose of disassembly including removing from the equipment all hazardous component parts, component parts or materials referred to in annex 2 to the Act, cutting and preparing for recovery or neutralization ;

6) recycling – this shall be understood as the term recycling in the meaning of Article 3 (3) (14) of the Act of 27 April 2001 on Waste;

7) hazardous component – this shall be understood as a hazardous substance or hazardous preparation in the meaning of Article 2 (2) of the Act of 11 January 2001 on Chemical Substances and Preparations (Official Journal No. 11, item 84 with subsequent changes⁵);

² Changes to the said act were announced in the Official Journal of 2002 No. 41, item 365, No. 113, item 984 and No. 19, item 1671, of 2003 No. 7, item 78, of 2004 No. 96, item 959, No. 116, item 1208 and No. 191, item 1956 and of 2005 No. 25, item 202 and No. 90, item 758.

³ Changes to the said act were announced in the Official Journal of 2001 No. 115, item 1229, of 2002 No. 74, item 676, No. 113, item 984, No. 153, item 1271 and No. 233, item 1957, of 2003 No. 46, item 392, No. 80, item 717 and 721, No. 162, item 1568, No. 175, item 1693, No. 190, item 1865 and No. 217, item 2124, of 2004 No. 19, item 177, No. 49, item 464, No. 70, item 631, No. 91, item 875, No. 92, item 880, No. 96, item 959, No. 121, item 1263, No. 273, item 2703 and No. 281, item 2784 and of 2005 No. 25, item 202 and No. 62, item 552.

⁴ Changes to the said act were announced in the Official Journal of 1997 No. 60, item 369 and No. 121, item 770, of 2000 No. 22, item 272, of 2001 No. 100, item 1085 and No. 154, item 1800, of 2002 No. 113, item 984, of 2003 No. 7, item 78, of 2004 No. 96, item 959 and No. 173, item 1808 and of 2005 No. 85, item 729.

⁵ Changes to the said act were announced in the Official Journal of 2001 No. 100, item 1085, No. 123, item 1350 and No. 125, item 1367, of 2002 No. 135, item 1145 and No. 142, item 1187, of 2003 No. 189, item 1852 and of 2004 No. 96, item 959 and No. 121, item 1263.

8) retailer – this shall be understood as an entity, who within its business activities, sells or transfers equipment to any party intending to use such equipment;

9) wholesaler – this shall be understood as an entity, who within its business activities, sells or transfers electric and electronic equipment for reselling;

10) equipment – this shall be understood as devices, whose proper operation depends on the supply of electric power or on the existence of electromagnetic fields, and which can be used for producing, transmitting or measuring electric current or electromagnetic fields, designed to be used at rated voltage not exceeding 1,000 V AC and 1,500 V DC included in the list of groups specified in annex 1 hereof;

11) neutralization of waste – this shall be understood as the neutralization of waste in the meaning of Article 3 (3) (21) of the Act of 27 April 2001 on Waste;

12) intra-Community acquisition – this shall be understood as bringing equipment from the territory of a EU member state other than Poland for the purpose of introducing it into territory of Poland;

13) entity introducing the equipment – this shall be understood as the entity who:

- a) manufactures and sells equipment under their own markings;
- b) sells equipment manufactured by another entity under its own marking;
- c) conducts business activity related to import or intra-Community acquisition of electrical and electronic equipment;

14) introduction of equipment – this shall mean the introduction of equipment into the territory of Poland, which takes place:

- a) on the day of issuing the equipment from a warehouse for the purpose of trading it – in the case of equipment manufactured within the territory of Poland;
- b) on the day of allowing the equipment for trading within the territory of Poland on the Polish market – in the case of importing electrical and electronic equipment;
- c) on the day of issuing an invoice confirming Intra-Community acquisition or - if no invoice is issued - on the day of allowing the equipment for trading in a EU member state other than Poland;

15) processing plant – this shall be understood as an installation, building facility or a part thereof, in which waste equipment is processed, including disassembly comprising removal from the equipment of hazardous components, materials and component parts specified in annex 2 hereof;

16) waste equipment collectors – this shall be understood as a facility operating a point of collection of waste electrical and electronic equipment, including the retailer, the wholesaler and a municipal entity for collecting municipal waste and an entity licensed to operate a business related to collecting municipal waste;

17) waste equipment – this shall be understood as equipment constituting waste in the meaning of Article 3 (1) of the Act of 27 April 2001 on Waste.

2. Whenever reference in this Act is made to waste equipment from households, this shall be understood also as waste equipment derived from other sources which due to their nature

and quantity is similar to waste equipment derived from households.

Article 4

1. When defining the quantity and weight of equipment introduced on the territory of Poland only the first introduction on the market is to be counted.
2. When defining the quantity and weight of equipment introduced on the territory of Poland the quantity and weight of equipment introduced through import or intra-Community acquisition and then was re-exported or became the subject of intra-Community supply made by the entity introducing the equipment on the market or other entity.

Article 5

Disassembling of waste electrical and electronic equipment, including the removal of hazardous substances, materials and component parts listed in annex 2 hereof, can only be made at the processing plant.

Section 2

Obligations of the Inspection for Environmental Protection

Article 6

General Inspector for Environmental Protection holds the register of:

- 1) entities introducing the equipment on the market;
- 2) waste equipment collectors;
- 3) entities operating processing plants;
- 4) entities operating recycling-related business activity;
- 5) entities operating non-recycling recovery processes;
- 6) organizations for recovering electrical and electronic equipment.

Article 7

1. Before commencing activities within the scope of:
 - 1) introduction of the equipment,
 - 2) collection of waste equipment,
 - 3) processing,
 - 4) recycling,
 - 5) non-recycling recovery processes- entities listed in Article 6 (1-5) must submit to the General Inspector for Environmental Protection a registration application.
2. An entity operating activities in more than one area referred to in Article 7 (1) submits one registration application containing data required for registration applications within the scope of the operated business activity.
3. Organizations for recovering electrical and electronic equipment must submit to the General Inspector for Environmental Protection a registration application within 14 days of the day of obtaining the National Registration Court entry confirmation.

Article 8

1. General Inspector for Environmental Protection makes a relevant register entry at the request of entity or an organization for recovering electrical and electronic equipment.
2. The Register referred to in Article 6 (1) shall contain with respect to:
 - 1) entities introducing the equipment on the market:
 - a) the company name, seat and address of the entity;
 - b) Tax Identification Number (NIP), if applicable;
 - c) the REGON statistical number, if applicable;
 - d) the number and the name of the group and number and type of electrical and electronic equipment, according to annex 1 hereof;
 - e) information about an agreement with an organization for recovering electrical and electronic equipment referred to in Article 57 (1) or about the weight of particular types of equipment specified in annex hereof, which the entity introducing the equipment on the market intends to introduce in a given year, and also about the form and amount of financial security referred to in Article 18 (1), if the entity introduces household equipment;
 - 2) waste equipment collectors:
 - a) the company name, seat and address of the entity or – in the case of a municipal entity – its name and address;
 - b) Tax Identification Number (NIP), if applicable;
 - c) the REGON statistical number, if applicable;
 - d) the number and the name of the group and number and type of electrical and electronic equipment, according to annex 1 hereof, from which the collected equipment is derived;
 - e) information about the decisions concerning waste management, including the number of the decision and the issuing entity;
 - 3) entities operating the processing plant:
 - a) the company name, seat and address of the entity;
 - b) Tax Identification Number (NIP);
 - c) the REGON statistical number, if applicable;
 - d) addresses of the processing plants;
 - e) the number and the name of the group and name of the type of electrical and electronic equipment, according to annex 1 hereof, from which the collected equipment is derived;
 - f) information about the processing capacity of the processing plant;
 - g) information about permissions concerning waste management, including the number of the permission and the issuing entity;
 - h) information about the implemented quality system or not possessing one;
 - 4) entities operating recycling activity:
 - a) the company name, seat and address of the entity;
 - b) Tax Identification Number (NIP);
 - c) the REGON statistical number, if applicable;
 - d) the code and name of the waste received;
 - e) information about permissions concerning waste recycling, including the number of the permission and the issuing entity;
 - f) information about the recycling process used, including type of process as specified in annex 5 of the Act of 27 April 2001 on Waste;
 - g) information about the recycling capacity of the recycling plant;
 - h) indication on recycling location;

- i) information about the implemented quality system or not possessing one;
- 5) entities operating non-recycling recovery processes:
- a) the company name, seat and address of the entity;
 - b) Tax Identification Number (NIP);
 - c) the REGON statistical number, if applicable;
 - d) the code and name of the waste received;
 - e) information about permissions concerning waste recovery, including the number of the permission and the issuing entity;
 - f) information about the recovery method used, including type of process as specified in annex 5 of the Act of 27 April 2001 on Waste;
 - g) information about the recovering capacity of the recovery plant;
 - h) indication on recovery location;
 - i) information about the implemented quality system or not possessing one;
- 6) organizations for recovering electrical and electronic equipment:
- a) name, seat and address of the organization;
 - b) Tax Identification Number (NIP);
 - c) the REGON statistical number, if applicable;
 - d) a list of entities introducing the equipment on the market, who signed agreements referred to in Article 57 (1), including names, seats and registration numbers of such entities;
3. General Inspector for Environmental Protection rejects the registration of an entity introducing the equipment on the market, in the form of a decision, if the entity introducing the equipment on the market:
- 1) does not pay the registration fee referred to in Article 9 (1);
 - 2) does not pay the required financial security referred to in Article 18 (1) if they introduce equipment designed for households.
4. In the event of a change in the data referred to in Article 8 (1-5), the entity must submit to the General Inspector for Environmental Protection, within 7 days of the day when the change occurred, a register update application.
5. In the event of a change in the data referred to in Article 8 (1-5), the organization for recovering electrical and electronic equipment must submit to the General Inspector for Environmental Protection, within 30 days of the day when the change occurred, a register update application.
6. The applications referred to in hereabove in points 4 and 5 shall respectively contain:
- 1) registration number;
 - 2) the company name, seat and address of the entity and the name, seat and address of the organization for recovering electrical and electronic equipment ;
 - 3) Tax Identification Number (NIP);
 - 4) the REGON statistical number, if applicable;
 - 5) the data subject to change.

7. The entity introducing the equipment shall enclose with the application referred to in point 1 hereabove a certified copy of a confirmation of the registration payment referred to in Article 9 (1).
8. The entity introducing household equipment shall enclose with the application referred to in points 1 and 4 hereabove a certified copy of an agreement with an organization for recovering electrical and electronic equipment referred to in Article 57 (1) or – in the event of the agreement lacking – a confirmation of the security payment referred to in Article 18 (1).
9. The minister competent in the field of environment matters shall specify, in the form of an order, the form of the applications referred to in points 1, 4 and 5 hereabove and the form of submitting them, following the necessity for unifying the form of the applications, facilitating their submission and identifying the entity and the organization for recovering electrical and electronic equipment.

Article 9

1. The registration of the entity introducing the equipment is subject to registration payment.
2. The registration fee is paid by the entity introducing the equipment to the favour of a separate bank account of the General Inspectorate for Environmental Protection.
3. By the end of February each year the entity introducing the equipment pays an annual fee to the favour of a separate bank account of the General Inspectorate for Environmental Protection.
4. The annual fee is not paid in the year when the registration fee was paid.
5. Maximum limits of both the registration and the annual fee are PLN 8 000, whereas for micro-businesses the maximum limit of both the registration and the annual fee is PLN 400.
6. The minister competent in the field of the environmental matters in cooperation with the minister competent in the field of public finance shall specify, in the form of an order, the amount of:
 - 1) the registration fee and
 - 2) the annual fee- taking into account the costs of keeping the register and a database of both equipment and waste equipment referred to in Article 15 (3) and the fact that the fees should not be an obstacle in the registration of an entity or in performing their business activity, in particular for micro, small and medium businesses.

Article 10

1. The General Inspector for Environmental Protection when making an entry into the register shall assign and give to the entity their registration number.
2. The General Inspector for Environmental Protection shall inform the entity about the given registration number.
3. The minister competent in the field of the environmental matters shall specify, in the form of an order, the manner of assigning the registration number referred to in point 1 hereabove, following the necessity for the identification of registered entities.

Article 11

The Register referred to in Article 6 (1) shall contain with respect to:

- 1) entities introducing the equipment on the market:
 - a) register number;
 - b) information referred to in Article 8 (2) (1);
- 2) waste equipment collectors:
 - a) register number;
 - b) information referred to in Article 8 (2) (2);
- 3) processing plant operators:
 - a) register number;
 - b) information referred to in Article 8 (2) (3);
- 4) entities operating recycling activity:
 - a) register number;
 - b) information referred to in Article 8 (2) (4);
- 5) entities operating non-recycling recovery activity:
 - a) register number;
 - b) information referred to in Article 8 (2) (5);
- 6) organizations for recovering electrical and electronic equipment:
 - a) register number;
 - b) information referred to in Article 8 (2) (6);

Article 12

1. The General Inspector for Environmental Protection:

- 1) keeps the register in the form of database saved on computer data storage media in the meaning of the Act of 17 February 2005 on Computerizing Entities fulfilling Public Objectives (Official Journal No. 64, item 565);
- 2) archives, stores and processes data entered into the register;
- 3) secures safety of data entered into the register and documents received in connection with keeping the register.

2. Data from the register shall be available for public inspection in the seat of the General Inspector for Environmental Protection and on its website, except for the following data:

- 1) the information about the capacity of the processing plant as well as the capacity of the recycling plants and non-recycling recovery plants;
- 2) the information about the conditions of the agreement, which the entity introducing the product on the market executed with the organization for recovering electrical and electronic equipment ;
- 3) information about the financial security referred to in Article 18 (1).

Article 13

1. When ceasing the activity referred to in Article 7 (1), the entity must, within 7 days of ceasing their activity, submit to the General Inspector for Environmental Protection a register deletion application.

2. When opening the liquidation or announcing the bankruptcy of the organization for recovering electrical and electronic equipment, the organization must, within 7 days of ceasing their activity, submit to the General Inspector for Environmental Protection a register deletion application.
3. The applications referred to in points 1 and 2 hereabove shall respectively contain:
 - 1) registration number;
 - 2) the company name, seat and address of the entity and the name, seat and address of the organization for recovering electrical and electronic equipment ;
 - 3) Tax Identification Number (NIP);
 - 4) the REGON statistical number, if applicable;
 - 5) the date of ceasing the activity or the date of opening the liquidation or announcing the bankruptcy of the organization for recovering electrical and electronic equipment.
4. The deletion of the entity or the organization for recovering electrical and electronic equipment is made by the General Inspector for Environmental Protection in the form of a decision.

Article 14

The General Inspector for Environmental Protection deletes from the register, referred to in Article 6 point 1, in the form of decision, when:

- 1) the entity introducing the equipment does not pay the annual fee referred to in Article 9 (3) hereof;
- 2) the permission concerning waste management is withdrawn or expired;
- 3) the required amount of financial security referred to in Article 18 (1) is not paid.

Article 15

1. The General Inspector for Environmental Protection verifies the data contained in the reports referred to in Article 31 (1), Article 40 (1), Article 51 (1), Article 56 (1) and Article 67 (1) hereof.
2. The General Inspector for Environmental Protection analyses the functioning of the waste equipment management using the data referred to in point 1 hereabove.
3. On the basis of the data referred to in point 1 hereabove and collective information about the results of conducted inspections referred to in Article 16 (2) hereof, the General Inspector for Environmental Protection keeps a database of both the equipment and the waste equipment.
4. The General Inspector for Environmental Protection:
 - 1) archives, stores and processes data entered into the database referred to in point 3 hereabove;
 - 2) secures safety of data entered into the database referred to in point 3 hereabove and documents received in connection with keeping the database.
5. The General Inspector for Environmental Protection prepares and submits to the Minister competent in the field of the environmental matters by 30th April of the year following the year to which the data refer a report on the functioning the waste equipment management system.

6. The Minister competent in the field of environment shall determine, in the form of an order:
 - 1) the necessary scope of information to be collected and processed;
 - 2) the method of keeping the database referred to in point 3 hereabove;
 - 3) the form of the report on the functioning the waste equipment management system - following the necessity for unifying the system of collecting and processing data and the necessity for evaluating the functioning the waste equipment management system.

Article 16

1. The voivodship inspector for environmental protection shall inspect the processing plant at least once a year.
2. By 15 February, the voivodship inspector for environmental protection prepares and submits to the General Inspector for Environmental Protection collective information about the results of inspections referred to in point 1 hereabove for the previous calendar year.

Article 17

1. The General Inspector for Environmental Protection, having received the permission of the minister competent in the field of environment, may, in the form of an agreement, assign the performance of the obligations specified in Article 10 (1, 2), Article 12 (1) and Article 15 (2-5) to a legal entity representing entities introducing the equipment on the market possessing a minimum of total 75% of shares in the weight of the introduced equipment.
2. The agreement referred to in point 1 hereabove shall in particular describe:
 - 1) the manner of fulfilling and financing the obligations assigned by the General Inspector for Environmental Protection;
 - 2) the manner of securing and archiving documents and data possessed by the legal entity referred to in point 1 hereabove in connection with the fulfilment of the agreement.
 - 3) the manner of supervising the legal entity referred to in point 1 hereabove by the General Inspector for Environmental Protection;
 - 4) cases in which the agreement expires or becomes terminated.
3. The information about the execution and termination of the agreement referred to in point 1 hereabove shall be published in the way of announcement in the Official Journal of the Republic of Poland "Monitor Polski" within 60 days respectively of the execution, termination or expiration of the agreement.
4. The announcement referred to in point 3 hereabove shall contain:
 - 1) the name, seat and the address of the legal entity referred to in point 1 hereabove;
 - 2) information about the obligations assigned by the General Inspector for Environmental Protection;
 - 3) the date of commencement of performing the assigned obligations or the date of the termination of the performance due to the expiration of the agreement.

5. Within 30 days of ceasing its business activity, the legal body referred to in point 1 hereabove, or of the expiration or termination of the agreement referred to in point 1 hereabove, the legal body shall return to the General Inspector for Environmental Protection all the documents possessed in connection with the performance of its obligations and database referred to in Article (1) (1) hereof.
6. The fulfilment of those obligations referred to in point 5 hereabove is subject to execution in the mode referred to in the Act of 17 June 1966 on Administrative Execution Proceedings (Official Journal of 2002, No. 110, item 968 with subsequent changes⁶).

Section 3 Financial Security

Article 18

1. The entity introducing the equipment on the market must:
 - 1) in the event of not executing an agreement with an organization for recovering electrical and electronic equipment,
 - 2) in the event of expiration or termination of an agreement with an organization for recovering electrical and electronic equipment,
 - 3) in the event of opening liquidation proceedings or declaring the bankruptcy of the organization for recovering electrical and electronic equipment,

- pay financial security for a given calendar year in order to finance the collection, processing, recovery, including recycling, and neutralization of waste equipment from households, deriving from the same type of equipment, specified in annex 1 hereto, which was introduced by this entity.
2. The basis for calculating financial security referred to in point 1 hereabove is in the event of:
 - 1) the entity introducing the equipment who is not registered in the register referred to in Article 6 hereof – the weight of equipment to be introduced on the market in a given calendar year;
 - 2) the entity introducing the equipment registered in the register referred to in Article 6 hereof – the weight of equipment introduced on the market in the previous calendar year.
3. The amount of financial security referred to in point 1 hereabove is calculated as the product of the product fee referring to the recycling of waste equipment and the weight of equipment referred to in point 2 hereabove.

Article 19

1. The financial security referred to in point 1 hereabove may be in form of:

⁶ Changes to the said act were announced in the Official Journal of 2002 No. 113, item 984, No. 127, item 1090, No. 141, item 1178, No. 153, item 1271, No. 169, item 1387, No. 199, item 1672, No. 200, item 1679 and No. 216, item 1824, of 2003 No. 80, item 718, No. 135, item 1268, No. 137, item 1302, No. 193, item 1884, No. 217, item 2124 and No. 228, item 2255, of 2004 No. 68, item 623, No. 91, item 870 and 871, No. 96, item 959 and No. 116, item 1203 of 2005 No. 86, item 732.

- 1) a deposit paid to the favour of a separate bank account of the National Found of Environmental Protection and Water Economy; this amount together with interest shall be given back after fulfilling the obligations, referred to in Article 31, Article 32 and Article 34, if it was not assigned for covering the costs of collection, processing and recycling of waste equipment or non-recycling form of recovery, referred to in Article 23 or
 - 2) signing third party liability insurance agreement by the entity introducing the equipment on the market against failing to fulfil the obligation of collecting, processing, recovery, including recycling and neutralization of waste equipment and submitting the policy or other document confirming the fact of signing the agreement to the National Found of Environmental Protection and Water Economy;
 - 3) a bank warrant submitted to the National Found of Environmental Protection and Water Economy.
2. The third party liability insurance agreement referred to in point 1.2 hereabove or the bank guarantee referred to in point 1.3 hereabove shall state that upon non-performance of the obligation of collecting, processing, recovery, including recycling, an neutralization of waste equipment the insurance company or the bank shall cover relevant liabilities towards the National Found of Environmental Protection and Water Economy.
 3. In the event of paying the financial security in the form of a third party liability insurance agreement referred to in point 1.2 hereabove or the bank guarantee referred to in point 1.3 hereabove the guarantor may only be a financial institution authorized to guarantee a customs debt.
 4. The minister competent in the field of public finance, having received the opinion of the General Inspector for Environmental Protection and the President of the National Found of Environmental Protection and Water Economy, shall determine, in the form of an order, detailed principles of cooperation between financial institutions referred to in point 3 hereabove and the General Inspector for Environmental Protection and the National Found of Environmental Protection and Water Economy as well as specimens of financial security forms paid in the form of a third party liability insurance agreement referred to in point 1.2 hereabove or the bank guarantee referred to in point 1.3 hereabove in order to finance the collection, processing, recovery, including recycling, and neutralization of waste equipment.
 5. The minister competent in the field of financial institutions, in cooperation with the minister competent in the field of environmental matters, having received the opinion of the Polish Chamber of Insurance, shall specify, in the form of an order, the detailed scope of insurance, referred to in point 1.2 hereabove and the term of arising of the insurance obligation, particularly taking into account the necessity for financing the costs of collecting, processing, recovering, including recycling of waste electrical and electronic equipment.

Article 20

1. By 30 April of the year following the year in which the financial security referred to in Article 18 (1) hereof was paid, the General Inspector for Environmental Protection settles the financial security.
2. In the event the entity introducing the equipment on the market fails to finance the collection, processing, recovery, including recycling, and neutralization of waste equipment referred to in Article 18 (1) hereof, the General Inspector for Environmental Protection pronounces, in the form of a decision, that the means of financing these operations be drawn from the financial security paid by this entity.

3. In the event the entity introducing the equipment on the market finances the collection, processing, recovery, including recycling, and neutralization of waste equipment referred to in Article 18 (1) hereof, the General Inspector for Environmental Protection pronounces, in the form of a decision that the financial security paid by this entity be returned to them.

Section 4

Obligations of Entities Introducing the Equipment on the Market

Article 21

1. The entity introducing the equipment on the market must place their registration number on the invoices and other documents issued in connection with the performance of their business operation.

Article 22

1. The entity introducing household equipment must provide with the equipment the following information concerning:
 - 1) the ban on placing waste equipment together with other types of waste, along with the explanation of markings specified in annex 3 hereto;
 - 2) potential consequences for natural environment and for the human health, resulting from the use of hazardous substances in the electrical and electronic equipment;
 - 3) the weight of the electrical and electronic equipment.
2. The entity introducing household equipment must inform about:
 - 1) the system of collection of waste electrical and electronic equipment;
 - 2) the contribution of a household to re-use and recovery, including recycling, of waste equipment.

Article 23

1. The entity introducing the equipment must place marking specified in annex 3 hereto on the equipment.
2. The marking referred to in point 1 hereabove shall be placed in a clear, legible and permanent manner.
3. If justified by the size or function the equipment, the marking referred to in point 1 hereabove may be placed on a collective packaging, on the user's manual or on the equipment guarantee card.

Article 24

1. By the 15th of the month following the quarter in which the equipment was introduced, the entity introducing the equipment must prepare and submit to the General Inspector for Environmental Protection a report on the amount and weight of the equipment, divided into groups and types, as specified in annex 1 hereto, specifying the types and weight of cells and batteries used for the purpose of operating the equipment.

2. In the event of ceasing their business activity, the entity introducing the equipment shall submit the report referred to in point 1 hereabove within 7 days of the date of ceasing their activity.
3. The minister competent in the field of environment shall specify, in the form of an order, the specimen of the report referred to in point 1 hereabove and the manner in which to submit it, following the necessity for the unification of such reports, facilitating their submission and the identification of the entity introducing the equipment on the market.

Article 25

1. The entity introducing household equipment may transfer to all retailers and wholesalers the information about the costs of waste equipment management, including the collection, processing, recycling or other non-recycling processes of recovering and disposing of the waste equipment.
2. The costs of waste management referred to in point 1 hereabove must be indicated as a separate element of the price of the introduced equipment.

Article 26

1. Within 12 months of introducing the equipment on the market, the entity introducing the equipment must prepare the information for the entities operating processing plants concerning the reuse and processing of equipment.
2. In particular, the information referred to in point 1 hereabove shall contain:
 - 1) the specification of component parts of the electrical and electronic equipment, which can be re-used;
 - 2) the location of hazardous substances, materials and component parts referred to in annex 2 hereto which shall be removed from this equipment.
3. The entity introducing the equipment must submit to the processing plant the information referred to in point 1 hereabove within 7 days of applying for such information.
4. The information referred to in point 1 hereabove shall be made in writing or in an electronic form on a computer data medium, as specified in the regulations of the Act of 17 February 2005 on Computerizing Entities fulfilling Public Objectives and may only be used by the entity operating the processing plant.
5. It is forbidden for the entity operating the processing plant to make the information referred to in point 1 hereabove available to the public.

Article 27

The entity introducing household equipment must organize and finance the collection, processing, recovery, including recycling, and disposing of waste equipment deriving from households from waste equipment collectors.

Article 28

1. The entity introducing household equipment must ensure the collection of waste equipment deriving from households if the equipment derives from equipment introduced on the

territory of Poland:

- 1) after 13 August 2005 – the obligation applies to the entity introducing the equipment with regard to the equipment they introduced;
- 2) until 13 August 2005 – the obligation applies to the entity introducing the equipment of the same type specified in annex 1 hereto, proportionally to their share in the weight of the equipment introduced.

Article 29

The entity introducing the equipment other than for household use must organize and finance the collection, processing, recovery, including recycling, and neutralization of waste equipment, deriving from non-household users:

- 1) deriving from the equipment introduced by them on the territory of Poland after 13th August 2005;
- 2) deriving from the equipment introduced by them on the territory of Poland before 13th August 2005, if the waste equipment is replaced by equipment of the same type and as the equipment delivered by them, whereas the collection, processing, recovery, including recycling, and neutralization of this equipment may also be co-financed by its user to the extent specified in an agreement executed between the entity introducing the equipment and the user.

Article 30

1. The entity introducing the equipment must obtain the following levels:

- 1) for waste equipment specified in groups 1 and 10 of annex 1 hereto:
 - a) recovery – 80% of weight of waste electrical and electronic equipment, and
 - b) recycling of component parts, materials and substances deriving from waste equipment – 75% of weight of waste electric and electronic equipment;
- 2) for waste equipment specified in groups 3 and 4 of annex 1 hereto:
 - a) recovery – 75% of weight of waste electrical and electronic equipment, and
 - b) recycling of component parts, materials and substances deriving from waste equipment – 65% of weight of waste electrical and electronic equipment;
- 3) for waste equipment specified in groups 2, 5-7 and 9 of annex 1 hereto:
 - a) recovery – 70% of weight of waste electrical and electronic equipment, and
 - b) recycling of component parts, materials and substances deriving from waste equipment - 50% of waste electrical and electronic equipment;
- 4) for waste gas discharge lamps – recycling of 80% of component parts, materials and substance of lamp weight.

2. The weight of recovered and recycled waste includes:

- 1) the weight of waste equipment forwarded for reuse;
- 2) the weight of component parts deriving from waste equipment forwarded for reuse.
3. The weight of waste equipment referred to in point 1 hereabove shall be understood as the weight of waste equipment collected and forwarded to a processing plant registered in the register referred to in Article 6 hereof.
4. When calculating the levels of recovery of waste electrical and electronic equipment, the recovery shall mean recovery processes marked R1-R9 in the annex 5 to the Act of 27 April 2001 on Waste.
5. When calculating the levels of recycling of waste electrical and electronic equipment, the recycling shall mean recovery processes marked R2-R9 in the annex 5 to the Act of 27 April 2001 on Waste.
6. The minister competent in the field of environment may specify, in the form of an order, the methods of calculating the achieved levels of recovery and recycling of the waste equipment referred to in point 1 hereabove, following the necessity for facilitating the methods of calculating these levels.

Article 31

1. The entity introducing the equipment must prepare and submit to the General Inspector for Environmental Protection:
 - 1) by the 30th day of the month following a quarter of a year – a report on the weight of waste equipment collected, recovered, including recycling, and disposed of;
 - 2) by 31 March of the year following the year in which waste equipment has been collected, recovered, including recycling – a report on obtained levels of collection, recovery and recycling of the waste equipment.
2. The minister competent in the field of environment shall specify, in the form of an order, the specimen of a report referred to in point 1 hereabove and the manner in which to submit it, following the necessity for the unification of such reports, facilitating their submission and the identification of the entity introducing the equipment on the market.

Article 32

1. The entity introducing the equipment must keep additional records of the information about the quantity and weight of the introduced equipment.
2. The entity introducing the equipment calculates the obtained levels of recovery and recycling of waste equipment on the basis of the additional records referred to in point 1 hereabove and certifications of waste equipment referred to in Article 50 (1) hereof.
3. The entity introducing the equipment must store additional the records referred to in point 1 hereabove and certifications of waste equipment referred to in Article 50 (1) hereof for 5 years, beginning of the end of the year they refer to.

Article 33

1. The entities introducing the equipment must provide a chain of processing plants of a capacity enabling the processing of the collected waste equipment, covering the territory of Poland.
2. The entities introducing the equipment must provide a chain of processing plants referred to in point 1 hereabove on the basis of contracts executed with the entities operating processing plants registered in the register referred to in Article 6.
3. The entities introducing the equipment, in the event of:
 - 1) withdrawing the decision concerning waste management from an entity operating a processing plant,
 - 2) termination or expiration of the contract referred to in point 2 hereabove- must – within 3 months of withdrawing, termination or expiration of the contract – secure the performance of the obligation referred to in point 1 hereabove.
4. By 31 May, the entities introducing the equipment must prepare and submit to the General Inspector for Environmental Protection a list of processing plants constituting their processing plant chain, the list containing:
 - 1) the company name, seat and address of the entity;
 - 2) Tax Identification Number (NIP), if applicable;
 - 3) the REGON statistical number, if applicable;
 - 4) addresses of the processing plants;
 - 5) the number and the name of the group and number and type of electrical and electronic equipment, according to annex 1 hereof, from which the waste equipment accepted by the processing plant receiving the equipment for processing was derived;
 - 6) information on the processing capacity of the processing plant;
 - 7) indication of the term of the contracts executed with the entities operating a processing plant.
5. The minister competent in the field of environment shall specify, in the form of an order, the specimen of the list referred to in point 1 hereabove and the manner in which to submit it, following the necessity for the unification of such lists, facilitating their submission and the identification of the entity introducing the equipment on the market.

Article 34

The entity introducing the equipment contained in group 5, types 2-5, annex 1 hereof, must assign to the organization for recovering electrical and electronic equipment, in the form of an agreement, the obligations hereunder, excluding the obligations referred to in Article 7 (1 and 2), Article 8 (4, 7 and 8), Article 9 (2-3), Article 13 (1), Article 21-23, Article 25 and Article 26.

Section 5 Obligations of Equipment Users

Article 35

User of equipment designed for households must return waste equipment to a waste equipment collector.

Article 36

It is forbidden to place waste equipment together with other types of waste.

Section 6 Obligations of Waste Equipment Collectors

Article 37

Waste equipment collectors must:

- 1) selectively collect the waste equipment received;
- 2) receive waste household equipment free of charge.

Article 38

Waste equipment collectors must forward the equipment received to entities operating a processing plant entered in the register referred to in Article 6 hereof.

Article 39

1. Within 30 days of commencing their business activity, waste equipment collectors must submit to the head of the municipality, the mayor or the president of a city within area if which it operates information containing:
 - 1) name, seat and address of waste equipment collectors or the name, surname and address of waste equipment collector;
 - 2) addresses of waste collection points, including points selling the equipment.
2. In the event of a change in the information referred to in Article 39 (1), waste equipment collectors must inform the head of the municipality, the mayor or the president of a city within area if which it operates about the change within 30 days of the occurrence of the change.
3. Waste equipment collectors must inform the head of the municipality, the mayor or the president of a city within area if which it operates about permanent cease of their business activity within 30 days of the cease.

Article 40

1. Waste equipment collectors must prepare and submit to the General Inspector for Environmental Protection, by the 30th day of each month following the quarter in which the collection of waste equipment was completed, a report on the weight of waste equipment collected and forwarded to the processing plant.
2. The minister competent in the field of environment shall specify, in the form of an order, the form of the report referred to in Article 40 (1) and the form of submitting it, following the necessity for unifying the report forms, facilitating their submission and identifying the waste equipment collector.

Article 41

1. Both the retailer and wholesaler of the equipment designed for households must

- 1) inform equipment purchasers, in the manner specified in Article 25 (2), about the costs referred to in Article 25 (1), if they obtained such information from the entity introducing the equipment on the market;
- 2) place an information about waste equipment collection points in points of sale;
- 3) sell the household equipment with attached information referred to in Article 22 (1) and marked according to Article 23.

Article 42

1. Both the retailer and wholesaler of the equipment designed for households must collect, free of charge, an amount of waste equipment equal or smaller than that of the new equipment sold when such waste equipment is of the same type.
2. The retailer must forward, free of charge, the collected waste equipment referred to in Article 42 (1) to the entity operating a processing plant or to the wholesaler.
3. The wholesaler must forward, free of charge, the collected waste equipment referred to in Article 42 (1) to the entity operating a processing plant.

Section 7 Obligations of the Entity Operating a Processing Plant

Article 43

The entity operating a processing plant shall ensure that processing of waste equipment and the waste deriving from it is safe for the environment and the human health.

Article 44

Upon acceptance of waste electrical and electronic equipment, the entity operating a processing plant shall immediately remove any dangerous components, materials and component parts specified in Appendix 2.

Article 45

Waste equipment storage facilities of the entity operating a processing plant shall be equipped with:

- 1) non-permeable groundwork with equipment for removing spills, with a liquid separator as well as sedimentation tank and oil separator in cases where leakage is possible during storing;
- 2) appropriate roofing preventing influence of atmospheric factors;
- 3) protection against non-authorized access.

Article 46

The processing plant shall be equipped with:

- 1) weighing equipment for determining the weight of waste;
- 2) a storehouse for disassembled component parts intended for reuse;
- 3) containers for storing batteries, PCB capacitors in the meaning of Article 3 (3) (12) of the Act of 27 April 2001 on Waste and other waste containing hazardous material if such waste is generated during processing;
- 4) non-permeable groundwork with equipment for removing spills, with a liquid separator as well as a sedimentation tank and an oil separator in cases where

- leakage during storing is possible;
- 5) equipment ensuring purification of rainwater and thaw water to the extent referred to in Articles 41, 45 and 45a of the Act of 18 July 2001 – Water Law (Official Journal No. 115, item 1229 with subsequent changes⁷).

Article 47

The entity operating a processing plant shall transfer the waste resulting from processing waste equipment to an entity operating recycling activities or other recovery activities, entered into the register referred to in Article 6.

Article 48

1. The entity operating a processing plant shall contain in the application for a decision relating to waste management or in the statement on produced waste and the methods of managing such waste referred to in the Act of 27 April 2001 on waste, the number and the name of the group as well as the number and the name of the type of equipment, as defined in Appendix 1, from which the processed waste equipment is derived.
2. The decisions referred to in point 1 hereabove shall specify the number and the name of the group as well as the number and the name of the type of equipment defined in Appendix 1.

Article 49

The entity operating a processing plant shall contain the number and the name of the group as well as the number and the name of the type of equipment, as defined in Appendix 1, from which the processed waste equipment is derived, in the documents drawn for the purpose of keeping the record of waste and the collective register of data referred to in Article 36 and 37 of the Waste Act of 27 April 2001.

Article 50

1. The entity operating a processing plant shall, within 20 days upon the lapse of a quarter of a year, issue to the entity introducing the equipment on the market with whom a contract on processing waste was entered into, a certificate concerning the used equipment which shall contain the following information:
 - 1) the register number of the entity operating a processing plant;
 - 2) the register number of the entity operating recycling activities;
 - 3) the register number of the entity operating activities related to non-recycling recovery processes;
 - 4) the company name, seat and address of the entity operating a processing plant;
 - 5) the company name, seat and address of the entity operating recycling activities;
 - 6) the company name, seat and address of the entity operating activities related to non-recycling recovery processes;
 - 7) the company name, seat and address of the entity operating activities related to neutralization ;
 - 8) if applicable, the Tax Identification Number (NIP) of the entity operating a processing plant;
 - 9) if applicable, the REGON number of the entity operating a processing plant;
 - 10) if applicable, the Tax Identification Number (NIP) of the entity operating recycling activities;

⁷ The changes thereof have been announced in Official Journal of 2001, No 154 item 1803; of 2002, No 113 item 984, No 130 item 1112, No 233 item 1957, No 238 item 2022; of 2003, No 80 item 717, No 165 item 1592, No 190 item 1865, No 228 item 2259, of 2004, No 92 item 880, No 96 item 959, No 116 item 1206, No 273 item 2703 and of 2005, No 85 item 729.

- 11) if applicable, the REGON number of the entity operating recycling activities;
 - 12) if applicable, the Tax Identification Number (NIP) of the entity operating activities related to non-recycling recovery processes;
 - 13) if applicable, the REGON number of the entity operating activities related to non-recycling recovery processes;
 - 14) the number and the name of the group as well as the number and the name of the type of equipment, as defined in Appendix 1, from which the processed waste equipment is derived;
 - 15) designation of the recycling process, providing information on the process type referred to in Appendix 5 to the Waste Act of 27 April 2001;
 - 16) designation of any non-recycling process, providing information on the process type referred to in Appendix 5 to the Waste Act of 27 April 2001;
 - 17) designation of the neutralization process, providing information on the process type referred to in Appendix 6 to the Waste Act of 27 April 2001;
 - 18) the weight of waste equipment accepted to the processing plant;
 - 19) the weight of waste equipment transferred for reuse;
 - 20) the weight of component parts from the waste equipment transferred for reuse;
 - 21) the weight of waste equipment which has been processed;
 - 22) the weight of waste exported with the view to undergo recovery procedures, including recycling and neutralization ;
 - 23) the weight of waste subject to inter-Community supply with the view to undergo a recovery procedures, including recycling and neutralization ;
 - 24) the weight of waste from the waste equipment which has been subject to recycling and non-recycling recovery processes;
 - 25) the weight of waste from the waste equipment which has been subject to neutralization.
2. The entity operating a processing plant shall issue a certificate concerning waste equipment in three copies, one of which is to be received by the entity introducing the equipment on the market, the second one to be submitted to the General Inspector for Environmental Protection and the third one to be kept by the entity operating a processing plant.
 3. The weight of waste equipment accepted to the processing plant shall be determined on the basis of the waste transfer document.
 4. The weight of waste from the waste equipment which has been subject to recycling and non-recycling recovery processes shall be determined accordingly on the basis of the certificate of recycling or a certificate of recovery processes other than recycling.
 5. The weight of waste from the waste equipment which has been subject to neutralization shall be determined on the basis of the waste transfer documents issued by the entity operating a processing plant, confirmed by the entity operating activities in the field of waste neutralization.
 6. In case of exporting waste with the view to make it undergo recovery or recycling, the entity operating a processing plant shall forward to the entity introducing the equipment on the market a written statement that the recovery or recycling is run in the installations which comply with the same requirements as applicable to the installations used on the national territory.
 7. Certificates concerning the waste equipment and the statements referred to in (6 shall be issued exclusively by the entity operating the processing plant entered into the register referred to in Article 6.
 8. The minister competent in the field of environment, in consultation with the minister competent in the field of public finances, shall specify, in the form of an order, a specimen

of a certificate concerning the waste equipment and the method of transferring thereof, with the aim of introducing uniform standards of information included in the certificate and the form of such a certificate, as well as facilitating the transfer thereof.

Article 51

1. The entity operating a processing plant shall draw and submit to the General Inspector for Environmental Protection, at the latest on the 30th day of the month following the quarter when the processing of waste equipment was performed, a report containing information concerning the following issues:
 - 1) the weight of equipment accepted by the processing plant from which the waste equipment was derived, providing the number and the name of the group as well as the number and the name of the type of equipment defined in Appendix 1.
 - 2) the weight and the kind of waste derived from processing of the waste equipment, transferred to the entity conducting recycling activities or recovery or other non-recycling activities, as well as to the entity operating neutralization activities.
2. The minister competent in the field of environment shall specify, in the form of an order, a specimen of a report referred to in paragraph 1 hereabove and the method of transferring thereof, with the aim of introducing uniform standards concerning the form of such a report and facilitating the transfer thereof as well as identification of the processing plant.

Article 52

The entity operating a processing plant shall keep the waste equipment certificates, the recycling certificates and certificates concerning recovery processes other than recycling, as well as reports referred to in Article 51 (1) hereto, for the period of 5 years, commencing at the end of the calendar year the certificates and reports refer to.

Section 8

Obligations of an Entity Operating Recycling Activities and Activities Related to Non-Recycling Recovery Processes

Article 53

1. The entity operating recycling activities shall issue a recycling certificate upon the application made by the entity operating a processing plant transferring waste for recycling, at the latest on the tenth day of the month following the quarter when the recycling was performed.
2. The recycling certificate shall contain:
 - 1) the register number of the entity operating a processing plant;
 - 2) the register number of the entity operating recycling activities;
 - 3) the company name, seat and address of the entity operating a processing plant;
 - 4) the company name, seat and address of the entity operating recycling activities;
 - 5) if applicable, the Tax Identification Number (NIP) of the entity operating a processing plant;
 - 6) if applicable, the REGON number of the entity operating a processing plant;
 - 7) if applicable, the Tax Identification Number (NIP) of the entity operating recycling activities;

- 8) if applicable, the REGON number of the entity operating recycling activities;
 - 9) the code, the type name and the weight of the waste accepted for recycling;
 - 10) designation of the recycling process, providing information on the process type referred to in annex 5 to the Waste Act of 27 April 2001.
3. The entity operating recycling activities shall issue a recycling certificate in three copies, the first of which is to be received by the processing plant which transferred the waste for recycling, the second one submitted to the General Inspector for Environmental Protection and the third one to be kept by the entity operating recycling activities.
 4. The recycling certificates can be issued exclusively by an entity operating recycling activities entered into the register referred to in Article 6.
 5. The entity operating recycling activities shall keep the recycling certificates and reports referred to in Article 56 (1) hereto for the period of 5 years, commencing at the end of the calendar year the certificates and reports refer to.

Article 54

1. The entity operating activities related to non-recycling recovery processes shall issue a certificate confirming non-recycling recovery processes upon an application made by the entity operating a processing plant transferring waste for recovery processes other than recycling, at the latest on the tenth day of the month following the quarter when the non-recycling recovery processes were performed.
2. The certificate confirming non-recycling recovery processes shall include:
 - 1) the register number of the entity operating a processing plant;
 - 2) the register number of the entity operating activities related to non-recycling recovery processes;
 - 3) the company name, seat and address of the entity operating a processing plant;
 - 4) the company name, seat and address of the entity operating activities related to non-recycling recovery processes;
 - 5) if applicable, the Tax Identification Number (NIP) of the entity operating a processing plant;
 - 6) if applicable, the REGON number of the entity operating a processing plant;
 - 7) if applicable, the Tax Identification Number (NIP) of the entity operating activities related to non-recycling recovery processes;
 - 8) if applicable, the REGON number of the entity operating activities related to non-recycling recovery processes;
 - 9) the code, the type name and the weight of the waste accepted for recovery processes other than recycling;
 - 10) designation of any process other than recycling, providing information on the process type referred to in annex 5 to the Waste Act of 27 April 2001;
3. The entity operating activities related to non-recycling recovery processes shall issue a certificate confirming non-recycling recovery processes in three copies, the first of which is to be received by the processing plant which transferred the waste for the purpose of processes other than recycling, the second one submitted to the General Environment Protection Inspector and the third one to be kept by the entity operating activities related to non-recycling recovery processes.
4. The certificate confirming non-recycling recovery processes shall be issued exclusively by an entity operating activities related to non-recycling recovery processes, entered into the register referred to in Article 6.
5. The entity operating activities related to non-recycling recovery processes shall keep the certificates confirming non-recycling recovery processes as well as the reports referred to in

Article 56 (1) hereto for the period of 5 years, commencing at the end of the calendar year the certificates and reports refer to.

Article 55

The minister competent in the field of environment, in consultation with the minister competent in the field of public finances, shall specify, in the form of an order, a specimen of a recycling certificate as well as the certificate confirming recovery processes other than recycling, with the aim of introducing uniform standards of information included in the certificates and the form of such certificates, as well as facilitating the transfer thereof.

Article 56

1. The entity operating recycling activities as well as the entity operating activities related to non-recycling recovery processes shall, no later than on the 30th day of the month following the quarter when recycling or a non-recycling waste equipment recovery process was performed, draw and submit to the General Inspector for Environmental Protection a report on the weight of the accepted and submitted for recycling or recovery process other than recycling of waste derived from the waste equipment.

2. The minister competent in the field of environment shall specify, in the form of an order, a specimen of a report referred to in point (1) hereabove and the method of transferring thereof, with the aim of introducing uniform standards concerning the form of such a report and facilitating the transfer thereof as well as identification of the entity operating recycling activities as well as conducting activities related to non-recycling recovery processes.

Section 9

Organization for Recovering Electrical and Electronic Equipment

Article 57

1. An organization for recovering electrical and electronic equipment is a joint stock company incorporated by entities introducing the equipment on the market or employers' unions representing them or commercial chambers for the purpose of performing obligations taken over from the entities introducing the equipment on the market the basis of the agreements, subject to point 3.

2. The shareholders of the organization for recovering electrical and electronic equipment may exclusively be the bodies referred to in point 1.

3. An organization for recovering electrical and electronic equipment may not take over obligations referred to in Article 7 (1) and (2), Article 8 (4), (7) and (8), Article 9 (1) and (2), Article 13 (1), Articles 21 to 23 and Article 26.

Article 58

1. The scope of business activity of an organization for recovering electrical and electronic equipment is limited only to the activities related to organizing, management or conducting of activities concerning collection, processing, recycling and other than recycling forms of recovery and neutralization of waste electrical and electronic equipment, as well as ecologic education.

2. The name of an organization for recovering electrical and electronic equipment shall include the words "organization for recovering electrical and electronic equipment".

Article 59

1. The share capital of the organization for recovering electrical and electronic equipment shall be at least PLN 5 000 000 and may not be accumulated by way of a public subscription.
2. The share capital of the organization for recovering electrical and electronic equipment shall be covered in total by cash contributions paid up in total prior to submission of an application for registration of the organization for recovering electrical and electronic equipment in the National Court Register.
3. The share capital of the organization for recovering electrical and electronic equipment may not derive from loan or credit nor be charged in any other way.
4. The organization for recovering electrical and electronic equipment is obliged to maintain its equity in an amount equal to at least one half of the share capital referred to in point 1.
5. Shares of the organization for recovering electrical and electronic equipment shall be registered shares only and may not be transformed into bearer shares.
6. The organization for recovering electrical and electronic equipment may not issue share having any preferential rights.

Article 60

The organization for recovering electrical and electronic equipment is obliged to submit to the General Inspector for Environmental Protection a copy of its statutes and extract from the National Court Register within 14 days of being registered.

Article 61

1. The organization for recovering electrical and electronic equipment is obliged to keep secret all data submitted to it by entities.
2. The obligation to maintain secrecy referred to in point 1 shall not be applicable to the obligations of the organization for recovering electrical and electronic equipment with regard to disseminating information following from this Act.

Article 62

If the entity introducing the equipment on the market finished his activities, the organization for recovering electrical and electronic equipment, which took over his obligations on the basis of the agreement, is obliged to cover the costs of collection, processing, recycling and other than recycling forms of recovery and neutralization of waste equipment.

Article 63

1. In the case the liquidation process is initiated or bankruptcy declared of the organization for recovering electrical and electronic equipment the obligations shall recharge the entity introducing the equipment on the market with regard to the mass of equipment introduced by that entity into the territory of Poland from the first day of the month following the day the liquidation process is initiated or bankruptcy declared. From the first day of the month following the day the liquidation process is initiated the agreements concluded with that organization referred to in Article 57 (1) shall be terminated.

2. The entity introducing the equipment on the market referred to in point 1 shall be obliged to submit reports referred to in Article 24 (1) and Article 31 (1) covering the period from the day the agreement is terminated with that organization referred to in point 1 to the end of the calendar year or until the obligations are taken over by another organization for recovering electrical and electronic equipment.

Section 10 Product Fee

Article 64

1. The settlement of the performance of duty referred to in Article 30 (1) shall take place at end of the calendar year.

2. The entity introducing the equipment and the organization for recovering electrical and electronic equipment referred to in Article 57 (1), who did not perform the duty referred to in Article 30 (1) shall be obliged to pay a product fee calculated separately for the case of not attaining the required:

- 1) level of recovery;
- 2) level of recycling
- for each group of waste electrical and electronic equipment, referred to in annex 1 to the Act.

Article 65

1. The product fee shall be calculated on the basis of mass expressed in kilograms of waste equipment.

2. The due product fee shall be calculated as a product of product fee rate and the difference between the required and attained level of recovery or recycling, respectively, of waste electrical and electronic equipment.

Article 66

1. The rate of product fee shall amount to:

- 1) for group 5 kinds 2-5 of equipment specified in annex 1 to the Act – from 4 PLN to 20 PLN per kilo;
- 2) for the rest of the groups of equipment specified in annex 1 to the Act - from 0 PLN to 2 PLN per kilo.

2. The minister competent for the environment cooperating with the minister competent for public finance shall, in the form of an order specify detailed rates of product fees, guided by the costs of collection, recovery and recycling of waste equipment for particular kinds of equipment.

Article 67

1. The entity introducing the equipment on the market and the organization for recovering electrical and electronic equipment are obliged to prepare and to submit to the General Inspector for Environmental Protection an annual report stating, for each group of waste electrical and electronic equipment, as referred to in annex 1 to the Act, the amount of product fee due, by not later than 31st March of the calendar year following the year to which such a fee refers.

2. The minister competent for the environment shall specify, in the form of an order, the specimen of the annual referred to in point 1 and the form of submitting it, guided by the need of creating uniform report, making it easier to submit it and enabling the possibility to identify the entity introducing the equipment and the organization for recovering electrical and electronic equipment.

Article 68

1. The duty to calculate the due product fee arises at end of the calendar year.
2. The due product fee shall be paid to a separate bank account of the Voivodship Fund for the Environmental Protection and Water Management by 31st March of the calendar year following the year to which the payment refers.
3. If the overall amount of the product fee for a given group of waste equipment is less than PLN 50, the due product fee shall not be paid.

Article 69

1. Upon concluding that the entity introducing the equipment on the market or the organization for recovering electrical and electronic equipment did not pay the product fee or made a payment lower than required, the General Inspector for Environmental Protection shall issue a decision determining the amount of the due product fee.
2. If the decision referred to in point 1 is not performed within 14 days from the day in which the decision has become definitive, the General Inspector for Environmental Protection shall determine, in the form of decision, an additional product fee corresponding to 50% of the outstanding product fee.
3. Provisions of Section III of the Act of 29 August 1997 - Tax ordinance (Legislation Journal of 2005, No. 8, item 60, No. 85, item 727 and No. 86, item 732) shall apply to product fees with the exclusion of Article 67, provided that authority of the tax office shall be vested with the Chief Inspector for Environmental Protection.

Section 11 Penal Provisions and Financial Penalties

Article 70

Whoever contrary to Article 5 engages in disassembly of waste equipment outside the processing plant,

shall be subject to a penalty of a fine.

Article 71

Whoever contrary to the provisions of Article 7, Article 8 (4) and (5) or Article 13 (1) and (2) does not make an application for entry in the register, an application for altering the entry in the register or an application for deletion from the register or makes unreliable applications,

shall be subject to a penalty of a fine.

Article 72

Whoever conducting business activity in the field of introducing electrical and electronic equipment:

- 1) contrary to the provision of Article 21 does not place the registration number on the invoice,
- 2) contrary to the provision of Article 22 (1) does not attach the required information to the equipment designed for household use,
- 3) contrary to the provisions of Article 23 does not label the equipment with labelling whose specimen is specified in annex 3 to the Act,
- 4) contrary to the provisions of Article 24 (1) and (2) does not submit a report on the amount and mass of the introduced equipment or makes an unreliable report,
- 5) contrary to the provision of Article 26 (3) does not pass on to the entity operating the information processing plant information regarding the reuse and processing of waste equipment,
- 6) contrary to the provision of Article 27 does not organize or finance the collection, processing, recovery or neutralization of household-originating waste equipment,
- 7) contrary to the provision of Article 31 (1) does not submit a report on the mass of the waste equipment collected, subjected to processing, recovery, including recycling, and neutralization or a report on the attained levels of collection, recovery and recycling or makes an unreliable report,

shall be subject to a penalty of a fine.

Article 73

Whoever contrary to the provision of Article 35 does not return waste equipment deriving from households to the entity collecting waste electrical and electronic equipment shall be subject to a penalty of a fine.

Article 74

Whoever contrary to the prohibition specified in Article 36 places waste equipment together with other waste

shall be subject to a penalty of a fine.

Article 75

Whoever, conducting business activity in the scope of collection of waste electrical and electronic equipment:

- 1) contrary to the provision of Article 37 point 1, does not conduct the selective collection of waste electrical and electronic equipment,
- 2) contrary to the provision of Article 37 point 2, does not receive or charges fees for the reception of waste electrical and electronic equipment,
- 3) contrary to the provision of Article 40 (1), does not submit the report on the mass of the collected and transferred to the processing plant waste electrical and electronic equipment, or submits unreliable report,

shall be subject to a penalty of a fine.

Article 76

Whoever, selling the electrical and electronic equipment:

- 1) contrary to the provision of Article 41 point 2, does not place information about the collection points of waste equipment at the sale outlet,
- 2) contrary to the provision of Article 41 point 3, sells equipment designed for household use without the attached information referred to in Article 22 (1) or sells equipment which is not labelled in accordance with Article 23,
- 3) contrary to the provision of Article 42 (1), does not receive the waste electrical and electronic equipment, when selling new electrical and electronic equipment, or charges fees for the reception of the waste electrical and electronic equipment,
- 4) contrary to the provision of Article 42 (2), does not transfer the waste equipment to the entity operating the processing plant or to the wholesaler,
- 5) contrary to the provision of Article 42 (3), does not transfer the waste equipment to the entity operating the processing plant,

shall be subject to a penalty of a fine.

Article 77

Whoever, operating the processing plant:

- 1) contrary to the provision of Article 44, does not remove hazardous substances, materials and component parts specified in annex 2 to the Act,
- 2) contrary to the provision of Article 47, does not forward the waste deriving from the processing of waste equipment to an entity operating the activity in the scope of recycling or to an entity operating the activity in the scope of other than recycling forms of recovery or to an entity operating the activity in the scope of waste neutralization,
- 3) contrary to the provision of Article 50 (2), does not submit the certificates of waste equipment or prepares unreliable certificates,
- 4) contrary to the provision of Article 51 (1), does not submit the report on the mass of waste equipment received and on the mass of waste deriving from the processing of the waste equipment or submits unreliable report,

shall be subject to a penalty of a fine.

Article 78

Whoever, conducting business activity in the scope of recycling or conducting business activity in the scope of non-recycling forms of recovery:

- 1) contrary to the provision of Article 53 (3), does not submit a certificate testifying to recycling or prepares an unreliable certificate,
- 2) contrary to the provision of Article 54 (3), does not submit a certificate testifying to non-recycling forms of recovery or prepares an unreliable certificate,
- 3) contrary to the provision of Article 56 (1), does not submit the report on the mass of waste deriving from waste equipment received and sent to recovery or the report on the mass of waste deriving from waste equipment received and sent to non-recycling forms of recovery or submits an unreliable report,

shall be subject to a penalty of a fine.

Article 79

Verdicts in matters referred to in Articles 70 to 78 take place on principles and according to the procedures set forth in the Code on Petty Offences.

Article 80

1. Whoever introduces equipment which is not entered in the register referred to in Article 6 shall be subject to a penalty of a fine in the amount from 5, 000 PLN to 500, 000 PLN.

2. The organization for recovering electrical and electronic equipment which has taken over, by way of an agreement, the obligations referred to in Article 24 (1) and (2) and Article 31 (1) and has not fulfilled these obligations,

shall be subject to a penalty of a fine in the amount from 5, 000 PLN to 500, 000 PLN.

3. The cash penalties referred to in points (1) and (2) hereabove shall be administered, by way of decision, by the Voivodship Inspector for Environmental Protection.

4. The cash penalties referred to in points (1) and (2) shall be paid to a separate bank account of the Voivodship Inspector for Environmental Protection.

5. In matters regarding the cash penalties referred to in points (1) and (2) hereabove the provisions of Section III of the Act of 29 August 1997 - Tax ordinance shall apply accordingly, with the exclusion of Article 67, provided that authority of the tax office shall be vested with the Voivodship Inspector for Environmental Protection.

Section 12 Amendments to Applicable Legislation

Article 81

In the Act of 20 July 1991 of Environmental Protection Inspection (Legislation Journal of 2002, No. 112, item 982 with subsequent amendments⁸) in Article 2 (1) following point 15a point 15b shall be added:

“15b) supervision of adherence to the provisions of the Act of 29 July 2005 of waste equipment (Legislation Journal No., item.....) with the exclusion of the provisions Article 41 points 2 and 3.”.

Article 82

In the Act of 26 July 1991 of revenue tax on natural persons (Legislation Journal of 2000, No. 14, item 176 with subsequent amendments⁹) in Article 23 (1) following point 16b point 16c shall be added:

⁸ Changes to the said act were announced in the Official Journal of 2002, No. 113, item 984 and No. 153, item 1271, of 2003 No. 170, item 1652, No. 190, item 1865 and No. 217, item 2124, of 2004 No. 121, item 1263, No. 191, item 1956, No. 273, item 2703 and No. 281, item 2784 and of 2005 No. 25, item 202.

⁹ Changes to the said act were announced in the Official Journal of 2000, No. 22, item 270, No. 60, item 703, No. 70, item 816, No. 104, item 1104, No. 117, item 1228 and No. 122, item 1324, of 2001 No. 4, item 27, No. 8, item 64, No. 52, item 539, No. 73, item 764, No. 74, item 784, No. 88, item 961, No. 89, item 968, No. 102, item 1117, No. 106, item 1150, No. 110, item 1190, No. 125, item 1363 and 1370 and No. 134, item 1509, of 2002 No. 19, item 199, No. 25, item 253, No. 74, item 676, No. 78, item 715, No. 89, item 804, No. 135, item 1146, No. 141, item 1182, No. 169, item 1384, No. 181, item 1515, No. 200, item 1679 and No. 240, item 2058, of 2003 No. 7, item 79, No. 45, item 391, No. 65, item 595, No. 84, item 774, No. 90, item 844, No. 96, item 874, No. 122, item 1143, No. 135, item 1268, No.

“16c) an additional product fee referred to in Article 69 (2) of the Act of 29 July 2005 of waste equipment (Legislation Journal No., item.....), provided that the allowable expenses are the paid fees referred to in Article 9 (1) and (3) and Article 64 (2) of that Act.”.

Article 83

In the Act of 15 February 1992 of revenue tax on legal persons (Legislation Journal of 2000, No. 54, item 654 with subsequent amendments¹⁰) in Article 16 (1) following point 19b point 19c shall be added:

“19c) an additional product fee referred to in Article 69 (2) of the Act of 29 July 2005 of waste equipment (Legislation Journal No., item.....), provided that the allowable expenses are the paid fees referred to in Article 9 (1) and (3) and Article 64 (2) of that Act.”.

Article 84

In the Act of 13 September 1996 on the maintenance of cleanness and order in municipalities (Legislation Journal No. 132, item 622 with subsequent amendments¹¹) in Article 3 (2) following point 6 point 6a shall be added:

“6a) shall make available information to the inhabitants on the website and in a customarily accepted manner on the entities collecting waste equipment deriving from households who are present in the municipality area, these entities being referred to in the Act of 29 July 2005 of waste equipment (Legislation Journal No., item.....).
The information shall include:

- a. the firm, its seat sign and address or forename, surname and address of the entity collecting waste electrical and electronic equipment,
- b. the addresses of the collection points of waste electrical and electronic equipment, including equipment outlets.”.

137, item 1302, No. 166, item 1608, No. 202, item 1956, No. 222, item 2201, No. 223, item 2217 and No. 228, item 2255, of 2004 No. 29, item 257, No. 54, item 535, No. 93, item 894, No. 99, item 1001, No. 109, item 1163, No. 116, item 1203, 1205 and 1207, No. 120, item 1252, No. 123, item 1291, No. 162, item 1291, No. 210, item 2135, No. 263, item 2619 and No. 281, item 2779 and 2781 and of 2005 No. 25, item 202, No. 30, item 262, No. 85, item 725, No. 86, item 732, No. 90, item 757 and No. 102, item 852.

¹⁰ Changes to the said act were announced in the Official Journal of 2000, No. 60, item 700 and 703, No. 86, item 958, No. 103, item 1100, No. 117, item 1228 and No. 122, item 1315 and 1324, of 2001 No. 106, item 1150, No. 110, item 1190 and No. 125, item 1363, of 2002 No. 25, item 253, No. 74, item 676, No. 93, item 820, No. 141, item 1179, No. 169, item 1384, No. 199, item 1672, No. 200, item 1684 and No. 230, item 1922, of 2003 No. 45, item 391, No. 96, item 874, No. 137, item 1302, No. 180, item 1759, No. 202, item 1957, No. 217, item 2124, No. 223, item 2218, of 2004 No. 6, item 39, No. 29, item 257, No. 54, item 535, No. 93, item 894, No. 116, item 1203, No. 121, item 1262, No. 123, item 1291, No. 146, item 1546, No. 171, item 1800, No. 210, item 2135 and No. 254, item 2533 and of 2005 No. 25, item 202, No. 57, item 491 and No. 78, item 684.

¹¹ Changes to the said act were announced in the Official Journal of 1997 No. 60, item 369 and No. 121, item 770, of 2000 No. 22, item 272, of 2001 No. 100, item 1085 and No. 154, item 1800, of 2002 No. 113, item 984, of 2003 No. 7, item 78 and of 2004 No. 96, item 959 and No. 173, item 1807.

Article 85

In the Act of 26 November 1998 on public finance (Legislation Journal of 2003 No. 15, item 148, with subsequent amendments¹²) in Article 18a:

- a) in point 2 in point 13 the full stop shall be replaced by a semi-colon and point 14 shall be added:
“14) from the fees referred to in Article 9 (1) and (3) of the Act of 29 July 2005 of waste equipment (Legislation Journal No., item.....).”;
- b) in point 6 in point 3 the full stop shall be replaced by a semi-colon and point 4 shall be added:
“the financing of current expenditure and capital expenditure connected with keeping the register referred to in Article 6 of the Act of 29 July 2005 of waste equipment and keeping the equipment and waste equipment database referred to in Article 15 (3) of the Act.”.

Article 86

In the Act of 15 December 2000 on Commerce Inspection (Legislation Journal of 2001 No. 4, item 25, with subsequent amendments¹³) in Article 3 (1) following point 2 point 2a shall be added:

“2a) supervision of the adherence by retailers and wholesalers to the provisions of Article 41 point 2 and 3 of the Act of 29 July 2005 of waste equipment (Legislation Journal No., item.....).”.

Article 87

In the Act of 27 April 2001 – Law on Environmental Protection (Legislation Journal No. 62, item 627 with subsequent amendments¹⁴) the following changes shall be introduced:

- 1) In Article 401 following point 12 points 12a and 12b shall be added:
“12a. The revenue of the National Fund and the Voivodship funds shall also be income from fees referred to in Article 64 (2) and Article 69 (2) of the Act of 29 July 2005 of waste equipment (Legislation Journal No., item.....), as well as income from cash penalties administered on the grounds of Article 80 (1) and (2) of the Act.

12b. The revenue referred to in point 12a shall be appropriated by the National Fund for subsidizing activities in the scope of:
1) recovery, including processing and recycling,
2) ecological education with regard to waste management,
3) the development of new recycling technologies,

¹² The changes in the uniform text of the above-mentioned act have been recorded in the Official Journal No. 45, item 391, No. 65, item 594, No. 96, item 874, No. 166, item 1611, No. 189, item 1851, of 2004 No. 19, item 177, No. 93, item 890, No. 121, item 1264, No. 123, item 1291, No. 210, item 2135, No. 273, item 2703, of 2005 No. 14, item 114, No. 64, item 565.

¹³ Changes to the said act were announced in the Official Journal No. 110, item 1189, of 2002 No. 135, item 1145 and No. 166, item 1360, of 2003 No. 223, item 2220 and No. 229, item 2275 and of 2004 No. 34, item 293.

¹⁴ Changes to the said act were announced in the Official Journal of 2001 No. 115, item 1229, of 2002 No. 74, item 676, No. 113, item 984, No. 153, item 1271 and No. 233, item 1957, of 2003 No. 46, item 392, No. 80, item 717 and 721, No. 162, item 1568, No. 175, item 1693, No. 190, item 1865 and No. 217, item 2124, of 2004 No. 19, item 177, No. 49, item 464, No. 70, item 631, No. 91, item 875, No. 92, item 880, No. 96, 959, No. 121, item 1263, No. 273, item 2703 and No. 281, item 2784 and of 2005 No. 25, item 202 and No. 62, item 552.

- 4) collection,
- 5) neutralization
- of waste electrical and electronic equipment.”;

2) In Article 402:

a) in point 1 the first sentence shall be replaced by:

“The Voivodship Management and the Voivodship Inspector for Environmental Protection shall have separate bank accounts with a view to collecting and redistributing income referred to in Article 401 (1) and (12a).”;

b) points 8 and 9 shall be added:

“8. The income from the fees referred to in Article 64 (2) and Article 69 (2) and from the cash penalties referred to in Article 80 (1) and (2) of the Act of 29 July 2005 of waste equipment shall be transferred to a separate bank account of the National Fund by the Voivodship funds, the General Inspector for Environmental Protection and by the Voivodship Inspectors of Environmental Protection, respectively, not later than the end of the month following the end of each quarter.

9. Prior to transferring the income from the fees referred to in Article 69 (2) of the Act of 29 July 2005 of waste equipment the General Inspector for Environmental Protection shall reduce it by 10% and shall appropriate the amount obtained in virtue of the reduction for covering the costs of recovery of the due product fee and the costs of verifying its amount.”;

3) In Article 415 following point 6a points 6b and 6c shall be added:

“6b. The tasks of the Voivodship Fund Management also include the preparation and submission to the General Inspector for Environmental Protection of quarterly information sheets on entities paying the fees referred to in Article 64 (2) of the Act of 29 July 2005 of waste equipment along with information on the name of the firm, its seat sign and the address of these entities together with the amount of money paid in virtue of a given fee, not later than at the end of the month following the end of the quarter to which that information refers.

6c. The tasks of the National Fund Management also include the preparation and submission to the minister competent for the environment of a collective information sheet on:

- 1) the collected income in virtue of the fees referred to in Article 64 (2) and Article 69 (2) of the Act of 29 July 2005 of waste equipment as well as cash penalties referred to in Article 80 (1) and (2) of the Act,
- 2) the manner of appropriating the means originating from the fees referred to in Article 64 (2) and Article 69 (2) of the Act of 29 July 2005 of waste equipment as well as cash penalties referred to in Article 80 (1) and (2) of the Act

- not later than the 30th June of the following year with reference to the previous calendar year.”

Article 88

In the Act of 27 April 2001 on waste (Legislation Journal No. 62, item 628 with subsequent amendments¹⁵) in Article 37 following point 2 point 2a shall be added:

¹⁵ Changes to the said act were announced in the Official Journal of 2002 No. 41, item 365, No. 113, item 984 and No. 199, item 1671, of 2003 No. 7, item 78, of 2004 No. 96, item 959,

“2a. The owner of waste operating a processing plant referred to in the Act of 29 July 2005 of waste equipment (Legislation Journal No., item.....) shall be obliged to include in the collective list of data referred to in point 1 the following information:

- 1) the registration number,
- 2) the company name, seat and address of the entity,
- 3) the tax identification number (NIP), if applicable,
- 4) the addresses of the processing plants,
- 5) the number and the group name as well as the number and the name of the kind of the equipment specified in annex 1 to the Act of 29 July 2005 of waste equipment which the entity operating a processing plant intends to subject to processing.”.

Article 89

In the Act of 11 May 2001 on the entities' obligations with regard to managing certain waste and on the product fee and deposit fee (Legislation Journal No. 63, item 639 with subsequent amendments¹⁶) the following changes shall be introduced:

- 1) in Article 14 (1) point 5 shall be repealed;
- 2) Article 34 shall be repealed;
- 3) In annex 3 item 2 shall be repealed;
- 4) In annex 4 item 15 shall be repealed.

Section 13 Provisional and Final Regulations

Article 90

1. An entity operating a business referred to in Article 7 (1) shall be obliged to submit an application for entry into the register referred to in Article 6, not later than 30 September 2006.

2. The entity introducing the equipment on the market referred to in point 1 shall be obliged to append to the application information on the amount and mass of the introduced equipment in the period from 1 January 2006 to 30 June 2006 with a division into groups and kinds of equipment specified in annex 1 to the Act.

Article 91

The entities collecting waste equipment shall submit to the county head, mayor or president information referred to in Article 39 (1) not later than 30 September 2006.

Article 92

1. The entity operating a processing plant shall be obliged to accommodate such a plant to the technical requirements referred to in Article 45 and 46 and to apply for a change of the decisions which he already possesses in the matter of waste management, within 6 months from the date this Act come into force.

No. 116, item 1208 and No. 191, item 1956 and of 2005 No. 25, item 202 and No. 90, item 758.

¹⁶ Changes to the said act were announced in the Official Journal of 2002 No. 113, item 984, No. 7, item 78, of 2004 No. 96, item 959 and No. 121, item 1263 and of 2005 No. 33, item 291.

2. If the entity operating the processing plant does not apply for a change of the decision referred to in point 1, the executive which issued the decision with regard to waste management may withdraw it *ex officio* without compensation.

Article 93

The income in virtue of the product fee on the introduction into the domestic market of discharge lamps collected on the account of the National Fund for the Environmental Protection and Water Management shall be appropriated for subsidizing the activities specified in Article 401 (12b) of the Act referred to in Article 87.

Article 94

The provisions of Article 23 (1) and (2) and Article 41 point 1 and 3 shall not be applicable to the equipment introduced prior to 14 August 2005.

Article 95

The provisions of Article 25 shall be applicable:

- 1) in the case of equipment specified in group 1 in annex 1 to the Act – until 13 February 2013;
- 2) in the case of equipment specified in groups 2 to 10 in annex 1 to the Act – until 13 February 2011.

Article 96

The Act shall enter into force after 30 days from the day of its announcement, except for:

- 1) Articles 18 to 20 which shall enter into force from 1 January 2006;
- 2) Articles 6 to 14, Article 24, Article 31, Article 39, Article 40, Article 42, Article 51, Article 56, Article 71, Article 72 point 4 and 7, Article 75 point 3, Article 76 points 3 to 5, Article 77 point 4, Article 78 point 3, Article 80, Article 85 and Article 88 which shall enter into force from 1 July 2006;
- 3) Article 21, Article 33, Article 72 point 1 and Article 84 which shall enter into force from 1 October 2006;
- 4) Article 28, Article 30 (1), (2) point 2 and (3) to (6), Articles 64 to 69, Article 82, Article 83, Article 87, Article 89 and Article 93 which shall enter into force from 1 January 2008;
- 5) Article 30 (2) point 1 which shall enter into force from 1 January 2009.

Annexes to the Act of 29 July 2005

Annex No. 1
Groups and types of electric and electronic equipment

No. of group	Types of electric and electronic equipment
1.	Large household appliances:
	1. Large cooling units
	2. Refrigerators
	3. Freezers
	4. Other large appliances for refrigeration, conservation and storage of food
	5. Washing machines
	6. Dryers for clothing
	7. Dishwashers
	8. Kitchen appliances, including cookers
	9. Electric ovens
	10. Electric hot plates
	11. Microwave ovens
	12. Other large appliances used for cooking and other food processing
	13. Electric heating equipment
	14. Electric radiators
	15. Other large appliances used for heating rooms, beds, seating furniture
	16. Electric fans
	17. Air-conditioning appliances
	18. Other fanning, exhaust ventilation and conditioning equipment
2.	Small household appliances:
	1. Vacuum cleaners
	2. Carpet sweepers
	3. Other appliances for cleaning
	4. Appliances used for sewing, knitting, weaving and other processing of textile products
	5. Irons and other equipment for ironing, mangling and other appliances used for clothing care
	6. Toasters

	7. Fryer
	8. Grinders, coffee grinders and equipment for opening and closing containers and packaging
	9. Electric knives
	10. Appliances for hair cutting, drying, tooth brushing, shaving, massage and other body care appliances
	11. Clocks, watches, and devices for measuring, indicating or registering time
	12. Scales
	13. Other small household appliances
3.	IT and telecommunications equipment
	A. Centralised data processing:
	1. Large computers
	2. Working stations
	3. Printing units
	B. Personal computers:
	1. Personal computers, including CPU, mouse, screen and keyboard
	2. Laptop computers, including CPU, mouse, screen and keyboard
	3. Notebook computers
	4. Notepad computers
	5. Printers
	6. Copying equipment
	7. Electrical and electronic typewriters
	8. Pocket and desk calculators
	9. Other equipment for collection, storage, processing, presentation or transfer of information by electronic means
	10. User terminals and elements
	11. Facsimiles
	12. Telexes
	13. Telephones
	14. Pay telephones
	15. Cordless telephones
	16. Cellular telephones
	17. Telephone answering machines / systems
	18. Other products or equipment of transmitting sound, images or other information using telecommunications technology

4.	Audiovisual equipment:
	1. Radio sets
	2. Television sets
	3. Video cameras
	4. Video equipment
	5. Hi-fi equipment
	6. Sound amplifiers
	7. Musical instruments
	8. Other products or equipment used for recording or reproducing sound or images, including signals or other technologies, and for the distribution of sound and image using telecommunication technologies.
5.	Lighting equipment:
	1. Luminaires for fluorescent lamps, except for luminaires used in households
	2. Straight fluorescent lamps
	3. Compact fluorescent lamps
	4. High intensity discharge lamps, including pressure sodium lamps and metal halide lamps
	5. Low pressure sodium lamps
	6. Other lighting equipment designed for spreading and controlling light, except for bulbs
6.	Electrical and electronic tools (except for large-scale stationary industrial tools)
	1. Drills
	2. Saws
	3. Sewing machines
	4. Equipment for turning, milling, sanding, grinding, sawing, cutting, drilling, making holes, punching, folding, bending or similar processing of wood, metal and other materials
	5. Tools for riveting, nailing, or screwing or removing rivets, nails, screws or for other similar uses
	6. Equipment for welding, soldering or other similar uses
	7. Equipment for spraying, spreading, dispersing or other treatment of liquid or gaseous substances using other methods
	8. Tools for mowing and other gardening activities
	9. Other electrical and electronic tools
7.	Toys, leisure and sports equipment:
	1. Electric trains or car racing tracks

	2. Hand-held video game consoles
	3. Video games
	4. Computer-controlled equipment for biking, diving, running, rowing, etc.
	5. Sports equipment with electric or electronic components
	6. Slot machines activated with a coin, a banknote (paper money), a token or another similar item
	7. Other toys, leisure and sports equipment
8.	Medical devices (except for all implanted or infected products):
	1. Radiotherapy equipment
	2. Cardiology equipment
	3. Dialysis equipment
	4. Pulmonary ventilation equipment
	5. Medical equipment using nuclear medicine
	6. Laboratory equipment for <i>in-vitro</i> diagnosis
	7. Analyzers
	8. Laboratory freezers
	9. Fertilization tests
	10. Other equipment for detecting, preventing, monitoring, treating, alleviating illness, injury or disability
9.	Monitoring and control instruments:
	1. Smoke detectors
	2. Heating regulators
	3. Thermostats
	4. Measuring, weighing or adjusting appliances used in household or as laboratory equipment
	5. Other monitoring and control instruments used in industrial facilities and installations (e.g. control panels)
10.	Automatic dispensers:
	1. Automatic dispensers for hot drinks
	2. Automatic dispensers for hot or cold bottles or cans
	3. Automatic dispensers for solid products
	4. Automatic dispensers for money - ATMs
	5. Other appliances which deliver automatically all kinds of products

Annex No. 2
Substances, materials or components which should be removed from waste electrical

and electronic equipment

1. At least the following items should be, first of all, removed from waste electrical and electronic equipment:
 - 1) PCBs (polychlorinated biphenyls),
 - 2) components containing mercury, including switches and backlighting lamps,
 - 3) batteries,
 - 4) printed circuit boards for mobile phones and other products, when the surface of the printed circuit boards is greater than 10 square centimetres,
 - 5) printing cartridges, liquid and pasty, as well as colour toners,
 - 6) plastic containing brominated flame retardants,
 - 7) asbestos and asbestos-containing components,
 - 8) cathode ray tubes,
 - 9) hydrochlorofluorocarbons (HCFC), chlorofluorocarbons (CFC), hydrofluorocarbons (HFC), or hydrocarbons (HC),
 - 10) gas discharge lamps,
 - 11) liquid crystal displays with their casing, if any, of a surface greater than 100 square centimetres and all kinds of back-lighting units with gas discharge lamps,
 - 12) external electric cabling,
 - 13) components containing fire-resistant ceramic fibres, as specified in the provisions instituted pursuant to Article 4 (3) of the Act of 11 January 2001 on chemical substances and preparations,
 - 14) components containing radioactive substances, except for those components for which the overall radioactivity and intensity of radioactive isotopes do not exceed the thresholds described as the exemption criteria with respect to the obligation of a authorization or notification in the provisions instituted pursuant to article 6 (1) of the Act of 29 November 2000 Nuclear law,
 - 15) electrolyte capacitors (height > 25 mm, diameter > 25 mm or proportionally similar values),

2. Waste equipment collected from which the substances, preparations, and components referred to in point 1 have been removed shall be processed in the following manner:
 - 1) cathode ray tubes: the fluorescent coating must be removed,
 - 2) equipment containing gases that are ozone-depleting or that have a global warming potential (GWP) above 15, including gases in foams and refrigeration circuits: the

gases must be properly extracted and properly treated, in accordance with the Act of 20 April 2004 on ozone depleting substances (Legislation Journal of 2004 No. 121 Item 1263),

- c) gas discharge lamps: the mercury must be removed.

Annex No. 3

Symbol for the marking of electrical and electronic equipment

The symbol indicating separate collection for equipment consists of the crossed-out wheeled bin, as shown below. The symbol must be printed visibly, legibly and indelibly.

