

**Government Regulation No.  
181/2008. (VII. 8.) Korm.**

**on the take-back of batteries and accumulators**

On the basis of the authorisation granted in Section 59 para. (1) items (b), (e) and (g) of Act XLIII of 2000 on waste management, and in Section 110 para. (7) item (d) of Act LIII of 1995 on the general rules of protecting the environment, acting in the scope of authority granted in Article 35 para. (1) item (b) of the Constitution, the Government orders the following:

**Scope of the Regulation**

**1. §**

(1) This Regulation shall be applicable to

- a) batteries and accumulators,
- b) the waste resulting from the above, and
- c) the take-back and collection activities connected to such waste.

(2) The batteries and accumulators used in the equipment and instruments for explicitly military purposes as well as national security and astronautic purposes shall not be covered by the scope of this Regulation.

**Definitions**

**2. §**

For the purpose of this Regulation:

- a) *battery and accumulator*: a source of electricity transforming chemical energy directly to electric energy, and consists of one or more primary (non-rechargeable) or secondary (rechargeable) units (cells);
- b) *battery- or accumulator package*: an undividable group of connected batteries or accumulators, having an outside cover in a manner preventing the consumer to separate or open the package;
- c) *portable battery or accumulator*: a battery or accumulator portable in hand, having a closed cover, with the exception of industrial batteries and accumulators and the motor vehicles' batteries and accumulators;
- d) *button battery*: small, round portable battery or accumulator used for special purposes such as hearing aids, wrist watches, small, portable equipment, and as reserve source of electricity, where the diameter of the battery/accumulator is larger than its thickness;

- e) *motor vehicle's battery or accumulator*: battery or accumulator used for the vehicle's starting, lighting and ignition;
- f) *industrial battery or accumulator*: battery or accumulator used solely for industrial or specialised purposes and battery or accumulator used in electric vehicles;
- g) *electrical equipment*: fully or partially battery- or accumulator-operatable electrical equipment falling under the effect of specific legislation on the take-back of the waste electrical and electronic equipment;
- h) *cordless electrical hand-tool*: battery- or accumulator-operated electrical and electronic hand-equipment used for maintenance, building and gardening activities, falling under the effect of specific legislation on the take-back of electrical and electronic waste;
- i) *producer*: the manufacturer as defined in Section 3 item (e) of Act XLTTT of 2000 on waste management (hereinafter: AWM) marketing for the first time in businesslike manner batteries or accumulators, also as a part or accessory of a motor vehicle or electrical equipment, without regard to the method of the sale – including contracts concluded between distant persons;
- j) *marketing*: offering or disposing to third persons – without regard to requesting or not any consideration – batteries or accumulators, including importing;
- k) *merchant*: the distributor selling the battery or accumulator to the consumer;
- l) *consumer*: the person buying, receiving or using batteries or accumulators for own purposes;
- m) *collection rate*: the quotient of the average weight of waste portable batteries and accumulators collected in the relevant year and the batteries and accumulators marketed in the relevant year and the two years preceding the relevant year;
- n) *import*: importing according to the customs regulations – from outside the Community's customs territory – non-Community status products falling under the scope of the present Regulation.

### **The producer's obligation of take-back, collection and waste management**

#### **3. §**

- (1) The producer shall take back waste batteries and accumulators (take-back obligation).
- (2) The producer shall provide for the collection of portable batteries and accumulators at least to the extent as specified in *Annex I* (collection obligation).
- (3) On the basis of the take-back obligation the producer shall take back from the merchant the waste collected according to Section 9 para. (1) and the waste handed over by the person in possession of the waste.

(4) The producer may not ask for any consideration against the take-back, however, it may pay a fee to encourage take-back.

(5) The producer shall be in charge of providing for accessible collection sites in the neighbourhood of the consumers – with due regard to population density.

(6) The producer shall provide for the management of waste portable batteries and accumulators collected and taken back, according to specific legislation pertaining to the management of batteries, accumulators and their waste (management obligation).

### **Information obligation of the producer**

#### **4. §**

(1) Upon selling the battery or the accumulator, the manufacturer shall provide for the accessibility by the consumers of the information at least to the extent as specified in para. (2).

(2) The consumers' information specified in para. (1) shall cover:

- a)* the potential effects of the substances used in the battery or the accumulator to the environment and to human health,
- b)* the damaging effects of disposing waste batteries or accumulators together with municipal waste,
- c)* the waste management benefits of participation in selective collection,
- d)* the available take-back, collection and recycling systems,
- e)* the merchant's obligation of free take-back,
- f)* the consumer's contribution to recycling through using the take-back and collection systems, and
- g)* the meaning of the image and the chemical mark depicted according to the labelling rules in the specific legislation on the management of batteries, accumulators and their waste.

(3) The producer shall inform the merchant on the accessibility of the information according to para. (2).

(4) For the purpose of encouraging consumers to return batteries and accumulators – with account to the provisions of paragraph (2) – the producer shall publish at least twice a year a nationwide advertisement – in particular in a daily newspaper of national circulation, or a television or radio of nationwide broadcasting – containing general information on the take-back, collection and management of batteries and accumulators.

(5) The producer may comply with its obligation under para. (4) also in cooperation with other producers or through a professional association or coordination organisation.

(6) The costs related to its obligations of take-back, collection, management and information shall be borne by the producer.

### **Transfer of the producer's obligations of take-back, collection and management**

#### **5. §**

(1) The producer may transfer the performance of its obligation of take-back, collection and management on the terms and conditions specified in this Regulation

*a)* partially or jointly to the recipient according to Section 6 on the basis of an agreement, or

*b)* jointly to the management coordination organisation specified under Section 11 of AWM (hereinafter: coordination organisation)

(2) In the respect of the obligation transferred to the recipient and to the coordination organisation, the rules pertaining to the producer shall be applicable with the exception of the obligation of providing security.

#### **6. §**

(1) Anyone possessing a valid official licence necessary for performing the transferred activity can be a recipient – with the exception specified in para. (2).

(2) Anyone who committed a breach of the law determined in an official resolution or court judgement of final force passed within the past three years regarding the violation of an environmental law through its business activity or in the scope of its business activity shall not be a recipient.

#### **7. §**

(1) The agreement to be concluded by the producer and the recipient shall contain the specification of the assigned obligations, the manner of performing the obligation, the type and the quantity of the affected waste as well as the description of the recipient's activity connected to performing the transferred obligation.

(2) The producer shall submit for approval the concluded agreement to the National Inspectorate for Environment, Nature and Water (hereinafter: Inspectorate).

(3) The producer shall report any amendment or the termination of the agreement within 15 days from the date thereof.

(4) The Inspectorate shall approve the agreement or the amendment thereof within thirty days from the date of submission provided that its content complies with the requirements specified in paragraph (1).

## **Registration**

### **8. §**

(1) The producer and the coordination organisation shall submit to the Inspectorate a request – with the content specified in para. (4) – for registration regarding supervision of performing the transferred take-back obligation.

(2) The Inspectorate shall record the producer and the coordination organisation on the basis of the request for registration.

(3) The Inspectorate shall record the producer for an indefinite period of time and the coordination organisation for 5 years. The recording may be extended for another 5 years several times provided that the coordination organisation complies with the requirements specified in this Regulation.

(4) The request for registration shall contain the following data:

- a)* the name, registered address, tax registry number and the company registry number of the producer and the coordination organisation;
- b)* the manner of performing the obligation;
- c)* the original specimen signature of the person authorised to represent or to sign for the company or the copy of the specimen authenticated by a notary public;
- d)* the number of the licence, official certificate required by specific legislation regarding its activity, and the name of the issuing authority;
- e)* in the case of producers, the certificate on the proprietary security specified in Section 10 or the document on joining a coordination organisation;
- f)* in the case of a coordination organisation, the draft of the business regulation including the contracts' general terms and conditions and the list of the contracted producers and distributors;
- g)* in the case of an obligor falling under the scope of the Act on the environmental product fee and on the environmental product fee of certain products, the GLN (Global Location Number) number of the organisation coordinating the utilisation, the time-proportionate (quarterly) presentation of the planned performance, and, in the case of an organisation coordinating the utilisation, the list of the obligors enjoying exemption from the payment of the product fee (name, registered address, tax registry number, GLN).

- (5) Registering a coordination organisation is conditional upon having the organisation registered as a non-profit company offering services for anyone who complies with the terms and conditions specified in the statutes or the deed of foundation, possessing a stock capital necessary for the basic activity – in the amount of at least twenty million Forints – and not being sentenced for committing a breach of the law determined in an official resolution or court judgement of final force passed within the past three years regarding the violation of an environmental law through its business activity or in the scope of its business activity.
- (6) Prior to registration the Inspectorate shall check in the company register – or in the register kept by the notary in the case of sole entrepreneurs – the lawful operation of the applicant.
- (7) The Inspectorate shall reject the registration application submitted by the producer or the coordination organisation if it does not comply with the requirements specified in the paragraphs (4)-(5).
- (8) Changes related to the registered data shall be reported by the producer or the coordination organisation to the Inspectorate within fifteen days from the date of the change.
- (9) The Inspectorate shall delete the producer of the coordination organisation from the registry if the registration conditions specified in this statutory regulation are no longer met.
- (10) The coordination organisation shall only commence operations under this Regulation upon registration.

### **Obligations of the merchant**

#### **9. §**

- (1) Merchants marketing batteries or accumulators shall – in the case of concluding an agreement with the producer – take back from the consumers and collect in collection containers waste portable, vehicle- and industrial batteries and accumulators.
- (2) The merchant may not ask for a fee from the consumer in consideration of performing its take-back obligation, however, it may pay a fee in order to encourage consumers, and it may not require the purchase of a new product as a precondition of taking back waste batteries or accumulators.
- (3) Merchants shall hand over to the producer or its agent the quantity of batteries and accumulators specified in the sales contract entered into between the merchant and the producer (hereinafter: “sales contract”).
- (4) The merchant and the producer shall agree in the sales contract on – and the producer shall provide for – organising the storage of the batteries and accumulators taken back at the merchant, in particular the placement and the transportation of collection containers.
- (5) At the time of selling the battery or the accumulator, the merchant shall inform the consumer on the accessibility of the information under Section 4 para. (2).

## **Obligation of providing security**

### **10. §**

(1) With the exceptions specified in para. (7), the producer shall maintain proprietary security concerning its compliance with the obligations of taking-back, collecting and waste management related to portable batteries and accumulators.

(2) The amount of the proprietary security shall be the product of quantity in kg of the batteries and accumulators marketed in the year preceding the relevant year and the security amount per unit of weight. The amount of the security amount per unit of weight shall be HUF 1,000 per kg.

(3) The producers engaged in an activity under the scope of the Regulation at 31 December of the year preceding the relevant year shall provide for a proprietary security concerning the relevant year not later than on 20 February of the relevant year.

(4) The producers commencing activity in the relevant year shall provide for a security in proportion to the planned sales of the products in the relevant year.

(5) For the purposes of paragraph (1) the form of the security shall be the following

- a)* warranty undertaken by a credit institution or an insurance company or a similar banker's undertaking,
- b)* I.O.U. – containing joint and several guarantee – issued on the basis of an insurance contract,
- c)* an amount deposited and blocked as security at a credit institution, or
- d)* insurance contract.

(6) The security regarding the relevant year can only be released by the producer upon the Inspectorate's approval, in proportion to the performance of its obligations of take-back, collection and waste management in the relevant year.

(7) The producer shall not be obliged to provide for security in the case of the products falling under the scope of specific legislation on the environmental product fee and when its obligations of take-back, collection and waste management are fulfilled in the form of joining to a coordination organisation.

### **11. §**

## **Obligation of supplying data**

(1) The producer shall supply the Inspectorate with data not later than on the 20<sup>th</sup> day of February of the year following the relevant year on:

- a)* the weight of batteries and accumulators marketed by the producer in the relevant year and the two years preceding the relevant year,

b) the quantity of batteries and accumulators taken back as well as of the waste batteries and accumulators collected by the producer in the relevant year,

c) the quantity of the waste managed in the relevant year per each utiliser (waste manager engaged in utilising waste), indicating the efficiency indicator of the recycling and the weight of waste managed in and outside the territory of the Republic of Hungary,

d) the manner of performing its obligation of take-back, collection and waste management in the relevant year.

(2) The producers obliged to provide for security shall, not later than on the 20<sup>th</sup> day of February of the relevant year, supply the Inspectorate with data regarding the amount and the type of security provided for in the relevant year for the purpose of securing its obligation of take-back, collection and waste management.

(3) In addition to the data specified in para. (1), the recipient shall supply the Inspectorate with the following data:

a) not later than on the 20<sup>th</sup> day of February of the year following the relevant year, the weight of the waste taken back in the relevant year on the basis of the agreements concluded by the recipient,

b) not later than on the 20<sup>th</sup> day of February of the relevant year, the indication of the producers and the quantities contracted for take-back, collection and waste management.

(4) The obligation of data supply shall be performed by using the form contained in *Annex 2*, with the application of the eight-digit CN code in force at 1 January 2008.

(5) The party obliged to supply the data shall be responsible for the completeness of the data supplied, and the compliance with the accounting regulations and the statistical system pertaining to the party supplying the data, as well as for compliance with its other registration systems and with measuring or monitoring data.

## **12. §**

(1) The supply of data can be performed on the appropriate form or electronically, by way of an electronic document bearing an electronic signature as specified in specific legislation.

(2) Obligors supplying data not in compliance with this Regulation shall be warned by the Inspectorate to correct the data supply within not more than thirty days.

(3) The Inspectorate shall process the data received under this Regulation not later than 1 September each year. The processed data resulting from the data supply are public and are accessible free of charge on the Internet.

## **Informing and reporting to the European Commission**

## **13. §**



The minister in charge of the environment shall provide for the implementation of the obligation of information and reporting specified in Section 10 para. (3), Section 12 paras. (1) and (5), Section 22 and Section 26 para. (2) of Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC.

### **Legal sanctions**

#### **14. §**

(1) The relevant provisions shall be monitored and in the case of a breach in the law the sanctions under specific legislation shall be imposed by

*a)* the environmental authority, in the respect of taking back, collecting and managing waste batteries and accumulators, and in the respect of the obligations on registration and the supply of data,

*b)* the Hungarian Authority for Consumer Protection, in the respect of marketing and labelling batteries and accumulators as well as the information regarding take-back, collection, and management, and

*c)* the customs authority, in the respect of importing batteries and accumulators with regard to the regulations on the composition of dangerous substances.

(2) In addition to the provisions under para. (1), if the producer fails to perform its obligations of take-back, collection and management, or if the performance does not comply with the law, the environmental authority shall provide for the performance of the producer's above obligations on the account of the producer's proprietary security or on the expense of the coordination authority through the authorised waste managing organisation.

### **Closing provisions**

#### **15. §**

(1) This Regulation shall enter into force – with the exception of the provisions specified in para. (2) – on 26 September 2008.

(2) Section 9 para. (4) of this Regulation shall enter into force on 1 July 2009, and Section 17 para. (4) and *Annex 3* of this Regulation shall enter into force on 1 January 2009.

(3) Government Regulation No. 109/2005. (VI. 23.) Korm. on the take-back of waste batteries and accumulators shall be repealed as from 26 September 2008. This paragraph, Section 17 paras. (1)-(3) and Section 18 of this regulation shall be repealed as from 27 September 2008, and Section 17 para. (4) and *Annex 3* to this regulation shall be repealed as from 2 January 2009.

(4) In Section 9 para. (1) of this Regulation, the text “– in the case of concluding an agreement with the producer –” shall be repealed as from 1 July 2009. This paragraph shall be repealed as from 2 July 2009.

(5) The text “at least HUF twenty million” in Section 8 para. (5) of this Regulation shall be replaced with the text “at least HUF thirty million” as from 1 January 2010. This paragraph shall be repealed as from 2 January 2010.

(6) In the course of performing the obligation of data supply, the data according to Tables 1, 5 and 6 of *Annex 2* shall be submitted for the first time in the year 2010, the data according to Table 2 of *Annex 2* shall be submitted for the first time in the year 2011, the data according to Tables 3 and 4 of *Annex 2* shall be submitted for the first time in the year 2012. This paragraph shall be repealed as from 21 February 2012.

(7) In the calculation formula determining the level of collection obligation as specified in *Annex 1*, in the year 2009, the collection rate shall only be multiplied by the quantity marketed in the year 2009, and in the year 2010, it shall only be multiplied by the average of the quantities marketed in the years 2009-2010. This paragraph shall be repealed as from 1 January 2011.

(8) The collection obligation of 2008 shall be based on the quantity marketed in the year 2007. This paragraph shall be repealed as from 1 January 2009.

(9) With regard to establishing the collection obligation of a producer commencing in the relevant year the activity under the present Regulation, the collection rate in the calculation formula specified in *Annex 1* shall be multiplied by the quantity marketed in the year of commencing the activity, and in the next year, it shall be multiplied by the average of the quantities marketed in the year of commencing the activity and in the subsequent year.

(10) In the course of performing the data supply obligation of the producer commencing in the relevant year the activity under the present Regulation, the data specified in Tables 1, 5, and 6 of *Annex 2* shall be submitted for the first time in the first year following the starting of the activity, the data specified in Table 2 of *Annex 2* shall be submitted for the first time in the second year following the starting of the activity, and the data specified in Tables 3 and 4 of *Annex 2* shall be submitted for the first time in the third year following the starting of the activity.

(11) The coordination organisations registered at the time of this Regulation taking force may continue operations as non-profit company until 30 June 2009. This paragraph shall be repealed as from 1 July 2009.

## 16. §

This Regulation serves the purpose of harmonisation with Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC.

## 17. §

(1) Section 3 para. (3) of Government Regulation No. 264/2004. (IX. 23.) Korm. on the take-back of electrical and electronic waste (hereinafter: D) shall be replaced with the following provision:

“(3) The producer shall provide in accordance with the collection rate specified in Table A/1 of *Annex 2* to this Regulation for the collection of waste household appliances in the categories of electrical appliances, and in accordance with the collection rate specified in Table A/2 of *Annex 2* to this Regulation regarding the collection of waste non-household appliances (collection obligation).”

(2) The following item (e) shall be added to Section 13 para. (3) of D, and at the same time the former item (e) shall be marked (f):

*(The producer shall inform the consumer in the Hungarian language on)*

“(e) what type of battery or accumulator can be found in the electrical equipment containing a battery or accumulator falling under the scope of specific legislation on the take-back of waste batteries and accumulators – with the exception specified in Section 2 para. (4) of the regulation of the Minister for the Environment No. 16/2004. (X. 8.) KvVM on restricting the application of certain dangerous substances in electrical and electronic equipment – and how can they be safely removed from the equipment;”

(3) The following item (f) shall be added to Section 21 of D:

“(f) Section 11 of Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC.”

(4) *Annex 2* of D shall be replaced with *Annex 3*.

## 18. §

(1) Section 2 para. (7) of Government Regulation No. 271/2001. (XII. 21.) Korm. on the level of the waste management fine and on the manner of imposing and establishing it shall be replaced with the following provision:

“(7) The fine to be imposed by the environmental authority, without the establishment of basic fine and multiplier, in the case of non-compliance or inadequate compliance with the provisions of specific legislation on the take-back and the waste management of batteries and accumulators shall be:

*a)* if the producer or the coordination organisation fails to collect the quantity of waste to be collected in the relevant year: an amount proportionate to the level of the breach of the obligation, but not more than HUF 500,000,

*b)* if the producer or the coordination organisation fails to comply with its obligation of take-back: HUF 500,000,

*c)* if the manufacturer fails to comply with its obligation of take-back: HUF 100,000 or a maximum of HUF 250,000 in the case of repeated breach of the obligation,

*d)* if the manufacturer or the coordination organisation fails to comply with its obligation of registration: HUF 1,000,000,

e) if the manufacturer supplies false data on the weight of the marketed portable batteries and accumulators thus pretending its collection obligation to be of lower level than in reality: HUF 1,000 per each kg of the difference between the supplied data and the real quantity,

f) if the producer falls in delay or fails to perform its obligation of data supply: HUF 500,000 or a maximum of HUF 1,000,000 in the case of repeated default,

g) if the producer violates the marketing rules pertaining to the battery or accumulator: HUF 2,000,000.”

(2) The text “in Section 2 paras. (4)-(7)” in Section 3 para. (5) of Government Regulation No. 271/2001. (XII. 21.) Korm. on the level of the waste management fine and on the manner of imposing and establishing it shall be replaced with the following text: “in Section 2 paras. (4)-(6)”.

(3) The following Section 8 shall be added to Government Regulation No. 271/2001. (XII. 21.) Korm. on the level of the waste management fine and on the manner of imposing and establishing it:

“Section 8 This Regulation serves the purpose of harmonisation with Section 25 of Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC.”

**The level of the collection obligation**

relevant year	collection rate of portable batteries and accumulators (K)
2008	0.18
2009	0.19
2010	0.21
2011	0.23
2012	0.25
2013	0.30
2014	0.35
2015	0.40
2016	0.45

The following formula shall be applied for the purpose of establishing the collection obligation:

$$B = \frac{F_1 + F_2 + F_3}{3} \cdot K$$

where:

B: the quantity (kg) of waste portable batteries and accumulators that has become collectible waste in the relevant year;

F<sub>1</sub>: the quantity (kg) of portable batteries and accumulators marketed by the producer in the relevant year;

F<sub>2</sub> the quantity (kg) of portable batteries and accumulators marketed by the producer in the first year preceding the relevant year;

F<sub>3</sub> the quantity (kg) of portable batteries and accumulators marketed by the producer in the second year preceding the relevant year;

K: the collection rate pertaining to the relevant year

**Data Supply Form**

**1. Producer's data**

Short name:

Full name:

Country mark:

Registered address:

Tax Reg. No.:

KÜJ No.:

GLN (if any):

Contact person's

name:

phone number:

e-mail address:

fax number:

**2. The manner of performing the producer's obligations of take-back, collection and waste management:**

**1.) In the case of performance through a coordination organisation**

*Coordination organisation:*

- name, registered address, tax registration number
- registry number issued by the Inspectorate:
- KÜJ number

**2.) In the case of performance through a recipient**

*Waste recipient(s)':*

- a. name, registered address, tax registration number
- b. number of the waste management permit, name of the issuing authority
- c. KÜJ number

### 3. Data on the provision of security [not to be filled out by organisations falling under the scope of Section 10 para. (7)]

Form of security:

- a) warranty undertaken by a credit institution or an insurance company or a similar banker's undertaking,
- b) I.O.U. – containing joint and several guarantee – issued on the basis of an insurance contract,
- c) an amount deposited and blocked as security at a credit institution, or
- d) insurance contract.

Name and registered address of the financial institution:

Security amount:

### 4. Quantity [kg] marketed by the producer in the relevant year

**Table 1**

<b>Portable batteries and accumulators</b>	<b>Industrial batteries and accumulators</b>	<b>Vehicles' batteries and accumulators</b>
--	--	---

**Acid lead accumulator<sup>1</sup>**

**High capacity alkaline accumulator<sup>2</sup>**

*Ni-Cd accumulators to be specified separately (in brackets).*

**Low capacity alkaline accumulator<sup>3</sup>**

*Ni-Cd accumulators to be specified separately (in brackets).*

---

<sup>1</sup> accumulator containing acid electrolyte agent and lead metal;

<sup>2</sup> alkaline accumulator of a capacity exceeding 5 Ah, with an alkaline electrolyte agent and a metal content of nickel and cadmium in general (including the ones with another metal content);

<sup>3</sup> alkaline accumulator of a capacity under 5 Ah, with an alkaline electrolyte agent and a metal content of nickel and cadmium in general (including the ones with another metal content);

**Button accumulator**

*Accumulators with a mercury content between 0.0005-2%*

*to be specified separately (in brackets).*

**Button battery**

**Other batteries and accumulators**

**Total**

**Quantity [kg] marketed by the producer in the year preceding the relevant year**

**Table 2**

<b>Portable batteries and accumulators</b>	<b>Industrial batteries and accumulators</b>	<b>Vehicles' batteries and accumulators</b>
--	--	---

**Acid lead accumulator**

**High capacity alkaline accumulator**

*Ni-Cd accumulators to be specified separately (in brackets).*

**Low capacity alkaline accumulator**

*Ni-Cd accumulators to be specified separately (in brackets).*

**Button accumulator**

*Accumulators with a mercury content between 0.0005-2%*



*to be specified separately (in brackets).*

**Button battery**

**Other batteries and accumulators**

**Total**

**Quantity [kg] marketed by the producer in the second year preceding the relevant year**

**Table 3**

<b>Portable batteries and accumulators</b>	<b>Industrial batteries and accumulators</b>	<b>Vehicles' batteries and accumulators</b>
--	--	---

**Acid lead accumulator**

**High capacity alkaline accumulator**

*Ni-Cd accumulators to be specified separately (in brackets).*

**Low capacity alkaline accumulator**

*Ni-Cd accumulators to be specified separately (in brackets).*

**Button accumulator**

*Accumulators with a mercury content between 0.0005-2%*

*to be specified separately (in brackets).*

**Button battery**

**Other batteries and accumulators**

**Total**

**5. Collection obligation for the relevant year**

**Table 4**

<b>The average yearly weight of portable batteries and accumulators marketed in the past three years (kg)</b>	<b>Collection rate for the relevant year</b>	<b>Collection obligation for the relevant year (kg)</b>
---	--	---

---

**6. The quantity of waste batteries and accumulators collected in the relevant year [kg] (by the producer, per each recipient and in total)**

**Table 5**

	<b>Portable batteries and accumulators</b>	<b>Industrial batteries and accumulators</b>	<b>Vehicles' batteries and accumulators</b>
--	--	--	---

**Acid lead accumulator**

**High capacity alkaline accumulator**

*Ni-Cd accumulators to be specified separately (in brackets).*

**Low capacity alkaline accumulator**

*Ni-Cd accumulators to be specified separately (in brackets).*

**Button accumulator**

*Accumulators with a mercury content between 0.0005-2%*

*to be specified separately (in brackets).*

**Button battery**

**Other batteries and accumulators**

**Total**

**7. The quantity of waste batteries and accumulators utilised in the material in the relevant year [kg] (indicating the efficiency indicators per each utiliser)**

**Table 6**

<b>Portable batteries and accumulators</b>	<b>Industrial batteries and accumulators</b>	<b>Vehicles' batteries and accumulators</b>
--	--	---

**Acid lead accumulator**

**High capacity alkaline accumulator**

*Ni-Cd accumulators to be specified separately (in brackets).*

**Low capacity alkaline accumulator**

*Ni-Cd accumulators to be specified separately (in brackets).*

**Button accumulator**

*Accumulators with a mercury content between 0.0005-2%*

*to be specified separately (in brackets).*

**Button battery**

**Other batteries and accumulators**

**Total**

***The quantities utilised in the material outside the territory of the Republic of Hungary shall be marked with “\*”***

***The level of collection and utilisation rates***

**A) The level of the collection rate**

*Table A/1 – the level of the minimum collection rate per each household appliance category*

<b>Category of electrical and electronic equipment</b>	<b>In the year 2009</b>	<b>In the year 2010</b>
1. Large household appliances	38%	39%
2. Small household appliances	20%	20%
3. IT and telecommunications equipment	37%	37%
4. Entertainment electronics products	35%	35%
5. Lighting units	5%	5%
5a Lamps operating on the basis of gas discharge	30%	30%
6. Electrical and electronic DIY machinery, tools	5%	5%
7. Toys, leisure- and sports equipment	5%	5%

*Table A/2 – the level of the minimum collection rate per each non-household appliance category*

<b>Category of electrical and electronic equipment</b>	<b>In the year 2009</b>	<b>In the year 2010</b>
9. Monitoring, controlling and surveillance equipment	5%	5%
10. Feeder automats	5%	5%

The following formula shall be applicable – for each equipment category – with regard to the establishment of the minimum collection obligation specified for each equipment category:

$$\mathbf{B} = \mathbf{F} \times \mathbf{K}, \text{ where:}$$

**B:** the minimum quantity in tons of the waste electrical equipment to be collected in the given equipment category in the relevant year

**F:** the quantity in tons of the electrical equipment marketed by the producer in the relevant category in the Republic of Hungary

**K:** the level of the minimum collection rate specified for the given category in the table for each equipment category

In category 3 of IT and telecommunication equipment, concerning the quantity F, in the year 2009 at least 10% and in the year 2010 at least 12% shall be performed in the form of equipment with picture tube.

In the category 4 of entertainment electronics products, concerning the quantity F, in the year 2009 at least 10% and in the year 2010 at least 15% shall be performed in the form of equipment with picture tube.

**B) The level of utilisation and recycling rate**

Table B – the level of minimum utilisation and recycling rate

Category of electrical and electronic equipment	utilisation rate (R)	recycling rate (A)
1. Large household appliances	80%	75%
2. Small household appliances	70%	50%
3. IT and telecommunications equipment	75%	65%
4. Entertainment electronics products	75%	65%
5. Lighting units	70%	50%
5a Lamps operating on the basis of gas discharge	80%	80%
6. Electrical and electronic DIY machinery, tools	70%	50%
7. Toys, leisure- and sports equipment	70%	50%
8. Medical equipment	-	-
9. Monitoring, controlling and surveillance equipment	70%	50%
10. Feeder automats	80%	75%

The following formula shall be applicable – for each equipment category – with regard to the establishment of the utilisation obligation:

$$H = T \times R$$

where:

H: the quantity to be mandatorily utilised from the quantity of waste electrical equipment actually collected and taken back by the producer in the relevant year, in tons

T: the quantity of waste electrical equipment actually collected and taken back by the producer in the relevant year, in tons

R: the level of the utilisation rate specified in *Table B* in the respect of the relevant category, in percentage

The following formula shall be applicable – for each equipment category – with regard to the establishment of the recycling obligation:

$$U = T \times A$$

where:

U: the quantity to be mandatorily recycled from the quantity of waste electrical equipment actually collected and taken back by the producer in the relevant year, in tons

T: the quantity of waste electrical equipment actually collected and taken back by the producer in the relevant year, in tons

A: the level of the recycling rate specified in *Table B* in the respect of the relevant category, in percentage

**Regulation of the Minister for the Environment and Water No.  
21/2008. (VIII. 30.) KvVM  
on the management of batteries and accumulators and their waste**

Based on the authorisation granted in Section 59 para. (2) item (c) points (cc) and (cf) of Act XLIII of 2000 on waste management, and in Section 34 para. (4) item (j) point (ja) of Act XXV of 2000 on chemical safety, acting in the scope of duty specified in Section 1 item (a) of Government Regulation No. 165/2006. (VII. 28.) Korm. on the duties and tasks of the Minister for the Environment and Water, I hereby order the following:

**Scope of the Regulation**

**1. §**

(1) The scope of this Regulation shall cover

- a) batteries and accumulators,
- b) waste resulting from the above, and
- c) the management activities related to such waste.

(2) The batteries and accumulators used in the equipment and instruments for explicitly military purposes as well as national security and astronautic purposes shall not be covered by the scope of this Regulation.

**Definitions**

**2. §**

The definitions found in the Government Regulation on the take-back of batteries and accumulators shall be applicable in this Regulation.

**Marketing, labelling and management provisions**

**3. §**

(1) With the exception under paras. (2)-(3)

- a) batteries and accumulators containing mercury in an amount of more than 0.0005% by weight, and
  - b) portable batteries and accumulators containing cadmium in an amount of more than 0.002% by weight,
- shall not be marketable, neither alone nor as a component or accessory of electrical equipment ~~akár elektromos berendezés alkotórészeként vagy tartozékként való forgalomba hozatala tilos.~~

(2) The prohibition under para. (1) item (a) shall not be applicable to button batteries containing mercury in a maximum amount of 2% by weight.

(3) The prohibition under para. (1) item (b) shall not be applicable to portable batteries and accumulators used in

- a) emergency warning (emergency lighting) and alarm systems,
- b) medical equipment, and
- c) cordless electrical hand tools.

#### 4. §

The producer shall place the mark and the text specified in *Annex 1* on the battery, the accumulator and the packaging of batteries and accumulators in a visible, recognizable (readable) and inerasable manner.

#### 5. §

(1) The producer shall use the best accessible technology, according to the classification of the waste, in the course of the pre-treatment of

- a) portable,
- b) vehicle- and
- c) industrial

waste batteries and accumulators taken-back and collected.

(2) The producer shall recycle, with due account to the efficiency indicators specified in *Annex 2* the

- a) portable,
- b) vehicle- and
- c) industrial

batteries and accumulators.

(3) It is prohibited to dispose waste vehicle- and industrial batteries and accumulators by way of deposition in landfills or in a thermal way, with the exception of residual waste originating from the application of a recycle method performed with an efficiency indicator according to *Annex 2*.

(4) The management of the waste battery or accumulator as verified with a shipment document in accordance with specific legislation on waste transportation across the country's borders shall also qualify as compliance with the obligation of pre-treatment and recycling.

(5) The export of waste batteries or accumulators for the purpose of waste management shall only be qualified as compliant with the obligation of pre-treatment and recycling if the exporting party verifies with accompanying documents, in compliance with specific legislation on waste transportation across the country's borders, that in the relevant country the treatment is performed on conditions equivalent to the provisions of this Regulation.

#### 6. §



(1) The user shall provide for the selective collection of waste batteries and accumulators and shall place them at the site of take-back for the purpose of waste management.

(2) The merchant marketing portable batteries and accumulators – in the case of concluding a separate agreement with the producer – shall place at the site of marketing an appropriate collection container supplied by the producer.

(3) The merchant marketing vehicle- and industrial batteries and accumulators – in the case of concluding a separate agreement with the producer – shall place at the site of marketing an appropriate collection bin or container resistant to accumulator acids – in the case of collecting high capacity alkaline accumulators, an alkaline-resistant container – supplied by the producer, to be opened only by the party in charge of the collection.

(4) Waste portable batteries and accumulators may be collected in a common collection container irrespectively to their type.

(5) The provisional storage of the battery or the accumulator according to this Section does not require the permit of the environmental authority and the keeping of records.

## 7. §

(1) In the course of utilisation, liquids and acids shall be removed from the battery and the accumulator.

(2) The place where waste batteries and accumulators are to be stored (provisionally stored) and to be managed shall be coated with a waterproof surface.

(3) The utilisation of waste batteries and accumulators shall be performed in premises or containers having a weatherproof cover.

## 8. §

### Closing provisions

(1) This regulation shall enter into force on 1 September 2008, with the exceptions under paras. (2) and (3).

(2) Sections 1-7, 9-11 and *Annexes 1* and *2* of this Regulation shall enter into force on 26 September 2008, with the exception under para. (3).

(3) Section 5 para. (2) item (a) of this Regulation and item 6 of its *Annex 1* shall enter into force on 26 September 2009~~A~~.

(~~3~~4) Section 2 item (g), Section 10 para. (5) and Section 11 of the Regulation by the Minister for the Environment No. 9/2001. (IV. 9.) KöM on the detailed rules of managing batteries, accumulators and their waste (hereinafter: “KöM Regulation”) shall be repealed as from 1 September 2008. ~~Ez a bekezdés 2008. szeptember 27-én hatályát veszti.~~

(5) KöM Regulation shall be repealed as from 26 September 2008.

(46) In Section 6 paras. (2)-(3) of this Regulation, the text “– in the case of concluding a separate agreement with the producer –” shall be repealed as from 1 July 2009. This paragraph shall be repealed as from 2 July 2009.

## 9. §

This Regulation serves the purpose of harmonisation with Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC.

## 10. §

(1) In item 1 of *Annex I* to the Regulation by the Minister for the Environment and Water No. 15/2004. (X. 8.) KvVM on the detailed rules of managing waste electrical and electronic equipment, the text “-batteries” shall be replaced with the text ”- batteries and accumulators falling under the scope of specific legislation on the take-back of batteries and accumulators;”.

(2) The following item (d) shall be added to Section 7 para. (3) of the Regulation by the Minister for the Environment and Water No. 15/2004. (X. 8.) KvVM on the detailed rules of managing waste electrical and electronic equipment:

„d) Section 11 of Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC.”

## 11. §

(1) The following new paragraph (2) shall be added to Section 1 of the Regulation by the Minister for the Environment and Water No. 16/2004. (X. 8.) KvVM on restricting the application in electrical and electronic equipment certain dangerous substances (hereinafter: R), and at the same time the numbering of paras. (2)-(3) shall be amended to (3)-(4):

„(2) The scope of this Regulation shall cover the equipment operated or operatable with an electricity source of a battery or accumulator falling partly or completely under the scope of specific legislation on the take-back of batteries and accumulators, as listed in *Annex I.A* to Government Regulation No. 264/2004. (IX. 23.) Korm. on the take-back of waste electrical or electronic equipment (hereinafter: battery-operated equipment).”

(2) The following paras. (3)-(4) shall be added to Section 2 of R:

„(3) The producer of a battery-operated equipment shall design the equipment – with the exception specified in para. (4) – to allow the easy removal of the waste battery or accumulator.

(4) The provisions under para. (3) shall not be applicable when the uninterrupted supply of energy and the uninterrupted connection between the battery operated equipment and the battery or the accumulator is necessary for the purposes of

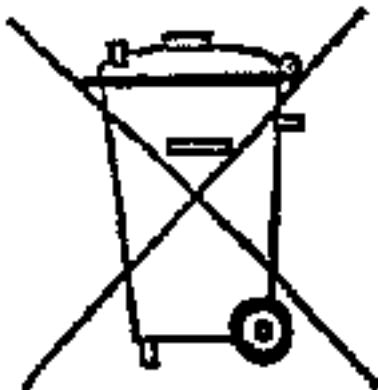
- a) security,
- b) performance,
- c) medical cause, or
- d) data storage.”

(3) The following item (i) shall be added to Section 5 of R:

„(i) Section 11 of Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC.”

### **Marking batteries and accumulators**

1. The picture of the cancelled wheeled waste container, referring to selective collection:



2. The picture shall – with the exception specified in item 3 – cover at least 3% of the largest side of the battery, the accumulator or the accumulator package, or at least 1.5% of the surface of the battery or the accumulator in the case of a cylindrical cell, but in any case the size of the picture shall not be larger than 5x5 cm.

3. If, according to the size of the battery or the accumulator, or the battery- or accumulator package, the size of the picture would be smaller than 0.5x0.5 cm, then a picture of at least 1x1 cm shall be placed on the packaging of the battery or the accumulator, or the battery- or accumulator package.

4. In the case of batteries and accumulators containing heavy metals, including button batteries as well, the following symbols shall be indicated in accordance with item 5:

- a) if the mercury content exceeds 0.0005% by weight - „Hg”,
- b) if the cadmium content exceeds 0.002% by weight - „Cd”,
- c) if the lead content exceeds 0.004% by weight - „Pb”.

5. The size of the symbol shall be at least  $\frac{1}{4}$  of the size of the picture according to the present annex, to be placed under the picture.

6. The capacity of portable- and vehicle-batteries and –accumulators shall be indicated on the batteries or accumulators.

### **The recycling process and its efficiency indicators**

The recycling of lead and cadmium content must reach the highest recycling rate according to the best accessible technology – with due account to reasonable cost allocation.

The recycling efficiency indicator proportionate with the weight of batteries and accumulators taken back

Vehicle- and industrial battery and accumulator	Portable battery or accumulator
---	---------------------------------

From 26 September 2008	From 26 September 2011
------------------------	------------------------

- |   |     |
|---|-----|
| 1. acid battery or accumulator containing lead      | 65% |
| 2. battery or accumulator containing nickel-cadmium | 75% |
| 3. other battery or accumulator                     | 50% |

**Joint Regulation by the Minister of Health and the Minister for the Environment and Water No. .../2008. (...) EüM-KvVM**

**on amending joint Regulation No. 41/2000. (XII. 20.) EüM-KöM on restricting certain activities related to certain dangerous substances and preparations**

Based on the authorisation granted in Section 34 para. (4) item (f) of Act XXV of 2000 on chemical safety, acting in the scope of duty specified in Section 1 item (a) of Government Regulation No. 161/2006. (VII. 28.) Korm. on the duties and tasks of the Minister of Health, and in Section 1 item (a) of Government Regulation No. 165/2006. (VII. 28.) Korm. on the duties and tasks of the Minister for the Environment and Water, we hereby order the following:

**1. §**

Section 3 para. (1), the row "B. Batteries and accumulators" of the table in *Annex 3*, and the text "91/157/EGK" in Section 4 para. (6) of joint Regulation No. 41/2000. (XII. 20.) EüM-KöM on restricting certain activities related to certain dangerous substances and preparations shall be repealed.

**2. §**

(1) This Regulation shall enter into force on 26 September 2008.

(2) This Regulation shall be repealed as from 27 September 2008.

Minister of Health

Minister for the Environment and Water

### **Draft resolution**

The Government has considered and accepted the draft proposal on the take-back and the management of waste batteries and accumulators, and it orders the publication of the Government Regulation annexed to the proposal in the Official Gazette.