

**THE LAW**  
**of ...2007**

**on batteries and accumulators as well as waste batteries and accumulators<sup>1)</sup>**

**Chapter 1**  
**General provisions**

**Art. 1.**

The law defines:

- 1) requirements that should be met by batteries and accumulators as well as appliances that are manufactured and placed on the market;
- 2) obligations of entrepreneurs who place batteries and accumulators on the market;
- 3) obligations of end-users of batteries and accumulators;
- 4) obligations in the field of collection, treatment, recycling and disposal of waste batteries and accumulators;
- 5) principles for setting and collecting product fee, deposit fee and fee for placing batteries and accumulators on the market.

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<sup>1)</sup> The present law, within the scope of its regulation, implements 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 (OJ L 266, of 26.9.2006, p. 1-14).

## **Art. 2.**

1. Provisions of the law shall apply to:
  - 1) batteries and accumulators as well as appliances manufactured and placed on the market;
  - 2) batteries and accumulators as well as appliances placed on the market by means of imports or intra-Community acquisition;
  - 3) batteries and accumulators as well as appliances placed on the market by means of distance sales via mass media or tele-information networks to European Union Member States other than the Republic of Poland;
  - 4) waste batteries and accumulators.
2. Provisions of the law shall also apply to batteries and accumulators attached to things not being appliances.
3. The law shall not apply to batteries and accumulators used in:
  - 1) equipment connected with the protection of the Republic of Poland's essential security interests, arms, munitions and war material, with the exclusion of products that are not intended specifically for military purposes;
  - 2) equipment designed to be sent into space.

## **Art. 3.**

1. Terms used in the law shall mean:
  - 1) battery and accumulator - any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more:
    - a) primary battery cells (non-rechargeable) or
    - b) secondary battery cells (rechargeable);
  - 2) industrial battery or accumulator – any battery or accumulator designed for industrial or professional uses or used in electric vehicles, including those referred to in Annex 1 to the law;
  - 3) portable battery or accumulator – any battery, button cell or battery pack that is sealed and may be carried, and which is not an industrial or automotive battery or accumulator, including those referred to in Annex 2 to the law;
  - 4) automotive battery or accumulator – any battery or accumulator used for automotive starter, lighting or ignition power;

- 5) decision connected with waste management – respectively: a decision referred to in Article 17 section 1 subsection 1 and section 2, Article 26 section 1 and Article 28 section 1 of the law of 27 April 2001 on waste (Dz.U. of 2007 No. 39, Text 251 and No. 88, Text 587), Article 181 section 1 subsection 1 of the law of 27 April 2001 – The law on environment protection (Dz. U. of 2006 No. 129, Text 902, with further amendments<sup>2)</sup>) as well as Article 7 section 1 subsection 1 of the law of 13 September 1996 on keeping communities clean and tidy (Dz. U. of 2005 No. 236, Text 2008 as well as of 2006 No. 144, Text 1042);
- 6) cordless power tools – hand held appliances powered by a battery and accumulator and intended for maintenance, construction or gardening activities, referred to in Annex 3 to the law;
- 7) imports – movement of batteries and accumulators from the territory of a state not being the European Union Member State to the territory of the country with a view to place them on the market;
- 8) installation – installation within the meaning of Article 3 subsection 6 of the law of 27 April 2001 - The law on environment protection;
- 9) collection place – appointed part of a building object possessed by an operator whose primary business does not consist in waste management within the meaning of Article 3 section 3 subsection 1 of the law of 27 April 2001 on waste, including educational institution, cultural and educational institution, registered office of an administration or an institution where the end-user may leave waste portable batteries and accumulators;
- 10) button cell – any portable battery and accumulator whose diameter is greater than its height and which is used for special purposes, in particular for powering hearing aids, watches, small portable equipment and back-up power;
- 11) collection rate – the percentage obtained by dividing the weight of waste portable batteries and accumulators collected in accordance with the law in a given calendar year by the average weight of portable batteries and accumulators that are placed on the market to be used by end-users or are delivered to third parties in order to make them available whether in return for payment or free of charge to end-users in the territory of the country during that calendar year and the preceding two calendar years;

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<sup>2)</sup> Amendments to the consolidated text of the mentioned law were published in Dz. U. of 2005 No. 113, Text 954, of 2006 No. 169, Text 1199, No. 170, Text 1217 and No. 249, Text 1832 as well as of 2007 No. 21, Text 124, No. 75, Text 493, No. 88, Text 587 and No. 124, Text 859.

- 12) entrepreneur - entrepreneur within the meaning of the law of 2 July 2004 on freedom of economic activity (Dz. U. of 2007 No. 155, Text 1095);
- 13) treatment – any activity carried out on waste batteries and accumulators after they have been handed over to a waste batteries and accumulators treatment facility operator for sorting, preparation for recycling or preparation for disposal;
- 14) retail seller – entrepreneur who within the framework of economic activity makes batteries and accumulators available whether in return for payment or free of charge, or delivers batteries and accumulators in a form of separate product or as an attachment to products not being batteries and accumulators, or as a component of or incorporated to an appliance, to be used by end-users;
- 15) wholesaler – entrepreneur who within the framework of economic activity makes batteries and accumulators available or delivers them whether in return for payment or free of charge, or delivers batteries and accumulators in a form of separate product or as an attachment to products not being batteries and accumulators, or as a component of or incorporated to an appliance, to be made further available whether in return for payment or free of charge;
- 16) electrical and electronic equipment – equipment within the meaning of Article 3 section 1 subsection 10 of the law of 29 July 2005 on waste electrical and electronic equipment (Dz. U. No. 180, Text 1495);
- 17) territory of the country – territory of the Republic of Poland;
- 18) territory of the Member State - territory of the state composing the territory of the European Community;
- 19) territory of the European Community - territories of Member States of the European Community, with exception of the following territories of individual Member States, which are excluded from the territory of the European Community:
  - a) Heligoland Island, Buesingen territory - from the Federal Republic of Germany,
  - b) Ceuta, Melilla, Canary Islands - from the Kingdom of Spain,
  - c) Livigno, Campione d'Italia, Italian part of Lugano Lake - from the Republic of Italy,
  - d) overseas departments of the Republic of France - from the Republic of France,
  - e) Athos mountain - from the Republic of Greece,
  - f) Aland Islands - from the Republic of Finland;
- 20) appliance - any electrical or electronic equipment, which is fully or partly powered by batteries or accumulators or is capable of being so;

- 21) end-user - an operator using electrical energy from batteries and accumulators;
  - 22) intra-Community acquisition – movement of batteries and accumulators from the territory of the European Union Member State other than the Republic of Poland with a view to place them on the market;
  - 23) entrepreneur placing batteries and accumulators on the market – an entrepreneur who places batteries or accumulators, including those incorporated into appliances or vehicles, on the market for the first time on a professional basis;
  - 24) placing on the market - making batteries and accumulators available, whether in return for payment or free of charge, for the first time within the territory of the country or a Member State, to be used or sold; placing on the market also means imports or intra-Community acquisition of batteries and accumulators for one's own needs. Placing on the market takes place:
    - 1) on the day of release from the warehouse of batteries and accumulators - in the event of batteries and accumulators manufactured in the country;
    - 2) on the day of admitting batteries and accumulators to the market in the territory of the country - in the event of imports of batteries and accumulators;
    - 3) on the day of issue of an invoice confirming intra-Community acquisition or on the date of issue of any other document confirming intra-Community acquisition of batteries and accumulators or, if the invoice is not issued – on the day of moving batteries and accumulators into the territory of the country from the territory of the European Union Member State other than the Republic of Poland;
  - 25) waste batteries and accumulators collector – an operator of a waste collection point, holding a permit for carrying out activity in the field of collection of waste in a form of waste batteries and accumulators, a community organisational unit carrying out activity in the field of collection of communal waste and an entrepreneur holding a permit for carrying out activity in the field of communal waste collection;
  - 26) battery pack - any set of batteries or accumulators that are connected together or encapsulated within an outer casing so as to ensure that it is not intended to be split up or open;
  - 27) waste batteries and accumulators – any battery or accumulator which is waste within the meaning of Article 3 section 1 of the law of 27 April 2001 on waste.
2. Whenever the provisions of the law refer to:
- 1) batteries and accumulators, it should be understood as a battery, accumulator or a battery and accumulator respectively;

- 2) waste batteries and accumulators, it should be understood as waste batteries, waste accumulators or waste batteries and accumulators respectively;.

**Art. 4.**

In matters concerning waste batteries and accumulators, within the scope not governed by the law, there shall be applied the law of 27 April 2001 on waste.

**Art. 5.**

1. The law applies without prejudice to the provisions of the law of 20 January 2005 on recycling of end-of-life vehicles (Dz. U. No. 25, Text 202, No. 175, Text 1458 as well as of 2007 No. 176, Text 1236).
2. The law applies without prejudice to the provisions of the law of 29 July 2005 on waste electrical and electronic equipment.

**Chapter 2**

**Requirements to be met by batteries and accumulators placed on the market  
as well as in proceedings with waste batteries and accumulators**

**Art. 6.**

1. Batteries and accumulators that are placed on the market, including batteries and accumulators incorporated into appliances, may not contain more than 0,0005 % of mercury by weight.
2. The provision of section 1 shall not apply to button cells containing not more than 2% of mercury by weight.
3. Portable batteries and accumulators that are placed on the market, including batteries and accumulators incorporated into appliances, may not contain more than 0,002 % of cadmium by weight.
4. The provision of section 3 shall not apply to portable batteries and accumulators intended for use in:
  - 1) emergency and alarm systems, including emergency lighting;
  - 2) medical equipment;
  - 3) cordless power tools.

#### **Art. 7.**

1. Batteries and accumulators, battery packs and button cells that are placed on the market should be marked.
2. The minister in charge of environmental issues, guided by the need to adjust to the European Union requirements as well as by environment protection purposes, shall lay down, by means of an ordinance, models and means of marking batteries and accumulators, battery packs as well as button cells, referred to in section 1, having regard to the necessity of ensuring reliable information on properties and contents of batteries and accumulators, battery packs and button cells that are placed on the market.

#### **Art. 8.**

1. Batteries and accumulators that are placed on the market, but do not meet the requirements of the law shall be withdrawn from the market.
2. Costs arising from withdrawal of batteries and accumulators, battery packs and button cells, referred to in section 1, shall be born by an entrepreneur placing batteries and accumulators on the market.
3. Trade Inspection shall be a competent body to confirm that batteries and accumulators placed on the market do not comply with the provisions of the law.

#### **Art. 9.**

1. Collected waste portable batteries and accumulators should be sorted by type in waste batteries and accumulators treatment facilities.
2. Waste automotive and industrial batteries and accumulators should be subject to separate collection by types.
3. The minister in charge of economic issues in consultation with the minister in charge of environmental issues shall lay down, by means of an ordinance, types of waste batteries and accumulators referred to in section 1 and 2, guided by the necessity of ensuring required recycling efficiencies as well as of facilitating sorting processes.

#### **Art. 10.**

Technologies and installations for treatment and recycling of individual types of waste batteries and accumulators should be characterised at least by the following minimum recycling efficiencies:

- 1) in the event of waste acid-lead batteries and accumulators - 65 % of weight of waste acid-lead batteries and accumulators, including full recycling of the lead content;

- 2) in the event of waste nickel-cadmium batteries and accumulators - 75 % of weight of waste nickel-cadmium batteries and accumulators, including full recycling of the cadmium content;
- 3) in the event of other waste batteries and accumulators - 50 % of weight of batteries and accumulators.

**Art. 11.**

The disposal of waste batteries and accumulators in landfills or by thermal transformation shall be prohibited.

**Chapter 3**

**Tasks of the Environment Protection Inspection**

**Art. 12.**

1. The Chief Inspector for Environment Protection shall keep the register of:
  - 1) entrepreneurs who place batteries and accumulators on the market,
  - 2) waste batteries and accumulators treatment facilities operators– further referred to as "the register".
2. The Chief Inspector for Environment Protection takes into account, in the register referred to in section 1 subsection 2, treatment processes, divided by types of batteries and accumulators.

**Art. 13.**

1. The entry into the register shall be subject to registration fee.
2. The entrepreneur referred to in Article 12 section 1 shall pay the registration fee to a separate bank account of the General Inspectorate for Environment Protection.
3. The entrepreneur referred to in Article 12 section 1, entered into the register, shall pay, by the end of February each year, an annual fee to a separate bank account of the General Inspectorate for Environment Protection.
4. Annual fee shall not be paid in the year when the registration fee is paid.
5. Maximum rates of registration fee and annual fee shall be equal to PLN 1000. However, maximum rates of registration fee and annual fee for micro-entrepreneurs shall be equal to PLN 200.



6. Entrepreneurs who place batteries and accumulators on the market and operators of waste batteries and accumulators treatment facilities shall be exempt from the registration fee if they introduce certified environmental management schemes, referred to in Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (Dz. U. L 114 of 24.4.2001, p. 1- 29).

7. The minister in charge of environmental issues, in consultation with the minister in charge of finance, shall fix, by means of an ordinance, rates of:

- 1) registration fee,
- 2) annual fee

- taking into account costs of keeping the register and the data base referred to in Article 18, as well as the fact that fees should not be an obstacle in receiving entry to the register or in carrying out activity, in particular for micro-entrepreneurs as well as small and medium-sized entrepreneurs.

#### **Art. 14.**

1. The entrepreneur, before he starts economic activity in the scope referred to in Article 12 section 1, shall be obliged to submit to the Chief Inspector for Environment Protection an application for entry to the register.

2. The entrepreneur, before he starts economic activity in both scopes referred to in Article 12 section 1, shall be obliged to submit to the Chief Inspector for Environment Protection one application for entry to the register. The application should include data required of both applications for entry to the register within the scope of carried out economic activity.

3. The application referred to in section 1 should include the following identification data of the entrepreneur:

- 1) firm, registered office (place of residence) and address of the entrepreneur referred to in section 1;
- 2) date and place of entry of the entrepreneur referred to in section 1 to the register of economic activity or to the National Court Register;
- 3) tax identification number (NIP) of the entrepreneur referred to in section 1 – if it has been granted;
- 4) REGON number of the entrepreneur referred to in section 1 – if it has been granted;

- 5) in the event of operators of the waste batteries and accumulators treatment facilities, information on types of treated waste batteries and accumulators as well as on treatment and recycling schemes used.

**Art. 15.**

1. The Chief Inspector for Environment Protection shall enter to the register the entrepreneur referred to in Article 12 section 1, if application for entry contains complete data subject to entry to the register.
2. If application for entry does not contain complete data subject to entry to the register, Article 64 of the law of 14 June 1960 - the Code of administrative proceedings (Dz. U. of 2000 No. 98, Text 1071, with further amendments<sup>3)</sup>) shall be applied respectively.

**Art. 16.**

Where the data subject to entry to the register change, the entrepreneur referred to in Article 12 section 1 shall be obliged to submit to the Chief Inspector for Environment Protection an application for the change of entry to the register.

**Art. 17.**

1. The entrepreneur, who ends economic activity within the scope defined in Article 12 section 1, shall be obliged to submit to the Chief Inspector for Environment Protection an application for deleting him from the register.
2. The Chief Inspector for Environment Protection shall delete from the register the entrepreneur referred to in Article 12 section 1, by means of a decision.
3. After the entrepreneur is deleted from the register, his data shall be archived.

**Art. 18.**

The Chief Inspector for Environment Protection shall:

- 1) keep the register in a form of data base on computer data carriers within the meaning of Article 3 subsection 1 of the law of 17 February 2005 on computerisation of entities exercising public tasks (Dz. U. No. 64, Text 565 as well as of 2006 No. 12, Text 65 and

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<sup>3)</sup> Amendments to the consolidated text of the mentioned law were published in Dz. U. of 2001 No. 49, Text 509, of 2002 No. 113, Text 984, No. 153, Text 1271 and No. 169, Text 1387, of 2003 No. 130, Text 1188 and No. 170, Text 1660, of 2004 No. 162, Text 1692 as well as of 2005 No. 64, Text 565 and No. 78, Text 682.

No. 73, Text 501), which may constitute a part of a complex data base on products and waste management;

- 2) archive, keep and process data collected in the register;
- 3) ensure safety of data collected in the register.

#### **Art. 19.**

The minister in charge of environmental issues may specify by means of an ordinance:

- 1) data subject to collection in the register referred to in Article 14 section 3,
- 2) model applications referred to in Article 14 section 1 and 2, Article 16 and Article 17 section 1,
- 3) the manner and time limits for submitting to the Chief Inspector for Environment Protection applications referred to in Article 14 section 1 and 2, Article 16 and Article 17 section 1,
- 4) procedure of entry to the register of entrepreneurs who place batteries and accumulators on the market as well as changes in their entry to the register and its deleting – having regard - respectively - to the necessity of identifying entrepreneurs referred to in Article 12 section 1, standardising the form of applications, facilitating their submission to the Chief Inspector for Environment Protection as well as efficiency of proceedings.

#### **Art. 20.**

1. The Chief Inspector for Environment Protection, while making an entry to the register, shall award a registration number to the entrepreneur referred to in Article 12 section 1.
2. The Chief Inspector for Environment Protection shall notify the registration number to the entrepreneur.
3. The minister in charge of environmental issues may specify, by means of an ordinance, a manner of awarding the registration number referred to in section 1, having regard to the necessity of identifying entrepreneurs referred to in Article 12 section 1 as well as provisions of the law of 29 July 2005 on waste electrical and electronic equipment.

#### **Art. 21.**

The Chief Inspector for Environment Protection shall delete from the register ex officio, by means of a decision, the entrepreneur referred to in Article 12 section 1, in the event of withdrawal or expiration of validity of the decision connected with waste management.

#### **Art. 22.**

1. The Voivodship Inspector for Environment Protection shall draw up and submit to the Chief Inspector for Environment Protection, on or before the 15th February of each year, a summary information on results of control of entrepreneurs referred to in Article 12 section 1 for the preceding calendar year.
2. The Chief Inspector for Environment Protection shall draw up and submit to the minister in charge of environmental issues an annual report on functioning of batteries and accumulators and waste batteries and accumulators management scheme, including information on collection and recycling rates achieved.
3. The minister in charge of environmental issues may specify, by means of an ordinance, the scope, model and time limit for submitting the report referred to in section 3, having regard to the European Union regulations on reports submitted by the Member States as well as the scope of data necessary to carry out systematic evaluation of functioning of batteries and accumulators and waste batteries and accumulators management scheme.

### **Chapter 4**

#### **Obligations of entrepreneurs who place batteries and accumulators as well as appliances on the market**

#### **Art. 23.**

1. The entrepreneur placing batteries and accumulators on the market shall be obliged to organise and finance the scheme of collection, treatment, recycling and disposal of waste batteries and accumulators to achieve the required collection rate and appropriate waste batteries and accumulators management.
2. The entrepreneur placing industrial and automotive batteries and accumulators on the market may conclude with end users of such batteries and accumulators agreements stipulating financing arrangements other than the ones referred to in section 1.

#### **Art. 24.**

The entrepreneur placing batteries and accumulators on the market may place on the market only marked batteries and accumulators.

**Art. 25.**

The entrepreneur placing batteries and accumulators on the market shall be obliged to put the registration number on documents connected with turnover of batteries and accumulators.

**Art. 26.**

If the end-user notifies the need to collect waste industrial or automotive batteries and accumulators, with the exception of acid-lead accumulators, the entrepreneur placing batteries and accumulators on the market shall be obliged to collect from the end-user, at his own cost, within time limit not exceeding 30 days from the day of notification, waste industrial or automotive batteries and accumulators in quantity not exceeding the number of batteries and accumulators transferred to this end-user, and shall be obliged to transfer them for treatment and recycling.

**Art. 27.**

1. To ensure efficient waste portable batteries and accumulators collection scheme the entrepreneur, placing batteries and accumulators on the market, shall be obliged to conclude an agreement with the waste batteries and accumulators collector on the collection of waste batteries and accumulators.
2. The agreement referred to in section 1, shall lay down at least:
  - 1) the requirements for financing by the entrepreneur placing batteries and accumulators on the market of collection of waste batteries and accumulators;
  - 2) an obligation of the waste batteries and accumulators collector to report to the entrepreneur placing batteries and accumulators on the market on the weight of collected waste batteries and accumulators on account of this entrepreneur, on the list of collection points operated by a given waste batteries and accumulators collector, the list of collection places from which he collects waste portable batteries and accumulators, as well as the period of validity of an agreement with operator of the collection place.

**Art. 28.**

1. The entrepreneur placing batteries and accumulators on the market shall be obliged to achieve:

- 1) on or before the 26th September 2012 the collection rate of waste portable batteries and accumulators equal to at least 25 % of weight of portable batteries and accumulators placed on the market;
  - 2) on or before the 26th September 2016 the collection rate of waste portable batteries and accumulators equal to at least 45 % of weight of portable batteries and accumulators placed on the market.
2. The weight of waste batteries and accumulators shall mean the weight of waste batteries and accumulators collected and transferred to the waste batteries and accumulators treatment facility operator.
3. The minister in charge of environmental issues in consultation with the minister in charge of economic issues shall fix, by means of an ordinance, proclaimed not later than 6 months before its entry into force, an annual collection rate of waste portable batteries and accumulators in individual years till the end of 2012 and till the end of 2016, having regard - respectively - to the need for progressive establishment of the national scheme of waste portable batteries and accumulators collection as well as for increasing its efficiency, acting in favour of competitiveness of Polish economy and the necessity of meeting international obligations.

**Art. 29.**

The entrepreneur placing batteries and accumulators on the market shall meet the obligation referred to in Article 27 section 1, Article 28 section 1 and Article 33 section 1:

- 1) independently, or
- 2) through third persons - by virtue of an agreement.

**Art. 30.**

1. The entrepreneur placing an appliance on the market may place on the market only such appliances:

- 1) which are designed in manner allowing to easily remove from them waste batteries and accumulators incorporated to them;
- 2) which are accompanied by instructions in Polish with information on:
  - a) method of safe removal of batteries and accumulators from the appliance,
  - b) type of batteries and accumulators which may be incorporated to the appliance.

2. The provisions of section 1 shall not be applied to:

- 1) appliances serving the purpose of the protection of the Republic of Poland's security or public order;
- 2) appliances, on which batteries and accumulators are soldered, welded or otherwise permanently attached to supply ends, ensuring permanent current inflow in conditions of untypical exploitation as well as data maintenance in unchanged state in IT appliances where the use of batteries and accumulators is technically necessary;
- 3) medical appliances for sustaining life functions as well as heart stimulators, where uninterrupted source of supply is necessary, and batteries and accumulators may be removed only by the qualified personnel;
- 4) portable appliances, where the exchange of batteries and accumulators by the unqualified personnel may pose a threat for the end-user or may unfavourably affect operation of appliances.

#### **Art. 31.**

1. The entrepreneur placing batteries and accumulators on the market shall keep records with information on the type, number, weight and capacity of batteries and accumulators placed on the market.
2. The entrepreneur placing batteries and accumulators on the market shall draw up and submit to the marshal of the voivodship territorially competent for the place of collection of waste batteries and accumulators, on or before the 30th day of the month following the calendar year when batteries and accumulators were placed on the market, a report on the type, number, weight and capacity of batteries and accumulators placed on the market.
3. The entrepreneur placing batteries and accumulators on the market, who terminates his economic activity in the field of placing batteries and accumulators on the market, shall submit the report, referred to in section 2, within 7 days from the day of applying for deleting from the register.
4. When determining the number and weight of batteries and accumulators placed on the market no account is taken of the number and weight of such batteries and accumulators which have been exported or were subject to intra-Community supply by the entrepreneur placing batteries and accumulators on the market or other entrepreneur.
5. When determining the number and weight of batteries and accumulators placed on the market no account is taken of the number and weight of batteries and accumulators incorporated to appliances, which have been exported or were subject to intra-Community

supply by the entrepreneur placing batteries and accumulators on the market or other entrepreneur.

6. The entrepreneur placing batteries and accumulators on the market shall be obliged to keep records referred to in section 1, for the period of five years, counting from the end of the calendar year that the records refer to.

#### **Art. 32.**

The entrepreneur placing portable batteries and accumulators on the market shall draw up and submit to the marshal of the voivodship territorially competent for the place of collection of waste batteries and accumulators, on or before the 31st March following the calendar year when batteries and accumulators were placed on the market, a report on achieved collection rates of waste portable batteries and accumulators with the list of collection points operated by a given collector of waste batteries and accumulators and the list of collection places from which he collects waste portable batteries and accumulators.

#### **Art. 33.**

1. To ensure efficient waste batteries and accumulators treatment scheme, the entrepreneur placing batteries and accumulators on the market shall be obliged to conclude an agreement with the waste batteries and accumulators treatment facility.

2. The agreement referred to in section 1 shall at least specify:

- 1) the requirements for financing treatment and recycling of waste batteries and accumulators by the entrepreneur placing batteries and accumulators on the market;
- 2) an obligation of the waste batteries and accumulators treatment facility operator to take back, free of charge, waste batteries and accumulators for which he carries out treatment and recycling processes.

3. In the event of withdrawal of the decision connected with waste management, issued to the waste batteries and accumulators treatment facility operator, or termination or expiration of the agreement referred to in section 1, the entrepreneur placing batteries and accumulators on the market shall be obliged, within three months from the day of withdrawal of the decision connected with waste management, issued to the waste batteries and accumulators treatment facility operator, or termination or expiration of the agreement referred to in section 1, to ensure that the obligation referred to in section 1 is met.

4. The entrepreneur placing batteries and accumulators on the market shall draw up and submit to the marshal of the voivodship territorially competent for the place of collection of waste batteries and accumulators, on or before the 30th day of the month following the



calendar year when batteries and accumulators were placed on the market, a list of the waste batteries and accumulators treatment facilities with which he has signed an agreement. Such list should contain:

- 1) firm, registered office (place of residence) and address of the entrepreneur placing batteries and accumulators on the market as well as of the waste batteries and accumulators treatment facility operator;
  - 2) tax identification number (NIP) of the entrepreneur placing batteries and accumulators on the market – if it has been granted;
  - 3) REGON identification number of the entrepreneur placing batteries and accumulators on the market – if it has been granted;
  - 4) information on types of treated waste batteries and accumulators as well as on treatment capacity of the waste batteries and accumulators treatment facilities;
  - 5) information on achieved recycling efficiencies separately by each operator of the treatment facility for each type of batteries and accumulators.
5. The minister in charge of environmental issues shall lay down by means of an ordinance:
- 1) model records referred to in Article 31 section 1;
  - 2) model report referred to in Article 31 section 2 and Article 32;
  - 3) model list referred to in section 4;
  - 4) a manner of delivering reports referred to in Article 31 section 2 and Article 32 as well as the list referred to in section 4,
- having regard to the necessity of identifying the entrepreneur placing batteries and accumulators on the market and facilitating delivery of reports to the marshal of the voivodship respectively.

## **Chapter 5**

### **Obligations of the end-user**

#### **Art. 34.**

Collection of waste batteries and accumulators in the same container with other waste shall be prohibited.

#### **Art. 35.**

The end-user of portable batteries and accumulators shall be obliged to hand over the waste portable batteries and accumulators, not contaminated with other waste, including batteries

and accumulators, which may no longer be the energy source, to retail seller, wholesaler, provider of services in the field of replacement of waste batteries and accumulators, waste batteries and accumulators collector or to other collection place.

**Art. 36.**

1. The end-user of automotive batteries and accumulators shall be obliged to hand over the waste automotive batteries and accumulators to retail seller of acid-lead batteries and accumulators, a provider of services in the field of replacement of waste batteries and accumulators, waste batteries and accumulators collector or an entrepreneur placing automotive batteries and accumulators on the market.
2. The end-user of industrial batteries and accumulators shall be obliged to hand over the waste industrial batteries and accumulators to retail seller of acid-lead batteries and accumulators, a provider of services in the field of replacement of waste batteries and accumulators, the waste batteries and accumulators treatment facility or the entrepreneur placing industrial batteries and accumulators on the market.

**Chapter 6**

**Obligations of the collection place operator**

**Art. 37.**

1. Collection of waste portable batteries and accumulators in the same container with other waste shall be prohibited in the collection place.
2. Containers for collection of waste portable batteries and accumulators in collection places should be located in a place accessible for the public.
3. Waste portable batteries and accumulators, not contaminated with other waste, shall be received free of charge in collection places.
4. The collection place should contain a legible information, accessible for the end-user, about an opportunity of handing over waste portable batteries and accumulators in this facility.
5. It is permissible to place information referred to in section 3 on a container for collecting waste portable batteries and accumulators.
6. The costs of collection, treatment and recycling shall not be shown separately to end-users at the time of sale of new portable batteries and accumulators.

### **Art. 38.**

The collection place operator, being the retail seller of portable batteries and accumulators, whose selling area in the meaning of Article 2 subsection 19 of the law of 27 March 2003 on land development planning (Dz. U. No. 80, Text 717 with further amendments<sup>4)</sup>) exceeds 25 m<sup>2</sup>, shall be obliged to:

- 1) take back free of charge separately collected waste portable batteries and accumulators, not contaminated with other waste, from the end-user of these batteries and accumulators, by making available a container for waste batteries and accumulators;
- 2) hand over waste portable batteries and accumulators collected free of charge, referred to in subsection 1, to a wholesaler or a waste batteries and accumulators collector.

### **Art. 39.**

The collection place operator, being the wholesaler of portable batteries and accumulators, shall be obliged do:

- 1) take back free of charge waste portable batteries and accumulators, not contaminated with other waste, from the end-user of these batteries and accumulators and from the retail seller whom he provided with portable batteries and accumulators;
- 2) hand over waste portable batteries and accumulators collected free of charge to a waste batteries and accumulators collector.

### **Art. 40.**

The collection place operator, providing services in the field of replacement of waste batteries and accumulators, shall be obliged do:

- 1) take back free of charge waste batteries and accumulators from the end-users;
- 2) hand over free of charge waste batteries and accumulators to a waste batteries and accumulators collector or the waste batteries and accumulators treatment facility operator.

### **Art. 41.**

1. The collection place operator, not being the retail seller, wholesaler and the entrepreneur providing services in the field of replacement of waste batteries and accumulators, may take

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<sup>4)</sup> Amendments to the mentioned law were published in Dz. U. of 2004 No. 6, Text 41 and No. 141, Text 1492, of 2005 No. 113, Text 954 and No. 130, Text 1087 as well as of 2006 No. 45, Text 319 and No. 225, Text 1635.

back from the end-users waste portable batteries and accumulators, not contaminated with other waste, under the condition of signing an agreement with the collector on the collection of waste batteries and accumulators.

2. The agreement referred to in section 1 should include at least a commitment of waste batteries and accumulators collector to:
  - 1) at least take back periodically waste batteries and accumulators free of charge;
  - 2) provide free of charge containers for waste batteries and accumulators;

#### **Art. 42.**

1. The wholesaler shall be obliged do keep records including information on number, weight and type of portable batteries and accumulators made available and handed over to the end-user in the territory of the country and within the framework of intra-Community supply.
2. The wholesaler shall be obliged to hand over to the entrepreneur placing portable batteries and accumulators on the market, from whom he purchased portable batteries and accumulators, on or before the 30th day following the calendar year when the purchase took place, an information referred to in section 1.
3. The minister in charge of environmental issues may lay down, by means of an ordinance, model records referred to in section 1, guided by the necessity of standardisation of information and efficiency of proceedings.

#### **Art. 43.**

The collection place operator shall be exempt from an obligation to:

- 1) receive a permit for running a business in the field of waste collection in the form of waste batteries and accumulators as well as running a business in the field of transport of waste referred to in Article 28 of the law of 27 April 2001 on waste;
- 2) notify to records kept by the starost referred to in Article 33 section 5 of the law of 27 April 2001 on waste, in the field of waste batteries and accumulators;
- 3) notify the change of a manner of using a building object or its part referred to in Article 71 of the law of 7 July 1994 - the Building Law (Dz. U. of 2006 No. 156. Text 1118, with further amendments<sup>5)</sup>), in connection with collection of waste batteries and accumulators.

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<sup>5)</sup> Amendments to the consolidated text of the mentioned law were published in Dz. U. of 2006 No. 170, Text 1217 as well as of 2007 No. 99, Text 665, No. 88, Text 587 and No. 127, Text 880.

## **Chapter 7**

### **Obligations of the waste batteries and accumulators collector**

#### **Art. 44.**

Waste batteries and accumulators collector shall be obliged to take back waste portable batteries and accumulators from waste batteries and accumulators collection places operators, with whom he signed an agreement referred to in Article 41 section 2, on collection of waste portable batteries and accumulators.

#### **Art. 45.**

Waste batteries and accumulators collector shall be obliged to hand over the waste batteries and accumulators to the waste batteries and accumulators treatment facility operator, and in the case of waste portable batteries and accumulators, in the first instance to the waste batteries and accumulators treatment facility operator who at least deals with sorting of waste portable batteries and accumulators.

#### **Art. 46.**

1. Waste batteries and accumulators collector shall be obliged to keep records including information on total weight of collected waste portable batteries and accumulators and their weight by individual entrepreneurs placing batteries and accumulators on the market with whom he has signed an agreement referred to in Article 27.
  2. Waste batteries and accumulators collector shall be obliged to submit an information referred to in section 1 to the marshal of the voivodship territorially competent for the place of collection of waste batteries and accumulators, by the end of March of the calendar year following the year when waste portable batteries and accumulators were collected; the report shall be a part of the summary data statement referred to in Article 37 of the law of 27 April 2001 on waste.
  3. Waste batteries and accumulators collector shall be obliged to keep records referred to in section 1 for five years counting from the end of the calendar year that they refer to.
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## **Chapter 8**

### **Obligations of the waste batteries and accumulators treatment facility operator**

#### **Art. 47.**

The waste batteries and accumulators treatment facility should ensure safe for the environment treatment and recycling of waste batteries and accumulators as well as of the waste they create.

#### **Art. 48.**

1. The waste batteries and accumulators treatment facility, which has signed an agreement with the entrepreneur placing batteries and accumulators on the market, referred to in Article 33 section 1, shall be obliged to take back free of charge waste batteries and accumulators.
2. A total quantity of waste batteries and accumulators received by the waste batteries and accumulators treatment facility on the basis of agreements with entrepreneurs placing batteries and accumulators on the market may not exceed the quantity of waste admitted for recovery in the permit for running a business in the field of waste recovery.

#### **Art. 49.**

1. The waste batteries and accumulators treatment facility, within the framework of its activity shall prepare waste batteries and accumulators for recycling and disposal by:
  - 1) sorting waste batteries and accumulators by types referred to in Article 9 or
  - 2) conversion of individual types of waste batteries and accumulators into appropriate material fractions and recycling at least of separated metals, in installations and by means of technologies characterised at least by the minimum recycling efficiencies referred to in Article 10.
2. The operator of a treatment facility, referred to in section 1 subsection 1, shall be obliged to hand over individual types of sorted waste batteries and accumulators to the operator of the facility for treatment and recycling of a given type of waste batteries and accumulators referred to in section 1 subsection 2, for which he does not carry out treatment activity referred to in section 1 subsection 1.
3. Sorting waste batteries and accumulators by types shall mean the recovery process R15 mentioned in Annex No 5 to the law of 27 April 2001 on waste.

4. Processes referred to in section 1 subsection 2 shall constitute, depending on the method applied, recovery processes R4 - R8 mentioned in Annex No 5 to the law of 27 April 2001 on waste.

5. The minister in charge of environmental issues may determine, by means of an ordinance, a method of calculating the recycling efficiency of waste batteries and accumulators, having regard to the necessity of ensuring recycling to the highest degree that is technically feasible while avoiding excessive costs.

6. The minister in charge of environmental issues, in consultation with the minister in charge of economic issues, may determine, by means of an ordinance, minimum requirements in the field of treatment and recycling of waste batteries and accumulators as well as products or waste coming from them, having regard to the necessity of ensuring environment and human health protection.

#### **Art. 50.**

1. Storage of waste batteries and accumulators in waste batteries and accumulators treatment facilities should take place at least in closed weatherproof containers, not conducting electric current as well as resistant to substances contained in batteries and accumulators.

2. Containers, referred to in section 1, should be located in places with hardened, impermeable surfaces.

#### **Art. 51.**

1. The waste batteries and accumulators treatment facility operator, depending on the type of carried out treatment and recycling process, shall be obliged to keep records including information on:

- 1) type and weight of waste batteries and accumulators taken for treatment from waste batteries and accumulators collectors;
- 2) type and weight of treated waste batteries and accumulators;
- 3) achieved recycling efficiencies.

2. The waste batteries and accumulators treatment facility operator shall be obliged do treat and recycle waste batteries and accumulators in installations and by means of technologies ensuring at least the required recycling efficiencies referred to in Article 10.

3. The weight of waste batteries and accumulators received by the waste batteries and accumulators treatment facility operator shall be established on the basis of waste transfer card.

4. The waste batteries and accumulators treatment facility operator shall be obliged to submit to the marshal of the voivodship, territorially competent for the place of collection of waste batteries and accumulators, by the end of March of the calendar year following the year when waste batteries and accumulators were collected, an information referred to in section 1; the report shall be a part of the summary data statement referred to in Article 37 of the law of 27 April 2001 on waste.

5. The waste batteries and accumulators treatment facility operator shall be obliged to keep records, referred to in section 1, for five years counting from the end of the calendar year that they refer to.

## **Chapter 9**

### **The product fee**

#### **Art. 52.**

1. Accounting for performance of an obligation of ensuring the required collection rate of waste portable batteries and accumulators referred to in Article 28 section 1 shall take place as of the end of the calendar year.

2. The entrepreneur placing batteries and accumulators on the market, who has not met the obligations referred to in Article 28 section 1, shall pay a product fee.

#### **Art. 53.**

1. The product fee shall be calculated on the basis of the weight of waste batteries and accumulators.

2. The due product fee shall be calculated as the product of the product fee rate and of the difference between the required and the achieved collection rate of waste portable batteries and accumulators.

#### **Art. 54.**

1. The product fee rate shall amount to:

- 1) for waste portable batteries – from PLN 0.80 to PLN 12 per kilogram;
- 2) for waste portable accumulators – from PLN 0.80 to PLN 10 per kilogram.

2. The minister in charge of environmental issues, in consultation with the minister in charge of economic issues, shall lay down by means of an ordinance the detailed rates of product fees referred to in section 1, having regard to the necessity of differentiation of these fees by types



of waste batteries and accumulators as well as costs of collection and recycling of waste batteries and accumulators.

**Art. 55.**

1. An obligation to calculate the due product fee shall arise as on the end of the calendar year.
2. The product fee shall be payable to a separate bank account of the marshal office on or before the 31st March of the calendar year following the year that the fee refers to.

**Art. 56.**

1. If it is confirmed that an entrepreneur placing batteries and accumulators on the market, obliged to pay the product fee, has not done so or has paid it in lower amount, the marshal of the voivodship shall issue a decision establishing the amount of arrears in respect of product fee.
2. If the decision specified in section 1 is not implemented, the marshal of the voivodship shall fix by means of a decision an additional product fee equal to 50% of an amount of unpaid product fee.
3. Fees referred to in section 1 and 2 should be paid within 14 days from the day when the decision fixing the amount of the fee became valid.

**Art. 57.**

The provisions of section III of the law of 29 August 1997 - Tax statute (Dz. U. of 2005 No. 8, Text 60, with further amendments<sup>6)</sup>) shall be applied to product fees respectively, with the exception that the powers of tax bodies shall be exercised by the marshal of the voivodship.

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<sup>6)</sup> Amendments to the consolidated text of the mentioned law were published in Dz. U. of 2005 No. 85, Text 727, No. 86, Text 732 and No. 143, Text 1199, of 2006 No. 66, Text 470, No. 104, Text 708, No. 217, Text 1590 and No. 225, Text 1635 and well as of 2007 No. 112, Text 769 and No. 120, Text 818.

## **Chapter 10**

### **The fee for placing portable batteries and accumulators on the market**

#### **Art. 58.**

The entrepreneur placing portable batteries and accumulators on the market shall be obliged to pay a fee in this respect for placing batteries and accumulators on the market.

#### **Art. 59.**

1. The fee for placing portable batteries and accumulators on the market shall be calculated on the basis of a number of portable batteries and accumulators placed on the market, expressed in pieces.
2. The amount of the fee for placing batteries and accumulators on the market shall be from PLN 0.10 to PLN 2 per piece.
3. The minister in charge of environmental issues shall fix, by means of an ordinance, an amount of fee for placing batteries and accumulators on the market, having regard to their effect on the environment, life cycle of batteries and accumulators as well as a type of used chemical substances.

#### **Art. 60.**

1. An obligation to pay the fee for placing portable batteries and accumulators on the market shall arise as on the end of the calendar year.
2. The fee for placing portable batteries and accumulators on the market shall be payable to a separate bank account of the marshal office on or before the 31st March of the calendar year following the year that the fee refers to.

## **Chapter 11**

### **Deposit fee**

#### **Art. 61.**

1. The retail seller of industrial or automotive acid-lead accumulators shall be obliged to take back from the end-user a waste industrial or automotive acid-lead accumulator.

2. The retail seller of industrial or automotive acid-lead accumulators, upon the sale of an acid-lead accumulator, shall be obliged to take back from the buyer a waste industrial or automotive acid-lead accumulator.
3. The retail seller of industrial or automotive acid-lead accumulators shall be obliged to collect from the buyer a deposit fee, if upon the sale of the acid-lead accumulator the buyer has not delivered a waste industrial or automotive acid-lead accumulator.
4. The deposit fee rate shall equal from PLN 20 to PLN 50 per piece of an industrial or automotive acid-lead accumulator.
5. The retail seller of acid-lead accumulators, upon the sale of the acid-lead accumulator, shall be obliged to confirm on VAT invoice or on fiscal receipt an amount of the collected deposit fee.
6. The retail seller of industrial or automotive acid-lead accumulators, who has collected the deposit fee, shall be obliged, within 30 days from the day of sale of the acid-lead accumulator, to take back waste acid-lead accumulator and to reimburse the collected deposit fee, confirming its reimbursement on VAT invoice or on fiscal receipt.
7. The retail seller of industrial or automotive acid-lead accumulators shall be obliged to place at the sales point of industrial or automotive acid-lead accumulators, in a visible place, an information on:
  - 1) conditions and procedure of discarding the waste industrial and automotive acid-lead accumulator as well as the reimbursement of collected deposit fee in acid-lead accumulators sales point and waste batteries and accumulators collection points organised by the entrepreneur placing industrial and automotive acid-lead accumulator on the market, whose acid-lead accumulators are being sold;
  - 2) the right to lodge complaints and proposals concerning irregularities in implementation of obligations imposed by the law on acid-lead accumulators retail seller, specified in the legislation on Trade Inspection;
  - 3) an institution where complaints and proposals concerning irregularities in implementation of obligations imposed by the law on acid-lead accumulators retail seller should be submitted.
8. Methods of storage of waste accumulators by the retail seller may not infringe regulations on recovery, disposal, collection and transport of dangerous waste.
9. The retail seller of industrial or automotive acid-lead accumulators shall transfer an uncollected deposit fee to a separate bank account of the marshal office on or before the 31st March of the calendar year following the year when the fee was collected.

10. The minister in charge of environmental issues, in consultation with the minister in charge of economic issues, shall lay down, by means of an ordinance, rates of deposit fee, having regard to the necessity of differentiation of these fees by types of waste acid-lead accumulators.

**Art. 62.**

1. The entrepreneur placing industrial or automotive acid-lead accumulators on the market shall be obliged to attach to an acid-lead accumulator an information on conditions and procedure of discarding the waste industrial or automotive acid-lead accumulator as well as on waste accumulators collection points organised by him.
2. The entrepreneur placing industrial or automotive acid-lead accumulators on the market shall be obliged to collect, at his own cost, from the end-user, the retail seller and the wholesaler, the waste acid-lead accumulators, and to transfer them for treatment and recycling.
3. If the reimbursement of collected deposit fee by the retail seller of industrial or automotive acid-lead accumulators is impossible due to his liquidation, bankruptcy or break in economic activity, the entrepreneur placing acid-lead accumulators on the market shall be obliged to take back from the buyer the waste acid-lead accumulator that he has placed on the market and to reimburse the deposit fee in waste accumulators collection points organised by him, within 45 days from the day of sale of the acid-lead accumulator.
4. The reimbursement of the deposit fee referred to in section 3 shall take place upon receipt on VAT invoice or fiscal receipt referred to in Article 61 section 5.

**Chapter 12**

**Obligations of public administration bodies**

**Art. 63.**

1. The marshal of the voivodship shall verify data contained in reports and lists referred to in Article 31 section 2, Article 32, Article 33 section 4, Article 46 section 2 as well as Article 51 section 4.
2. The marshal of the voivodship shall introduce information contained in reports referred to in Article 31 section 2, Article 32, Article 33, Article 46 section 2 as well as Article 51 section 4 to a complex data base on products and waste management, on or before the 31st June of the year when these reports and lists were submitted.

3. The marshal of the voivodship may impose on the entrepreneur placing batteries and accumulators on the market, who collects waste batteries and accumulators, as well as on the waste batteries and accumulators treatment facility operator an obligation to submit documents referred to in Article 31 section 1, Article 46 section 1 as well as Article 51 section 1.

**Art. 64.**

The marshal of the voivodship shall make available, at a website and in a manner according to custom, the list of collection places and points together with waste batteries and accumulators collector in the territory of the voivodship.

**Art. 65.**

1. The marshal of the voivodship shall keep a bank account to collect and transfer, as relevant, revenues from the product fee, additional product fee, uncollected deposit fee as well as the fee for placing portable batteries and accumulators on the market.
2. Revenues in respect of product fee, uncollected deposit fee as well as the fee for placing portable batteries and accumulators on the market in the territory of the country, increased by incomes from interest on bank accounts and reduced by incomes of the budget of voivodship self-government referred to in section 3, shall be transferred by the marshal of the voivodship within 30 days after the end of each quarter to the Sub Fund of Waste Management of the National Fund of Environment Protection and Water Management.
3. 10 % of revenues in respect of product fees and fees for placing portable batteries and accumulators on the market, shall be the income of the voivodship self-government designated for the costs of enforcement of dues in respect of product fees and administrative services for the product fees scheme.
4. Revenues from the product fee, additional product fee, uncollected deposit fee as well as the fee for placing portable batteries and accumulators on the market in the territory of the country shall be kept on the Sub Fund of Waste Management of the National Fund of Environment Protection and Water Management.
5. The minister in charge of environmental issues in consultation with the minister in charge of economic issues and the minister in charge of finance may lay down, by means of an ordinance, the detailed principles and criteria of management of financial means collected on the Sub Fund of Waste Management of the National Fund of Environment Protection and

Water Management, guided by the necessity of simplification of procedures of granting funds and their utilisation.

**Art. 66.**

The minister in charge of environmental issues shall organise the nation-wide educational activities and shall coordinate educational activities at the regional scale, carried out by managing boards of voivodships.

**Art. 67.**

1. A competent body, pursuant to Article 30 of the law of 27 April 2001 on waste, shall call on the waste batteries and accumulators treatment facility operator to stop infringements, and if the waste batteries and accumulators treatment facility operator - in spite of being called on - continues to infringe legislation or acts contrary to issued permit, the competent body shall withdraw the permit.
2. The competent body shall withdraw the permit for running a business in the field of waste recovery and disposal to the waste batteries and accumulators treatment facility operator, whose technology and installation do not ensure the required recycling efficiencies referred to in Article 10.
3. The competent body, pursuant to Article 30 of the law of 27 April 2001 on waste, in the case of disposal of waste batteries and accumulators by means of their disposal in landfills or by thermal transformation by an operator carrying out activity in the field of disposal, shall call on this operator to stop infringements, and if the disposal operator - in spite of being called on - continues to infringe legislation or acts contrary to issued permit, the competent body shall withdraw the permit.

**Art. 68.**

The supervision of the implementation of provisions referred to in Article 6 - 8, Article 38, Article 39 and Article 61 shall be exercised by the Trade Inspection.

**Chapter 13**  
**Penal provisions**

**Art. 69.**

Whoever, while carrying out economic activity in the field of manufacture or placing batteries and accumulators on the market, contrary to the provision of Article 6 section 1, manufactures or places on the market batteries and accumulators, which contain more than 0,0005 % of mercury by weight,

shall be subject to a fine from PLN 1,000 to PLN 50,000.

**Art. 70.**

Whoever, while carrying out economic activity in the field of manufacture or placing batteries and accumulators on the market, contrary to the provision of Article 6 section 3, manufactures or places on the market batteries and accumulators, which contain more than 0,002 % of cadmium by weight,

shall be subject to a fine from PLN 1,000 to PLN 50,000.

**Art. 71.**

Whoever, contrary to the provision of Article 7, places on the market unmarked batteries and accumulators, battery packs and button cells,

shall be subject to a fine from PLN 5,000 to PLN 100,000.

**Art. 72.**

Whoever, contrary to the provision of Article 8, fails to withdraw from the market unmarked batteries and accumulators or batteries and accumulators marked in a way contrary to the law,

shall be subject to a fine from PLN 5,000 to PLN 100,000

**Art. 73.**

Whoever treats waste batteries and accumulators outside of the waste batteries and accumulators treatment facility,

shall be subject to a fine.

**Art. 74.**

Whoever, contrary to the provision of Article 14 section 1, Article 16 or Article 17 section 1, fails to apply for entry to the register, for change of the entry to the register or for deleting from the register, or submits unreliable applications,  
shall be subject to a fine.

**Art. 75.**

Whoever, while carrying out economic activity, contrary to the provision of Article 30, places on the market an appliance without instruction in Polish or attaches an unreliable instruction,  
shall be subject to a fine.

**Art. 76.**

Whoever, while carrying out economic activity in the field of placing batteries and accumulators on the market, contrary to the provision of Article 31:

- 1) fails to keep records on batteries and accumulators placed on the market, or keeps unreliable records;
  - 2) fails to report on batteries and accumulators placed on the market or submits an unreliable report
- shall be subject to a fine from PLN 5,000 to PLN 50,000.

**Art. 77.**

Whoever, while carrying out economic activity in the field of placing batteries and accumulators on the market, contrary to the provision of Article 32, fails to submit to the marshal of the voivodship a report on achieved collection rates of waste portable batteries and accumulators with the list of collection places and points or submits unreliable report,  
shall be subject to a fine.

**Art. 78.**

Whoever, while carrying out economic activity in the field of placing batteries and accumulators on the market, contrary to the provision of Article 33 section 4, fails to submit to the marshal of the voivodship the list of the waste batteries and accumulators treatment facilities with which he has signed an agreement,  
shall be subject to a fine.



**Art. 79.**

Whoever, contrary to the provision of Article 34, collects waste batteries and accumulators in the same container with other waste,

shall be subject to a fine.

**Art. 80.**

Whoever, contrary to the provision of Article 38:

- 1) refuses to take back free of charge waste portable batteries and accumulators from the end-user of these batteries and accumulators;
- 2) fails to hand over waste portable batteries and accumulators collected free of charge to a wholesaler or a waste batteries and accumulators collector  
- shall be subject to a fine.

**Art. 81.**

Whoever, contrary to the provision of Article 39:

- 1) refuses to take back free of charge waste portable batteries and accumulators from the end-user and from the retail seller;
- 2) fails to hand over waste portable batteries and accumulators collected free of charge to a waste batteries and accumulators collector  
- shall be subject to a fine.

**Art. 82.**

Whoever, contrary to the provision of Article 40:

- 1) fails to take back free of charge waste batteries and accumulators from the end-users;
- 2) fails to hand over waste batteries and accumulators to a waste batteries and accumulators collector or the waste batteries and accumulators treatment facility operator  
- shall be subject to a fine.

**Art. 83.**

Whoever, contrary to the provision of Article 42:

- 1) fails to keep records including information on number, weight and type of portable batteries and accumulators made available and handed over to the end-user in the

territory of the country and within the framework of intra-Community supply or keeps unreliable records;

- 2) fails to hand over to the entrepreneur placing portable batteries and accumulators on the market, from whom he purchased portable batteries and accumulators, an information referred to in section 1 or delivers unreliable information
- shall be subject to a fine.

#### **Art. 84.**

Whoever, while carrying out economic activity in the field of collection of waste batteries and accumulators, contrary to the provision of Article 44 refuses to take back waste portable batteries and accumulators from waste batteries and accumulators collection places operators, shall be subject to a fine.

#### **Art. 85.**

Whoever, while carrying out economic activity in the field of collection of waste batteries and accumulators, contrary to the provision of Article 45 fails to hand over portable waste batteries and accumulators to the waste batteries and accumulators treatment facility operator, shall be subject to a fine.

#### **Art. 86.**

Whoever, while carrying out economic activity in the field of collection of waste batteries and accumulators, contrary to the provision of Article 46:

- 1) fails to keep records or keeps unreliable records;
  - 2) fails to submit the report to the marshal of the voivodship;
  - 3) fails to store records for 5 years
- shall be subject to a fine.

#### **Art. 87.**

Whoever, while carrying out economic activity in the field of treatment and recycling of waste batteries and accumulators, contrary to the provision of Article 48, fails to take back free of charge waste batteries and accumulators, shall be subject to a fine.

**Art. 88.**

Whoever, while carrying out economic activity in the field of waste batteries and accumulators treatment, contrary to the provision of Article 49, fails to hand over individual types of sorted waste batteries and accumulators to the operator of the facility for treatment and recycling of a given type of waste batteries and accumulators,  
shall be subject to a fine.

**Art. 89.**

Whoever, while carrying out economic activity in the field of waste batteries and accumulators treatment, contrary to the provision of Article 51,

- 1) fails to keep records or keeps unreliable records;
  - 2) fails to report to the marshal of the voivodship on:
    - a) type and weight of waste batteries and accumulators taken for treatment from waste batteries and accumulators collectors;
    - b) type and weight of treated waste batteries and accumulators;
    - c) achieved recycling efficiencies;
  - 3) fails to store records for 5 years
- shall be subject to a fine.

**Art. 90.**

Whoever, contrary to Article 61:

- 1) fails to take back waste acid-lead accumulator;
  - 2) fails to place in a sales point an information on waste accumulators collection scheme
- shall be subject to a fine.

**Art. 91.**

Whoever, contrary to Article 62:

- 1) fails to attach to an acid-lead accumulator an information on conditions and procedure of discarding the waste acid-lead accumulator as well as on waste accumulators collection points organised by him;

- 2) fails to collect, at his own cost, from the end-user, the retail seller and the wholesaler of acid-lead accumulators, the waste acid-lead accumulators, and to transfer them for treatment and recycling  
- shall be subject to a fine.

#### **Art. 92.**

Adjudication in matters concerning the deeds referred to in Article 69–91 shall be made under the principles and procedure laid down in the law of 24 August 2001 – the Code of Procedure in matters concerning petty offences (Dz. U. No. 106. Text 1148, with further amendments<sup>7)</sup>).

### **Chapter 15**

#### **Changes in the legislation in force**

#### **Art. 93.**

In the law of 20 July 1991 on the Environment Protection Inspection (Dz.U. of 2007 No. 44, Text 287. No. 75, Text 493 and No. 88, Text 587) in Article 2 in section 1 after subsection 15c there shall be added subsection 15d reading as follows:

"15d) control of entrepreneurs placing batteries and accumulators on the market, waste batteries and accumulators collectors and waste batteries and accumulators treatment facilities operators from the point of view of observance of the law of ... on batteries and accumulators as well as waste batteries and accumulators (Dz. U. No. ..., Text ...);".

#### **Art. 94.**

In the law of 26 July 1991 on personal income tax (Dz. U. of 2000 No. 14, Text 176. with further amendments<sup>8)</sup>) in Article 23 in section 1 after subsection 16c there shall be added subsection 16d reading as follows:

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<sup>7)</sup> Amendments to the mentioned law were published in Dz. U. of 2003 No. 213, Text 2081, of 2004 No. 128, Text 1351, of 2005 No. 132. Text 1103 and No. 143, Text 1203, of 2006 No. 226, Text 1648 as well as of 2007 No. 89, Text 589 and No. 99, Text 664.

<sup>8)</sup> Amendments of the mentioned law were published in Dz. U. of 2000 No. 22, Text 270, No. 60, Text 703, No. 70, Text 816, No. 101, Text 1090, No. 104, Text 1104, No. 117, Text 1228 and No. 122, Text 1324, of 2001 No. 4, Text 27, No. 8, Text 64, No. 52, Text 539, No. 73, Text 764, No. 74, Text 784, No. 88, Text 961, No. 89, Text 968, No. 102, Text 1117, No. 106, Text 1150, No. 110, Text 1190, No. 125, Text 1363 and

"16d) additional product fee referred to in Article 56 section 2 of the law of ... on batteries and accumulators as well as waste batteries and accumulators (Dz.U. No. ..., Text ...), with the exception that paid fees referred to in Article 51 section 2 and 3 of this law shall be the costs of incomes,".

#### **Art. 95.**

In the law of 15 February 1992 on corporate income tax (Dz. U. of 2000 No. 54, Text 654, with further amendments<sup>9)</sup>) in Article 16 in section 1 after subsection 19c there shall be added subsection 19d reading as follows:

"19d) additional product fee referred to in Article 56 section 2 of the law of ... on batteries and accumulators as well as waste batteries and accumulators (Dz.U. No. ..., Text ...), with the exception that paid fees referred to in Article 53 section 2 and 3 of this law shall be the cost of incomes,".

#### **Art. 96.**

In the law of 15 December 2000 on Trade Inspection (Dz.U. of 2001 No. 4, Text 25, with further amendments<sup>10)</sup>) in Article 3 in section 1 after subsection 2a there shall be added subsection 2b reading as follows:

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Text 1370 and No. 134, Text 1509, of 2002 No. 25, Text 253, No. 74, Text 676, No. 89, Text 804, No. 135, Text 1146, No. 141, Text 1182, No. 169, Text 1384, No. 181, Text 1515, No. 200, Text 1679 and Text 1691 and No. 240, Text 2058, of 2003 No. 7, Text 79, No. 45, Text 391, No. 65, Text 595, No. 84, Text 774, No. 90, Text 844, No. 96, Text 874, No. 122, Text 1143, No. 135, Text 1268, No. 137, Text 1302, No. 166, Text 1608, No. 202, Text 1956, No. 223, Text 2217 and No. 228, Text 2255, of 2004 No. 29, Text 257, No. 54, Text 535, No. 93, Text 894, No. 99, Text 1001, No. 109, Text 1163, No. 116, Text 1203, Text 1205 and Text 1207, No. 120, Text 1252, No. 123, Text 1291, No. 162, Text 1691, No. 210, Text 2135, No. 263, Text 2619 and No. 281, Text 2779 and Text 2781, of 2005 No. 25, Text 202, No. 85, Text 725, No. 86, Text 732, No. 90, Text 757, No. 102, Text 852, No. 143, Text 1199 and Text 1202, No. 155, Text 1298, No. 164, Text 1365 and Text 1366, No. 169, Text 1418 and Text 1420, No. 177, Text 1468, No. 179, Text 1484 and No. 183, Text 1538, of 2006 No. 46, Text 328, No. 104, Text 708 and Text 711, No. 107, Text 723, No. 157, Text 1119, No. 183, Text 1353 and Text 1354, No. 217, Text 1588, No. 226, Text 1657 and No. 249, Text 1824 as well as of 2007 No. 35, Text 219.

<sup>9)</sup> Amendments of the mentioned law were published in Dz. U. of 2000 No. 60, Text 700 and Text 703, No. 86, Text 958, No. 103, Text 1100, No. 117, Text 1228 and No. 122, Text 1315 and Text 1324, of 2001 No. 106, Text 1150, No. 110, Text 1190 and No. 125, Text 1363, of 2002 No. 25, Text 253, No. 74, Text 676, No. 93, Text 820, No. 141, Text 1179, No. 169, Text 1384, No. 199, Text 1672, No. 200, Text 1684 and No. 230, Text 1922, of 2003 No. 45, Text 391, No. 96, Text 874, No. 137, Text 1302, No. 180, Text 1759, No. 202, Text 1957, No. 217, Text 2124 and No. 223, Text 2218, of 2004 No. 6, Text 39, No. 29, Text 257, No. 54, Text 535, No. 93, Text 894, No. 121, Text 1262, No. 123, Text 1291, No. 146, Text 1546, No. 171, Text 1800, No. 210, Text 2135 and No. 254, Text 2533, of 2005 No. 25, Text 202, No. 57, Text 491, No. 78, Text 684, No. 143, Text 1199, No. 155, Text 1298, No. 169, Text 1419 and Text 1420, No. 179, Text 1484 as well as No. 183, Text 1538 as well as of 2006 No. 94, Text 651, No. 107, Text 723, No. 157, Text 1119, No. 183, Text 1353, No. 217, Text 1589 and No. 251, Text 1847.

<sup>10)</sup> Amendments of the mentioned law were published in Dz. U. of 2001 No. 4, Text 25 and No. 110, Text 1189, of 2002 No. 135, Text 1145 and No. 166, Text 1360, of 2003 No. 223, Text 2220 and No. 229, Text 2275, of 2004 No. 34, Text 293 as well as of 2005 No. 180, Text 1495.

"2b) control of observance by entrepreneurs of provisions in the field of placing on the market and turnover of batteries and accumulators, referred to in the law of ... on batteries and accumulators as well as waste batteries and accumulators (Dz.U. No. ..., Text ...),".

**Art. 97.**

In the law of 27 April 2001 – The law on environment protection (Dz. U. of 2006 No. 129, Text 902, with further amendments<sup>2)</sup>) in Article 401 after section 12b there shall be added section 12c reading as follows:

"12c. The incomes from fees referred to in Article 53 section 2, Article 56 section 2 and Article 58 of the law of ... on batteries and accumulators as well as waste batteries and accumulators (Dz.U. No. ..., Text ...) shall be also the revenues of the National Fund and voivodship funds.

**Art. 98.**

In the law of 27 April 2001 on waste (Dz.U. of 2007 No. 39, Text 251 and No. 88, Text 587) there shall be repealed Art. 41.

**Art. 99.**

In the law of 11 May 2001 on obligations of entrepreneurs in the field of management of certain types of waste as well as on product fee and deposit fee (Dz.U. of 2007 No. 90, Text 607) there shall be introduced the following changes:

1) in Article 1:

a) section 1 shall read as follows:

"1. The law lays down the obligations of entrepreneurs within the meaning of the law of 2 July 2004 on freedom of economic activity (Dz. U. of 2007 No. 155. Text 1095), placing on the market in the territory of the country products in packagings defined in Annex No 1 to the law and products listed in Annex No 3 to the law, and lays down the principles of fixing and collecting the product fee.",

b) section 3 shall read as follows:

"3. The provisions of the law shall be also applied to the entrepreneur placing on the market in the territory of the country, by means of imports or intra-Community acquisition, goods that products mentioned in Annex No 3 to the law are a component of or are incorporated to.";

2) in Article 2:

a) there shall be repealed subsection 1,

b) subsection 6 shall read as follows:

"6) secondary waste – shall mean waste coming from products mentioned in Annex No 3 to the law;"

c) there shall be repealed subsection 8,

d) subsection 9 shall read as follows:

"9) product fee – shall mean a fee calculated and payable for packagings in the even if products are placed on the market in packagings referred to in Annex No 1 to the law, as well as a fee calculated and payable in the event of placing on the market products mentioned in Annex No 3 to the law;"

in subsection 12a in the end a semicolon shall be replaced with a point and there shall be repealed subsection 13;

3) in Article 3 there shall be repealed section 3a and 3b;

4) in Article 9 section 1 and 2 shall read as follows:

"1. The entrepreneur starting activity consisting in manufacture, imports or intra-Community acquisition of products in packagings referred to in Annex No 1 to the law, or products referred to in Annex No 3 to the law, shall be obliged, without being called on, to notify this fact to the marshal of the voivodship within 30 days from the day of starting activity.

2. The day of starting activity referred to in section 1 shall mean the date of placing for the first time on the market in the territory of the country or the day of the first customs debt for a product in a packaging mentioned in Annex No 1 to the law or product mentioned in Annex No 3 to the law.";

5) in Article 10:

a) in section 1 subsection 2 shall read as follows:

"2) respectively - weight or quantity of packagings mentioned in Annex No 1 to the law, in which he placed products on the market, or in which products mentioned in Annex No 3 to the law were placed on the market, by types of products;"

b) in section 2 subsection 3 shall read as follows:

"3) respectively - weight or quantity of packagings mentioned in Annex No 1 to the law, in which listed entrepreneurs placed products on the market, or in which products mentioned in Annex No 3 to the law were placed on the market, by types of products;"

6) in Article 12:

a) section 3 shall read as follows:

"3. The product fee shall be calculated as the product of the fee and of the difference between the required and the achieved recovery (recycling) rate, calculated as the figure expressed in weight or quantity of products or packagings.",

b) section 4 and 5 shall read as follows:

"4. The product fee shall be calculated separately for each type of packagings mentioned in Annex No 1 to the law and products mentioned in Annex No 3 to the law.

5. No product fee shall be payable if its total amount for packagings mentioned in Annex No 1 to the law as well as products mentioned in Annex No 3 to the law does not exceed PLN 50.";

7) in Article 13 subsection 2 shall read as follows:

"2) quantity in pieces – for products mentioned in item 2 in Annex No 3 to the law.";

8) in Article 14 in section 1 there shall be repealed subsection 2 and 3;

9) in Article 15 in section 1 subsection 2 shall read as follows:

"2) respectively - weight or quantity of packagings mentioned in Annex No 1 to the law, in which entrepreneurs placed products on the market, or in which products mentioned in Annex No 3 to the law were placed on the market, by types of products;"

10) Chapter 4 shall be repealed;

11) Article 25 shall read as follows:

Art. 25. The marshal of the voivodship and marshal's office shall mean respectively the marshal of the voivodship and marshal's office territorially competent for registered office or place of residence of the entrepreneur placing batteries and accumulators on the national market in packagings mentioned in Annex No 1 to the law or products mentioned in Annex No 3 to the law, as well as an organisation, and if there is no registered office or place of residence in the territory of the country – the Marshal of Mazowsze Voivodship and Marshal's Office of Mazowsze Voivodship respectively.";

12) there shall be repealed Article 26;

13) there shall be repealed Article 30;

14) in Article 37 the preliminary sentence shall read as follows:

"Whoever while being the entrepreneur operating the recovery organisation or carrying out activity of manufacture, imports or intra-Community acquisition of products in



packagings referred to in Annex No 1 to the law, or products referred to in Annexes No 1 and 3 to the law:";

15) there shall be repealed Articles 38 and 39;

16) Article 40 shall read as follows:

Art. 40. Adjudication in matters concerning the deeds referred to in Article 37–37b shall be made under procedure laid down in the Code of Procedure in matters concerning petty offences.";

17) there shall be repealed Annex No 2;

18) in Annex No 4 items 8–13 shall be repealed;

19) in Annex No 4a items 8–13 shall be repealed.

### **Art. 100.**

In the law of 29 July 2005 on waste electrical and electronic equipment (Dz. U. No. 180, Text 1495) there shall be introduced the following changes:

1) after Article 1 there shall be added Article 1a reading as follows:

"Article 1a. 1. In matters concerning proceeding with batteries and accumulators as well as waste batteries and accumulators incorporated to an appliance there shall be applied the law of ... on batteries and accumulators as well as waste batteries and accumulators (Dz.U. No. ..., Text ...).

2) in Article 4 there shall be added section 3 reading as follows:

„3. When calculating the quantity and weight of equipment introduced to the territory of the country there shall not be taken into account the weight of batteries and accumulators.”.

3) in Article 47 there shall be added section 1 and 2 reading as follows:

„Art. 47. 1. The operator of a treatment facility shall be obliged to hand over the waste coming out of treated waste equipment to recycling operator or an operator of other recovery processes than recycling, entered into the register referred to in Article 6.

2. The waste electrical and electronic equipment treatment facility operator shall be obliged to hand over waste batteries and accumulators to a waste batteries and accumulators collector or the waste batteries and accumulators treatment facility operator.”.

4) in Annex No 2 in section 1 subsection 3 shall read as follows:

"3) batteries and accumulators,".

#### **Art. 101.**

In the law of 20 January 2005 on recycling of end-of-life vehicles (Dz. U. No. 25, Text 202, No. 175. Text 1458 as well as of 2007 No. 176, Text 1236) the contents of Article 22 shall be marked as section 2 and there shall be added section 1 reading as follows:

„1. The entrepreneur operating the dismantling facility shall be obliged to hand over waste automotive batteries and accumulators to the waste batteries and accumulators treatment facility, which deals with treatment referred to in Article 49 section 1 subsection 2 of the law of ... on batteries and accumulators as well as waste batteries and accumulators (Dz. U. No. ..., Text ...).”.

### **Chapter 14**

#### **Transitional and final provisions**

#### **Art. 102.**

The entrepreneur who carries out economic activity in the field of placing batteries and accumulators on the market shall be obliged to apply to the Chief Inspector for Environment Protection for entry to the register on or before the 31st December 2009.

#### **Art. 103.**

1. The waste batteries and accumulators treatment facility operator shall be obliged to adapt this facility to the requirements resulting from provisions of the law on or before the 31st December 2010.
2. If a decision pertaining to waste management is incompatible with the law, the waste batteries and accumulators treatment facility operator shall be obliged to apply for the change of the decision pertaining to waste management on or before the 30th June 2010.

#### **Art. 104.**

1. Provisions of the law of 11 May 2001 on obligations of entrepreneurs in the field of management of certain types of waste as well as on product fee and deposit fee shall be applied to accounting for implementation of obligations for 2009 in 2010.
2. While calculating the due product fee:
  - 1) for 2010 – there shall be taken into account collection rates achieved only in that year, and the fee shall be equal to  $\frac{1}{4}$  of amount due;

- 2) for 2011 there shall be taken into account collection rates achieved in that year and in the preceding year, and the fee shall be equal to  $\frac{1}{2}$  of amount due.

**Art. 105.**

The law shall come into force on 26 September 2008 with exception of:

- 1) Article 10, which shall come into force on 26 September 2011,
- 2) Article 12 - 30, Article 32, Article 33, Article 40, Article 49, Article 51 section 2 and 4, Article 52 – 57 and Article 103, which shall come into force on 1 January 2010.

## **Annex No 1**

### **Industrial batteries and accumulators**

1. Batteries and accumulators intended for emergency or back-up power supply in hospitals, airports and offices.
2. Batteries and accumulators intended for use in trains, aircraft, on offshore oil rigs or in lighthouses.
3. Batteries and accumulators designed exclusively for hand-held payment terminals in shops and restaurants, as well as bar code readers in shops.
4. Batteries and accumulators designed exclusively for professional video equipment for TV channels and professional studios.
5. Batteries and accumulators designed exclusively for miners' lamps and diving lamps attached to mining and diving helmets for professionals.
6. Back up batteries and accumulators designed for electric doors to prevent them from blocking or crushing people.
7. Batteries and accumulators intended to be used for instrumentation or in various types of measurement and instrumentation equipment.
8. Batteries and accumulators intended to be used in connection with solar panel, photo-voltaic, and other renewable energy applications.
9. Industrial batteries and accumulators intended to be used in electrical vehicles, in particular electric cars, wheelchairs, bicycles, airport vehicles and automatic transport vehicles.
10. Any other batteries and accumulators that are not sealed and not automotive.

**Portable batteries and accumulators**

1. Single cell batteries - AA and AAA batteries
2. Batteries and accumulators intended to be used in mobile telephones, portable computers, cordless power tools, toys and household appliances.
3. Batteries and accumulators intended to be used for normal household applications.
4. Any other batteries and accumulators that are sealed and may be carried with no difficulty, and which are not automotive and industrial batteries and accumulators.

**Cordless power tools**

1. Tools powered on or before a battery or accumulator intended for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, making holes, punching, hammering, riveting, screwing, polishing or similar processing of wood, metal and other materials, as well as for mowing, cutting and other gardening activities.
2. Other tools powered on or before a battery or accumulator, intended for maintenance, construction or gardening activities.