SDG 12.1.1

Policy Instruments

**Attachment for policy Environmental Product Fee**

**Act LXXXV of 2011**

**on Environmental Protection Product Charges**

In the interest of contributing to the prevention and mitigation of environmental pollution, to facilitate activities for the pursuit of the practical and prudent management of natural resources, and to generate funds to finance the efforts aimed at the prevention and mitigation of potential damage to the environment or any component of the environment that is caused by products - directly or indirectly - during or following the manufacture, distribution or use of the said products, and to facilitate compliance with environmental regulations prescribed national and European Union legislation on waste management for Hungary and for market operators, Parliament has adopted the following act:

***CHAPTER I***

***GENERAL PROVISIONS***

1. Scope

*Section 1*

(1) In pursuit of the objectives of this Act, environmental product charges (hereinafter referred to as “product charges”) shall be applied.

(2) This Act applies to products subject to product charges and to activities involving products subject to product charges.

(3) For the purposes of this Act, products subject to product charges are:

*a)* batteries;

*b)* packaging products;

*c)* other petroleum products;

*d)* electric appliances and electronic equipment;

*e)* tires;

*f)* commercial printing paper;

*g)* other plastic products;

*h)* other chemical products;

*i)* paper stationery.

(4) A list of products mentioned in Subsection (3), which are subject to product charges, and their headings is contained in Annex 1. The products subject to product charges shall be defined by the codes contained in the government decree adopted for the implementation of this Act.

(5) A new product subject to product charges is considered created when the customs heading of a product under Annex 1, the first three digits of the environmental product charge code or packaging product catalogue code specified in the government decree implementing this Act changes as a result of processing or working.

2. Definitions

*Section 2*

For the purposes of this Act:

1.

1a. ‘use as raw material’ shall mean the use of products subject to product charges in a way where products subject to product charges are built into another product as part of the technological process, thus surrendering its original attributes in the case of other petroleum products;

2. ‘material flow’ shall mean materials and products which are themselves subject to recycling obligation within certain product streams;

3.

4. ‘domestic territory’ shall mean the territory of Hungary, including free zones, transit zones and free warehouses;

5. ‘contract manufacturing’ shall mean the process where products subject to product charges are manufactured by a natural or legal person established in Hungary (hereinafter referred to as “contract manufacturer”) for a fee on behalf of a customer (employer) using materials and semi-finished products supplied - in part or in whole - by the customer without any consideration, where the contract manufacturer is allowed to add any product to the products subject to product charges not exceeding 50 per cent by volume of the products subject to product charges per product stream and material flow;

6. ‘polluter of marginal quantity’ shall mean any obligor placing products subject to product charges on the market, using them for own purposes or stocking them, not exceeding:

*a)* 30 kg of accumulators,

*b)* as regards packaging products:

*ba)* 3000 kg of packaging made of glass,

*bb)* 300 kg of packaging made of plastic, other than plastic (shopping and/or branded) bags,

*bc)* 75 kg of plastic (shopping and/or branded) bags,

*bd)* 300 kg of packaging made of composite or laminated materials,

*be)* 500 kg of packaging made of paper, wood, textile of natural origin,

*bf)* 300 kg of packaging made of metal,

*bg)* 300 kg of other packaging,

however, in connection with Subparagraphs *bb)-bg)* up to 1000 kg of packaging products in total,

*c)* 40 kg of other petroleum products,

*d)* in the case of electric appliances and electronic equipment,

*da)* 40 kg of large household appliances,

*db)* 40 kg of small household appliances,

*dc)* 40 kg of information (IT) and telecommunications equipment, except radio telephone sets,

*dd)* 40 kg of home entertainment goods,

*de)* 40 kg of do-it-yourself machinery and tools,

*df)* 10 kg of games, toys and sports equipment,

*dg)* 10 kg of control, monitoring and surveillance equipment,

*dh)* 10 kg of automatic dispensers,

*di)* 5 kg of radio telephone sets,

up to 100 kg of electric, electronic products in total,

*e)* 60 kg of tires,

*f)* 100 kg of commercial printing paper,

*g)* 300 kg of other packaging,

*g)* 2 kg of other plastic products,

*h)* 200 kg of other chemical products,

*i)* 200 kg of paper stationery,

exclusively for end users in a given year;

7. ‘packaging’ shall mean:

*a)* all products made of any materials of any nature to be used for the containment, protection, handling, delivery and presentation of goods, from raw materials to processed goods, including non-returnable items used for the same purposes, such as:

*aa)* sales packaging or primary packaging, that is to say packaging conceived so as to constitute a sales unit to the consumer at the point of purchase,

*ab)* grouped packaging or secondary packaging, that is to say packaging conceived so as to constitute at the point of purchase a grouping of a certain number of sales units whether the latter is sold as such to the consumer or whether it serves only as a means to replenish the shelves at the point of sale, and the packaging can be removed from the product without affecting its characteristics, and

*ac)* transport packaging or tertiary packaging, that is to say packaging conceived so as to facilitate handling, delivery and transport of a number of sales packagings or grouped packagings in order to prevent transport damage during physical handling and delivery. Transport packaging does not include road, rail, ship and air containers;

*b)* all articles, if in conformity with the definition of packaging without prejudice to other functions featured by packaging, except if the article in question forms an integral part of the product and this article is necessary for the storage, protection and containment of products during their entire life cycle, and the various components are intended to be used, consumed or sold as a single unit;

*c)* all articles designed and intended to be filled at the point of sale, as well as single-use (disposable) articles designed and intended to be filled at the point of sale, if used for packaging function;

*d)* all components and ingredients incorporated into the packaging, which are deemed to comprise a part of the packaging into which it was incorporated; additional components and accessories hung on or attached to the product, used for packaging function, except if the item in question forms an integral part of the product and the various components are intended to be used, consumed or sold as a single unit;

7a. ‘packaging constituent’ shall mean a component from which the packaging or the packaging ingredient is made, and that cannot be detached from the packaging or from the packaging ingredient by hand or by simple mechanical means;

7b. ‘packaging ingredient’ shall mean a component part of packaging that can be detached from the packaging or from the packaging ingredient by hand or by simple mechanical means;

7c. ‘component part of packaging’ shall mean the packaging constituent and packaging ingredient;

7d. ‘packaging waste’ shall mean any packaging or packaging product, excluding production residues or residual waste from industrial or production activities;

8. ‘packaging material’ shall mean materials constituting the packaging, as well as materials that can be used directly for making temporary protective cover and other similar enclosures;

9. ‘packing aid’ shall mean a temporary protective cover used for the containment of goods or small packs of goods, made of specific materials and texture, typically within the framework of industrial or service activities, including pallets;

10. ‘packaging sundries’ shall mean miscellaneous auxiliary materials and articles used for packaging, such as stoppers, fasteners, cushions, decorations, and other accessories such as labels, moisture absorbers, handles, glues and other adhesives;

11. ‘packaging product’ shall mean packaging materials, packing aids and packaging sundries;

12. ‘selective waste management’ shall mean the collection of waste from the product stream and material flow of the products referred to in Paragraphs *a), b), d)* and *e)* of Subsection (3) of Section 1, which are subject to product charges:

*a)* at the obligor’s facility, including collection operations carried out at the facility of the obligor’s affiliated company provided for in the Act on Corporate Tax and Dividend Tax,

*b)* at the obligor’s facility when used for own purposes,

*c)* for the collection of packaging waste by means of a waste collection apparatus installed in cooperation with an organization or institution providing care for the homeless, in the building of such organization or institution, or

*d)* at the obligor’s place of sale, carried out by the obligor in cooperation with the commercial establishment where the products are in fact sold,

and the recovery of the waste collected according to Paragraphs *a)-d)* by self or others;

13. ‘electric appliances and electronic equipment’ shall mean any equipment designed for use with maximum 1000 V of alternating current or 1500 V of direct current, commonly utilizing electromagnetic fields or electricity, covering the assets used for the generation, metering and transmission of electromagnetic fields or electricity, excluding large-scale stationary industrial tools and electric, electronic equipment designed to be sent into space;

13a. ‘plastic bags used for separate collection of waste’ shall mean the plastic bags used for separate collection of waste provided for in the government decree on the conditions for providing public waste management services;

13b. ‘construction product’ shall mean the construction product defined in Point 1 of Article 2 of Regulation (EU) No. 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonized conditions for the marketing of construction products and repealing Council Directive 89/106/EEC;

13c. ‘metal can for beverages’ shall mean retail (primary) immediate packaging made exclusively of metal for ready for consumption beverages, other than fastening devices (excluding closures for or fastenings attached to boxes and cask body);

14. ‘placing on the market’ shall mean when ownership of a product subject to product charges

*a)* is transferred in Hungary whether in return for payment or free of charge,

*b)* is transferred by an obligor who has established his business or is registered in the domestic territory, if the goods dispatched abroad as a consignment or for transport are located in the domestic territory at the time when their dispatch or transport ends,

including if supplied as a constituent or a component for other products, as well as the supply of packaging products as a packaging component;

14a. ‘economic operator’ shall have the same meaning as defined in the Code of Civil Procedure;

14b. ‘motor vehicle’ shall mean:

*a)* the product under heading 8702,

*b)* the products under heading 8703,

*c)* the product under heading 8704,

*d)* the product under heading 8711, excluding cycles fitted with an auxiliary motor.

15. ‘third country’ shall mean any country that is not a member of the European Community;

16.

17. ‘recovery by consignment’ shall mean the recovery of waste from the product stream and material flow of the products referred to in Paragraphs *a), b), d)* and *e)* of Subsection (3) of Section 1, which are products subject to product charges, and collected according to Point 12, by an authorized economic operator under contract on the obligor’s behalf;

18. ‘industrial product charge warehouse’ shall mean a facility operated in Hungary by authorization of the state tax authority under this Act, where products subject to product charges can be manufactured, processed, built into another product as a component or constitutent, prepared for re-use and stocked under the conditions set out in this Act and in the government decree implementing this Act;

18a. ‘paper stationery’ shall mean writing paper, printing paper or photocopier paper suitable for carrying information and that can be used for writing, printing or photocopying without further working, as well as binders, folders, letter trays, file covers, made of paper, for holding, storing documents, magazines, periodicals and other similar products;

19.

20.

20a. ‘commercial product charge warehouse’ shall mean a facility operated in Hungary by authorization of the state tax authority under this Act, where products subject to product charges can be stored under the conditions set out in this Act and in the government decree implementing this Act;

20b. ‘hand-crafted articles’ shall mean hand-crafted manufactured articles;

20c. ‘activities of craftsmen’ shall mean a process where the major characteristics of the product produced results from the workmanship of a craftsman;

21. ‘retail sale’ shall mean retail trading activities by definition of the Trade Act;

22-23.

24. ‘foreign territory’ shall mean all Member States of the European Community other than Hungary, including third countries;

25. ‘plastic shopping and/or promotional bag’ shall mean bags or sacks made of sheeting of plastics, other than cooler bags or sacks made of sheeting of plastics, used for goods and products in individual (primary) or bulk packaging, unpackaged products, and for carrying goods and advertising material described in other legislation on packaging and on the treatment of packaging waste;

25a. ‘large-scale stationary industrial tool’ shall mean a large size assembly of machines, equipment, and/or components, functioning together for a specific application, permanently installed and de-installed by professionals at a given place, and used and maintained by professionals in an industrial manufacturing facility or research and development facility;

26. ‘commercial printing paper’ shall mean paper that contains the form of advertising defined in the Act on the Basic Requirements and Certain Restrictions of Commercial Advertising Activities,

*a)* from printed press products defined in the Act on Media Services and on the Mass Media, volumes of the periodicals,

*b)* from other printed matter defined in the Act on Media Services and on the Mass Media, publications containing graphics, drawings or photographs, maps, printed postcards, cards bearing greetings and the like - other than business cards -, printed calendars, printing services for advertising, catalogues, brochures, posters and the like, flyers and other narrative advertising,

including if supplied as an appendix to any publication, with the exception of books with ISBN, and textbooks which are listed in the register of textbooks;

27. ‘laminated beverage container’ shall mean a packaging product containing at least 70 per cent paper (cardboard), used for the containment of food in liquid form;

28. ‘product stream’ shall mean products classified in categories under waste management criteria;

29. ‘liability for product charges’ shall mean the obligation of:

*a)* registration,

*b)* notification, updating changes in particulars,

*c)* assessment of product charges, product charge advance,

*d)* declaration of product charges, product charge advance,

*e)* payment of product charges, product charge advance,

*f)* making out and retaining accounting documents, safeguarding invoices, showing on invoice,

*g)* keeping records,

*h)* data disclosure, including for the goods listed in the packaging product catalogue specified in the decree implementing this Act, which are placed on the market not as packaging products,

*i)* representation;

relating to products subject to product charges and/or to product charges;

30. ‘flat-rate product charges’ shall mean a payment obligation prescribed for:

*a)* polluters of marginal quantity,

*b)* farmers defined in Regulation (EU) No. 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No. 637/2008 and Council Regulation (EC) No. 73/2009, and

*c)* obligors placing motor vehicle parts or components subject to product charges on the market, using them for own purposes or entering them into inventories;

30a. ‘product charges owed’ shall mean the outstanding amount of product charges owed by the obligor, if the outstanding amount of product charges is not paid by the due date. Any overpayment prevailing on the due date shall be transferred in payment of a liability for the payment of product charges only if the overpayment prevails on the day of commencement of an audit;

30b. ‘outstanding amount of product charges’ shall mean the difference between the amount of product charges, whether or not declared (reported), and the amount subsequently assessed by the tax and customs authority, or any loss in revenues from product charges as established in criminal proceedings by final court decision, and declared by the tax authority payable by way of a resolution adopted on the basis of a resolution of the public prosecutor’s office, excluding the difference of any claim that can be carried over to the next period;

30c. ‘unpaid product charges’ shall mean product charges not paid when due;

31. ‘reusable packaging product’ shall mean a packaging product found suitable for repeated use for packaging in accordance with MSZ EN 13429:2004 Packaging, Reuse, or an equivalent procedure;

32. ‘preparing for re-use’ shall mean checking, cleaning or repairing recovery operations, by which products subject to product charges or components of products that have not become waste are prepared so that they can be re-used for their original intended purpose;

32a. ‘heading’ shall mean a code used for the identification of goods under the classification regime provided for in Annex I to Council Regulation (EEC) No. 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff in effect on 1 January of the given year;

33. end user’ shall mean a natural or legal person purchasing the product for purposes other than resale, for use for own purposes.

*Section 2/A*

The definitions not provided for in this Act shall be construed in accordance with Act CLXXXV of 2012 on Waste (hereinafter referred to as “Waste Act”).

3. General provisions on liability for product charges

*Section 3*

(1) Liability for environmental product charges applies upon the placing products subject to product charges on the market, using them for own purposes or entering them into inventories.

(2) Liability for product charges shall be borne:

*a)* by the first supplier or user for own purposes of the products;

*b)* in the case of other petroleum products produced in the domestic territory, by the first buyer of the first domestic supplier or the first user for own purposes;

*c)* with regard to contract manufacturing, by the customer,

*d)* by the first domestic supplier of imported intermediate packaging materials subject to product charges, or the first domestic holder of packaging waste from dismantled packaging,

*e)* by the obligor entering the products into inventory under Subsection (1) of Section 6 [Paragraphs *a)-e)* hereinafter referred to collectively as “obligor”].

In the case of commercial printing paper, completion of the printing service (printing and delivery) - if made in Hungary - shall be construed as being placed on the domestic market for the first time according to Paragraph *a)*.

(2a) By way of derogation from Subsection (2), removal of products subject to product charges stored, processed, manufactured or prepared for re-use in a product charge warehouse without payment of product charges, or after the refund of product charges, from the product charge warehouse to domestic destinations - upon the transfer of ownership - shall be treated as supply for the first time in the internal market.

(3) ‘Use for own purposes’ means when products subject to product charges, including if as a constituent or component of another product or products, and in the case of packaging products if incorporated into the packaging:

*a)* are applied by the obligor for his own or his employees’ private use;

*b)* are used under the Accounting Act within the framework of:

*ba)* basic research,

*bb)* applied research,

*bc)* experimental development,

*bd)* investment,

*be)* renovation,

*bf)* maintenance operations;

*c)* are destroyed, disabled or consumed;

*d)* are used for any other purpose apart from those mentioned under Paragraphs *a)-c)*, including if used, consumed or let in the context of services, provided that such use shall not entail the creation of self-produced assets defined under the Accounting Act.

(3a) When using products subject to product charges as raw material, factory rejects and waste from the manufacturing process shall not be considered to have been used for own purposes. Factory rejects and waste may not be claimed as waste management output.

(3b) Use for own purposes under Paragraph *b)* of Subsection (3) shall not include where the owner of reusable pallets makes available such pallets to the operator of a charter scheme authorized under Section 3/A for use within the framework of such authorized charter scheme.

(4) Use of packaging products for own purposes shall cover where the product is permanently detached from the packaging, excluding reusable packaging products owned by resident economic operators when returned from abroad, if the liability for product charges relating to intermediate packaging materials had not been previously satisfied, or the product charges on such packaging product had been refunded.

(5) Liability for product charges shall arise under the title of use for own purposes in the following cases:

*a)* upon the obligor’s termination without succession, in connection with products subject to product charges held by the obligor:

*aa)* on the date of the final liquidation balance sheet, in the case of liquidation,

*ab)* on the date of the report closing out the dissolution proceedings, in the case of dissolution, or

*ac)* at the time of termination, if the obligor is terminated without going into liquidation or dissolution,

*ad)* on the date of involuntary de-registration, in the case of involuntary de-registration,

for which no product charges had been paid;

*b)* in the event of any shortage in the products subject to product charges actually arising in excess of 0.5 per cent of the annual output, and also on the quantity of products subject to product charges destroyed, with the exception of losses sustained owing to unavoidable external reasons beyond the obligor’s control.

(6) Product charges on products subject to product charges shall not be paid if the buyer of the obligor provides a statement - as defined in the government decree implementing this Act - to declare (hereinafter referred to as “declarant”):

*a)* of using the packaging product for the purposes of packaging as an agricultural producer with entitlement of paying flat-rate product charges,

*b)* of using products admitted to the register of reusable packaging products at the user’s request, such as:

*ba)* reusable packaging products within the deposit and return system as provided for in the government decree on the deposit and return system, or

*bb)* reusable pallets for at least 365 days from the date of receipt, as reusable packing aid for making packaging;

*c)* of using packaging materials or packaging sundries

*ca)* as the end user, for purposes other than packaging, or

*cb)* directly for manufacturing other products (raw material).

*d)* of depositing products subject to product charges into a product charge warehouse;

*e)* of purchasing pallets in his capacity as the operator of a charter scheme authorized under Section 3/A for use within the framework of that charter scheme authorized under Section 3/A;

*f)* of giving pallets to the operator of a charter scheme authorized under Section 3/A for use within the framework of that charter scheme authorized under Section 3/A;

*g)* of using paper stationery directly for manufacturing books with ISBN, and textbooks which are listed in the register of textbooks, or periodicals with ISSN code (raw material),

(7) The declarant referred to in Subsection (6) shall be treated as an obligor if acting in contradiction with his own statement; otherwise the provisions governing the supervision of obligors shall apply to the declarant as well.

(8) If the declarant referred to in Subsection (6) did not proceed according to the statement, or if unable to verify his compliance with what is contained in the statement, the declarant shall be liable to pay the product charge applicable, including a default penalty from the date of liability for product charges as provided for in Subsection (1) of Section 5. The legal effects under this Subsection shall not apply to factory rejects or waste which are not to be included in the output of waste recovery operations.

(9) No product charges shall be paid if the obligor:

*a)* uses other petroleum products as raw material;

*b)* places products subject to product charges made from recycled other petroleum products previously used in Hungary, or by way of re-refining or re-use for other purposes on the domestic market, or uses such products for own purposes or registers them in the inventory records;

*c)* places products that have become waste in Hungary on the Hungarian market following preparation for re-use, or used products following preparation for re-use, uses such products for own purposes or registers them in the inventory records, with the exception of new components, accessories subject to product charges;

*d)* places plastic bags used for separate collection of waste on the domestic market, uses such products for own purposes or registers them in the inventory records;

*e)* places products subject to product charges made from biodegradable plastic originating entirely from renewable resources, and - in accordance with MSZ EN 13432:2002 or an equivalent procedure - on the domestic market, uses such products for own purposes or registers them in the inventory records;

*f)* places commercial printing paper on the domestic market, uses it for own purposes or enters it in the inventory records,

*fa)* that is using less than 50 per cent of its entire printed surface for commercial advertising, or

*fb)* that is published by public benefit organizations and bodies of the central and local governments within their basic functions.

(10) When placing commercial printing paper on the market, product charges shall not be paid pursuant to Paragraph *f)* of Subsection (9) if the obligor’s customer declares at the time of placing the order that the conditions set out in Paragraph *f)* of Subsection (9) are met.

(11) If printing services are ordered by any contractual partner of a public-benefit organization, or any central or local government body, such contractual partner shall obtain - before making the statement referred to in Subsection (10) - a statement from the public-benefit organization or central or local government body declaring that the product ordered is in conformity with the condition set out in Subparagraph *fb)* of Paragraph *f)* of Subsection (9).

(12) The customer referred to in Subsection (10) shall qualify as an obligor if he did not proceed according to the statement, and if pays default penalty calculated from the date of liability for product charges as provided for in Subsection (1) of Section 5, otherwise the provisions governing the supervision of obligors shall apply to such customer.

*Section 3/A*

(1) The first domestic lessor of reusable packaging products shall not be required to pay product charges on such reusable packaging products during first use for own purposes - excluding when such products become waste -, if the domestic owner of the packaging products, or first domestic lessor if the owner is nonresident, holds a permit issued by the environmental protection authority under the government decree implementing this Act attesting that it operates a charter scheme containing facilities for monitoring the domestic use of the packaging products in question.

(2) The environmental protection authority and the state tax and customs authority shall have powers to inspect the participants so as to oversee compliance with the rules of the charter scheme defined in this Act and in the government decree implementing it.

*Section 3/B*

As regards the product charges on motor vehicle parts or components subject to product charges, or flat-rate product charges:

*a)* 70 per cent shall be paid if the vehicle is fitted with electric motor in addition to other motors for propulsion, or

*b)* 50 per cent shall be paid if the vehicle is fitted exclusively with electric motor for propulsion,

upon the placing such vehicles on the market, using them for own purposes or entering them into inventories.

*Section 4*

(1) The transfer of ownership of products subject to product charges:

*a)* by natural persons acting for purposes which are outside their trade or business,

*b)* within the framework of being placed under VAT warehousing arrangements according to the Act on Value Added Tax, or if sold while in storage in the VAT warehouse,

*c)* before released for free circulation,

*d)* within the product charge warehouse,

*e)* under the conditions laid own in the Act on Value Added Tax in the form of contribution in kind exclusive of any payment of value added tax, or within the framework of termination with succession or through transfer of a line of business,

shall not be recognized as placing on the market.

(2) Liability for product charges shall not apply:

*a)* where products subject to product charges are exported, as verified, including if exported in their unaltered state as components or constituents of other products, and the exportation of intermediate packaging materials, as verified;

*b)* to natural persons, in connection with the use of products subject to product charges for own purposes in a quantity not exceeding their personal needs;

*c)* in connection with the use of residual materials recycled into technological processes, or scraps;

*d)* in the case of the use for own purposes of reusable packaging products as components for imported packaging, if the obligor is able to verify by means of its records and accounting documents that the reusable packaging product was re-exported or returned to the industrial product charge warehouse during within 365 days after the date of commencement of the liability for product charges;

*e)* in the case of the supply for the first time in the internal market of reusable packaging products as a component part of packagings, or their first use for own purposes, if the reusable packaging products in question were admitted at the user’s request to the register of reusable packaging products provided for in the decree implementing this Act, and are used in the context of a deposit and return system provided for in the government decree on the deposit and return system;

*f)* in the case of using reusable pallets admitted to the register of reusable packaging products for at least 365 days from the date of receipt, as reusable packing aid for making packaging;

*g)* in connection with products subject to product charges sold to travelers whose final destination is abroad in stores installed in the transit areas of international public airports reserved for ticketed departing passengers exclusively for selling goods to be consumed elsewhere; or

*h)* to the initial transfer of ownership of products subject to product charges to an economic operator who has established his business or is registered in the domestic territory, if the products subject to product charges are dispatched as a consignment or transported to a destination outside the domestic territory, as verified, at the time when their transport ends.

(2a) In the event of non-compliance with Paragraph *d)* of Subsection (2) of Section 4, liability for product charges arises on the 366th day on the grounds of use for own purposes.

(3) The environmental protection authority and the state tax and customs authority shall have powers to oversee compliance with the rules:

*a)* relating to the exportation of products subject to product charges with respect to the users referred to in Paragraph *d)* of Subsection (2),

*b)* relating to the use of redeemable packaging products with respect to the users referred to in Paragraph *e)* of Subsection (2) hereof and in Paragraph *b)* of Subsection (6) of Section 3.

4. Date of liability for product charges

*Section 5*

(1) Unless otherwise provided for in this Act, liability for product charges shall arise under the title of supply for the first time in the internal market on the date of performance shown on the invoice or, in the absence of an invoice, on the document made out on the transaction, or, failing these, on the date of transaction.

(2) In connection with other petroleum products made in the domestic territory, liability for product charges shall arise on the date of performance shown on the invoice made out by the first buyer of the first internal supplier, or, in the absence of an invoice, on the date shown on the document made out in proof of the transaction, or, failing these, on the date of transaction or when use thereof for own purposes is recorded as an expenditure.

(3) Unless this Act provides otherwise, liability for product charges shall arise when the product is used for own purposes:

*a)* at the time when such use for own purposes is recorded as an expenditure,

*b)* if the time cannot be determined in accordance with Paragraph *a)*, on the date of transaction,

*c)* if in the case of imported packaging products the time cannot be determined in accordance with Paragraph *a)* or *b)*, on the day of final breakdown of the packaging.

(4) Liability for product charges shall be borne:

*a)* in the case of Paragraph *a)* of Subsection (5) of Section 3, at the times specified in Subparagraphs aa)-ac),

*b)* in the case of Paragraph *b)* of Subsection (5) of Section 3, on the date of the document made out on the shortage or on the destruction of the products subject to product charges, or the date when entered into the books.

(5)

*Section 6*

(1) The obligor’s liability for product charges from the year shall arise, when so notified by the obligor, on the day when the products subject to product charges are entered into inventories (entry into inventories). The date of admission to inventory shall be:

*a)* the date of performance shown on the invoice in proof of purchase or, in the absence of an invoice, on the document made out on the transaction, or, failing these,

*b)* on the date when the products are to be shown in the accounting records under assets in accordance with accounting regulations.

(2) Where the liability for product charges is satisfied by showing the products on the inventory records at the end of the calendar year, the obligor shall be required to take inventory of the products subject to product charges held on stock on the first day of the subject year (that shall also function as the opening inventory of the products subject to product charges), and shall be required to declare and pay the product charges in the declaration submitted for the first product charge assessment period of the subject year based on the rates in effect for that year.

(3) Where the liability for product charges is satisfied by showing the products on the inventory records, the obligor shall not be authorized to modify the date of chargeability of product charges during the year to which it pertains.

(4) If the obligor establishes the date of liability for product charges pursuant to Section 5 following the application of the provisions of this Section, the obligor shall be required to take inventory of the products subject to product charges held on stock on the last day of the year, and shall keep records on these inventoried products separately. The obligor shall not be required to pay product charges on such inventoried products if it has been paid already.

5. The basis, and the components and rate of product charges

*Section 7*

(1) The basis of product charges shall be the mass of the products subject to product charges.

(2) Subject to the exceptions set out in Subsection (3), the rates of product charges are listed in Annex 2 (collective scheme).

(3) The rates of, and the method for, calculating product charges relating to selective waste management are listed in Annex 3 to this Act.

6. Procedural rules

*Section 8*

(1) In connection with environmental product charges and - with the exception of administrative proceedings of the relevant authorities under waste management regulations - with wastes of products subject to product charges, as tax and customs administration proceedings, the relevant provisions of Code of Tax Administration Procedure (hereinafter referred to as “Taxation Code”) and the Act on the Rules of Taxation (hereinafter referred to as “RTA”) shall apply.

(2) Unless otherwise provided for by law, the taxation duties relating to environmental product charges is delegated under the competence of the state tax authority. The customs authority shall exercise official authority relating to wastes of products subject to product charges, with the exception of administrative proceedings delegated under waste management regulations upon the environmental and other authorities.

7. Representation

*Section 9*

If the obligor has established his business in a third country, or, in the absence of such a place of business, has his permanent address or usually resides in a third country, he must employ a financial representative according to the Taxation Code for the administration of cases related to product charges.

7/A. Product charge warehouse

*Section 9/A*

(1) Authorization for operating a product charge warehouse may be granted upon request to an economic operator, provided that:

*a)* the applicant is shown as the lawful user of the real estate property where the product charge warehouse is located;

*b)* the applicant has in place a recording and documentation system with facilities permitting proper control and monitoring of the quantity of products subject to product charges used, manufactured, processed, built into another product as a component or constituent, prepared for re-use and/or stored;

*c)* the applicant has no customs or tax debts owed to the state tax and customs authority, except if installment or deferred payment was allowed;

*d)* the applicant is not adjudicated in bankruptcy or liquidation proceedings and is not undergoing dissolution or involuntary de-registration;

*e)* the applicant undertakes - in the case of an industrial product charge warehouse - to have his balance sheet certified (audited) by an independent auditor from the year following the year when the product charge warehouse license is issued;

*f)* the applicant is trained in the administration of product charges or employs an administrator or a representative who is trained in the administration of product charges, for handling the affairs of the product charge warehouse; and

*g)* the applicant’s director or executive officer, or the private entrepreneur, if applicable, has not been sentenced by final peremptory decision:

*ga)* for an economic crime or a crime against the integrity of public life under Act IV of 1978 on the Criminal Code in force until 30 June 2013 (hereinafter referred to as “Act IV/1978”),

*gb)* for any crime specified in Chapters XXVII or XXXVIII-XLIII of Act C of 2012 on the Criminal Code (hereinafter referred to as “Criminal Code”),

or has been exonerated from the detrimental consequences of having a criminal record.

(2) The authorization may be granted for a maximum period of five years, and it may be renewed for five more years if the requirements for authorization are satisfied.

(3) A product charge warehouse may be authorized if located in a property in Hungary where products subject to product charges can be stored, processed and/or manufactured under the conditions set out in the decree implementing this Act.

(4) The conditions for the operation of product charge warehouses shall be laid down in the authorization in accordance with this Act and the decree implementing this Act.

(5) The provisions applicable to obligors shall also apply to the authorized product charge warehouse operator, having regard to the provisions of this Act. The authorized product charge warehouse operator shall be held liable for the fulfillment of the obligations and the conditions laid down in the authorization relating to products brought into the product charge warehouse.

(6) In a product charge warehouse:

*a)* the storage, manufacturing and processing of products other than those subject to product charges, and building them into another product as a component or constitutent, is also authorized, if properly separated based on records, and

*b)* the treatment of products subject to product charges, as provided for in the decree implementing this Act, may also be carried out in a commercial product charge warehouse.

(7) The authorization shall be revoked if:

*a)* the authorized product charge warehouse operator fails to remedy the deficiencies identified in the course of an inspection, within the time limit prescribed in the notice ordering the elimination of such discrepancies;

*b)* the authorized product charge warehouse operator’s director or executive officer, or the private entrepreneur, if applicable, has been sentenced by final court verdict:

*ba)* for an economic crime or a crime against the integrity of public life under Act IV of 1978 in force until 30 June 2013,

*bb)* for any crime specified in Chapters XXVII or XXXVIII-XLIII of Act C of 2012 on the Criminal Code,

or has not been exonerated from the detrimental consequences of having a criminal record;

*c)* the requirements for product charge warehouse license are no longer satisfied.

(8)-(10)

(11) The authorized operator shall be liable to pay product charges upon the expiry of the deadline provided for in Subsection (2) or on the day following the withdrawal of the authorization on the grounds of use for own purposes of stocks of products for which no product charges had been paid or if they have been refunded.

(12) Retail sales in a product charge warehouse - with the exception of users of packaging materials of heading 3920 for reasons other than packaging, and with the exception of products subject to product charges sold to travelers whose final destination is abroad in stores installed in the transit areas of international public airports reserved for ticketed departing passengers exclusively for selling goods to be consumed elsewhere -, and sales by consignment are not allowed.

***CHAPTER II***

***LIABILITY FOR PRODUCT CHARGES***

8. Obligation of notification and registration

*Section 10*

(1) The obligor shall notify the state tax authority within fifteen days from the date of taking up the pursuit of activities using products subject to product charges, and shall provide a statement if authorized:

*a)* to fulfill the obligation of recovery by way of joining a collective scheme or as a selective waste management operator or by paying flat-rate product charges, and

*b)* to discharge the liability for product charges by way of admission to inventory or placing on the market, or by way of use for own purposes.

(2) In the event of failure to meet the deadline provided for in Subsection (1), the obligor shall not be allowed to apply the provisions on paying flat-rate product charges, admission to inventory or selective waste management and no justification shall be accepted upon missing the above deadline.

(3) The person liable for the product charges payable shown in the state tax authority’s records during the previous year as a selective waste management operator for the current year shall make the notification referred to in Subsection (1) by 31 January of the year separately for each product stream and material flow.

(3a) The obligor shown in the state tax authority’s records during the previous year as having opted to pay flat-rate product charges for the current year shall make the notification referred to in Subsection (1) by 31 January of the year. The obligor shall not be required to re-submit each year the notification provided for in this Subsection if the conditions for paying flat-rate product charges, underlying the notification, are still satisfied.

(4) If the obligor has opted to apply Subsection (1) or (4) of Section 6 from the current year, if the obligation emanates by way of derogation from the notification, before the notification was submitted, it shall be notified by 31 January.

(5) No application for continuation will be accepted upon failure to meet the deadlines referred to in Subsections (3), (3a) and (4) and the provisions laid down in Subsections (3), (3a) or (4) may not be applied.

(6) The register maintained by the state tax authority on operators liable for the payment of environmental product charges under Subsection (1) shall be construed as an official public register with the exception of data comprising a part of another official public register pursuant to the relevant legislation.

(7) The obligor shall notify any changes that may have an impact on the liability for product charges to the state tax authority within fifteen days of such changes taking effect.

(8) The obligor who opted for selective waste management shall make the notifications provided for in Subsections (1) and (3) for the year separately for each product stream and material flow and shall not be allowed to alter such choice within that year.

(9) The obligor shall submit the notification to the state tax authority under this Section by way of electronic means, subject to the content requirements set out in the decree adopted for the implementation of this Act. Any change in either of the particulars shall be construed a change that may have an impact on the payment of product charges.

8/A. Obligation to maintain records

*Section 10/A*

(1) In order to ensure the transparency of discharging their obligations in accordance with this Act, the Waste Act and other legislation adopted by authorization thereof in connection with products subject to product charges, their wastes, including goods listed in the packaging product catalogue placed on the market in a form other than packaging product, obligors are required to keep records and shall regularly update such records so as to contain the latest information available.

(2)

9. Obligation of declaration

*Section 11*

(1)Subject to the exception set out in Subsections (2) and (2a), the obligor shall submit a declaration based on its records to the state tax authority quarterly, using the electronically supported standard form published on the state tax authority’s website, by way of electronic means in an electronic format, by the 20th day of the month following each quarter.

(2) The polluters of marginal quantity authorized to pay flat-rate product charges shall satisfy their obligation of declaration by 20 January of the year following the year to which it pertains.

(2a) The obligors who opted for selective waste management shall satisfy their obligation of declaration by 20 April of the year following the year to which it pertains.

(3) The farmers authorized to pay flat-rate product charges shall be exempt from the obligation of declaration and keeping records, and invoice endorsement; they shall pay flat-rate product charges for the given year by 20 April of the following year.

(4) In the declaration obligors shall indicate sums in forints and weights - with the exception of motor vehicle parts or components subject to product charges - in kilograms expressed in percentage to two decimal places. If having opted to pay flat-rate product charges, in the case of motor vehicle parts or components subject to product charges the number of vehicles is to be shown in the declaration.

(5) The obligor shall submit the declaration provided for in this Section to the state tax authority with the relevant accounting document enclosed, subject to the content requirements set out in the decree adopted for the implementation of this Act.

10. Payment obligation

*Section 12*

(1) Obligors shall pay the product charges in forints, by the deadline prescribed for filing the declaration, to the central budget account maintained for this purpose (hereinafter referred to as “product charges account”).

(2) If the amount of the product charges declared is less than one thousand forints, furthermore, if the outstanding amount of product charges established by way of audit or self-audit in accordance with the Taxation Code and the RTA is less than one thousand forints, it shall not be paid. The state tax authority shall not refund product charges in the amount of less than one thousand forints.

(3)

10/A. Obligation for the assessment, declaration and payment of product charge advance

*Section 12/A*

(1) Obligors - other than the obligors specified in Subsection (7) of Section 3 and Subsection (2) of Section 15, as well as selective waste management operators - are subject to the obligation of assessment, declaration and payment of product charge advance in respect of the fourth quarter of the year (tax year).

(2) Obligors who opted for selective waste management are subject to the obligation of assessment, declaration and payment of product charge advance in respect of the year (tax year).

(3) The product charge advance shall be 80 per cent of one-third of the amount of the product charges paid for the first three quarters of the year (tax year). The amount paid or refunded under an approved self-audit or a declaration submitted subsequently shall also be taken into account.

(4) The product charge advance payable by selective waste management operators shall be 95 per cent of the amount of product charges declared for the previous year relating to the given product or material flow. The amount paid or refunded under an approved self-audit or a declaration submitted subsequently shall also be taken into account.

(5) Obligors shall submit the declaration for product charge advance provided for in Subsection (1) together with the declaration submitted for the third quarter.

(6) Obligors who opted for selective waste management shall submit the declaration for product charge advance by 20 December of the year to which it pertains.

(7) The product charge advance shall be paid by 20 December of the given year.

(8) Obligors - other than selective waste management operators - shall pay the difference between the product charge advance paid and the product charge actually payable in the declaration for the fourth quarter, or shall apply for refund, as the case may be.

(9) Selective waste management operators shall pay the difference between the product charge advance paid and the product charge actually payable in the declaration for the year, or shall apply for refund, as the case may be.

11. Obligation to indicate the applicable product charges on invoices

*Section 13*

(1) Invoices shall contain the clause defined in the decrees implementing this Act:

*a)* where product charges are assumed by way of invoice or under contract,

*b)* in cases where so requested by the obligor and the buyer partners of the obligor’s buyers eligible for refund,

*c)* in the application of Subsection (6) of Section 3, and

*d)* when products are deposited into product charge warehouse while applying for refund of product charges,

save where Subsections (2) and (3) apply.

(2) If the obligor has opted to pay flat-rate product charges under Sections 15/A and 15/B, the invoice clause provided for in Paragraph *b)* of Subsection (1) of Section 13, may not be entered on the invoice where liability for product charges is satisfied by means of flat-rate product charges.

(3) In accordance with Paragraph *b)* of Subsection (1), if so requested by the buyer eligible for refund the obligor or the obligor’s buyers shall enter on the invoice the environmental codes of the products subject to product charges (hereinafter referred to as “KT Code”), in the case of packaging products the packaging product catalogue code (hereinafter referred to as “CsK Code”), the rate and amount of product charges, and the particulars of the documents evidencing payment (declaration) of product charges. From the documents evidencing payment, the invoice shall contain - at least at the time of supply of the product for the first time in the domestic market - the date and number of the invoice, the obligor’s name, address and tax number.

(4)

***CHAPTER III***

***PARTICULAR PROVISIONS RELATING TO LIABILITY FOR PRODUCT CHARGES***

12. Assuming liability for product charges

*Section 14*

(1) Liability for product charges may be assumed as invoiced or under contract, as provided for in this Act and the decree adopted for the implementation of this Act.

(2) The alternate obligors assuming liability for product charges under this Section shall be treated as obligors, and the rights and obligations stemming from liability for product charges shall accrue upon the alternate obligor.

(3) Liability for product charges:

*a)* if assumed by way of invoice, or

*b)* if assumed under contract, during the term of the contract,

shall pass to the alternate obligor at the time provided for in Subsection (1) of Section 5.

(3a) In the event of defective performance liability for product charges shall not pass to the alternate obligor. Performance shall be considered defective where liability is assumed not from the obligor, the invoice has no endorsement or if product charges are calculated by the wrong rates. Defective performance shall not cover typing errors, not including any legislation reference made in the endorsement.

(4) Liability for product charges may be assumed from the obligor on the basis of an invoice by the first domestic supplier of other petroleum products made in Hungary subject to product charges, which has to be indicated on the invoice thereof.

(5) Liability for product charges may be assumed under contract:

*a)* in the case of products subject to product charges,

*aa)* by the first domestic buyer, or

*ab)* by the domestic buyer when sold under Paragraph *d),*

if at least 60 per cent of the products subject to product charges purchased - including the assumed liabilities - from the obligor are exported;

*b)* by contract manufacturers;

*c)* by producer organizations under Council Regulation (EC) No. 1234/2007 in respect of products subject to product charges if placed on the market through a producer organization;

*d)* in the case of packaging products - other than intermediate packaging materials -, by the first domestic buyer for the purpose of resale or use for own purposes in an unaltered form and condition, or in a different presentation;

*e)* in the case of packaging products,

*ea)* by the first domestic buyer, or

*eb)* by the first domestic buyer when sold under Paragraph *d),*

if using such packaging products for the purposes of packaging by self or by a packaging contractor, and in the event of rental of reusable packaging products within the framework of an authorized charter scheme for reusable packaging products;

*f)* in the case of packaging materials, for the purpose of recycling, or processing in terms of size and form, and for making packaging materials, packing aids and packaging sundries,

*fa)* by the first domestic buyer, or

*fb)* by the first domestic buyer when sold under Paragraph *d);*

*g)* in the case of packaging materials of heading 3920, for the purpose of resale within the framework of retail trade in an unaltered form and condition, or in a different presentation,

*ga)* by the first domestic buyer, or

*gb)* by the first domestic buyer when sold under Paragraph *d)*.

(6) Where product charges are assumed, liability for product charges shall arise when the products are first placed on the internal market by the alternate obligor, or at the time when used for own purposes or admitted to inventory.

(7) If liability for product charges is assumed under contract, it may be for a maximum term of three years.

(8) Where liability for product charges is assumed in a quarter as under Paragraph *a)* of Subsection (5) with 60 per cent of the products subject to product charges to be exported, it shall be executed - properly documented - from the last day of the given quarter within not more than 365 days, or liability for product charges shall take effect, according to the provisions in force on the date of assumption, on the 366th day on the alternate obligor’s part, with respect to the quantity not exported. If the exported quantity fails to reach the limit specified the state tax authority shall impose a default penalty.

*Section 14/A*

The contract of assumption shall enter into effect, including any amendment thereof, upon registration by the state tax and customs authority. An application for registration or amendment of the contract, or for having it removed from the register, or the fact of succession shall be submitted to the state tax and customs authority by way of electronic means, within fifteen days from the date of the contract, or the date of the document on the amendment or termination of the contract. The contract need not be attached to the application for registration of the contract. The contract shall enter into effect on the day of registration by the state tax and customs authority, or from a later date if so agreed by the parties in the contract. When the contract is registered the state tax and customs authority shall notify both contracting parties thereof.

*Section 14/B*

In the event of transformation, merger, division of the obligor, where the ensuing new obligor is assigned a tax identification number, an also in the case of any change in the legal title of assumption, a new contract of assumption shall be concluded, and it shall be registered in accordance with Section 14/A.

13. Flat-rate product charges

*Section 15*

(1) Chapter II of this Act on liability for product charges shall apply subject to the exceptions set out in this subtitle.

(2) The following shall be authorized to pay flat-rate product charges:

*a)* polluters of marginal quantity,

*b)* farmers defined in Regulation (EU) No. 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No. 637/2008 and Council Regulation (EC) No. 73/2009, and

*c)* obligors placing motor vehicle parts or components subject to product charges on the market, using them for own purposes or entering them into inventories.

(3) With the exception set out in Subsection (2) of Section 15/B, the obligor shall not be authorized to alter his choice of paying flat-rate product charges during the year.

*Section 15/A*

The flat-rate product charge payable by farmers whose net sales revenue for the previous year has reached ten million forints shall be 2,000 HUF/year. The flat-rate product charge payable by farmers whose net turnover from sales for the previous year was between ten million and fifty million forints for the year shall be 7,000 HUF/year, or 5,000 HUF/year for farmers who became liable to pay product charges in the course of the year.

*Section 15/B*

(1) The amount of flat-rate product charges payable by polluters of marginal quantity shall be:

*a)* 2,000 HUF/year if the product stream is comprised of accumulators;

*b)* 12,000 HUF/year if the product stream is comprised of packaging products;

*c)* 4,000 HUF/year if the product stream is comprised of other petroleum products;

*d)* 10,000 HUF/year if the product stream is comprised of electric appliances and electronic equipment;

*e)* 3,000 HUF/year if the product stream is comprised of tires;

*f)* 8,000 HUF/year if the product stream is comprised of commercial printing paper;

*g)* 4,000 HUF/year if the product stream is comprised of other plastic products;

*h)* 4,000 HUF/year if the product stream is comprised of other chemical products;

*i)* 4,000 HUF/year if the product stream is comprised of paper stationery.

(2) If the obligor is a polluter of marginal quantity who has opted to pay flat-rate product charges and exceeded the limit or limits under Point 6 of Section 2, his entitlement to pay flat-rate product charges shall be considered forfeited. After the date of exceeding such limits the obligor in question shall fulfill the liability for product charges according to the general provisions.

*Section 15/C*

The amount of flat-rate product charges payable for motor vehicle parts or components subject to product charges according to weight is set out in Annex 4.

14. Waste management output related to the liability for product charges

*Section 16*

(1) As regards selective waste management operators and the organizations referred to in Section 19, in determining their waste management output according to the conditions set out in the legislation adopted for the implementation of this Act, only waste collected in the territory of Hungary can be taken into consideration - irrespective of the place of recovery -, the delivery of which for recycling shall be verified by the receiving recycling operator by means of an acknowledgement of receipt made out and delivered during the year throughout, at the time of performance, who shall also confirm to the obligor completion of the recovery process by 31 March of the following year. Where a selective waste management operator carries out the recycling process itself, the relevant data shall be contained in its own records.

(2) The ratio of recovery shall be at least 55 per cent for each product stream and material flow.

(3) The ratio of energy recovery may not exceed 45 per cent per product stream and material flow.

14/A. Selective waste management

*Section 16/A*

(1) Selective waste management means when collection operations are carried out by the obligor in cooperation with the commercial establishment where the products are in fact sold, or with any organization, institution providing care for the homeless, by means of a collection system set up, financed and operated jointly, if this can be verified in the event of an inspection.

(2) The selective waste management operator shall be entitled to collect from private individuals within the framework of public collection waste streams which are deemed homogeneous according to the categories set out in Annex 3, including the take-back of wastes placed on the market by others.

(3) Except as provided in Subsection (3a), carrying out selective waste management operations shall be predicated on the quantity of products subject to product charges placed by the obligor on the domestic market for the first time, used for own purposes or inventoried:

*a)* during the reference year, if the obligor did not engage in selective waste management in the year preceding the reference year, relating to the given product or material flow,

*b)* during the year preceding the reference year, if the obligor engaged in selective waste management in the year preceding the reference year, relating to the given product or material flow.

(3a) If the product stream is comprised of packaging products, carrying out selective waste management operations shall be predicated on the quantity of products subject to product charges placed by the obligor on the domestic market for the first time, used for own purposes or inventoried during the given year.

(3b) Factory rejects or waste for which no product charges had been paid shall not be included in the output of waste recovery operations.

(4) If, in addition to use for own purposes, the selective waste management operator is engaged in collecting waste at its own premises as well, treatment of homogeneous waste streams may be carried out from the total quantity of wastes of products subject to product charges collected, covering those used for own purposes and those placed on the market.

(5) Selective waste management operators shall be allowed to discharge their obligation with respect to certain product streams and material flow also by way of waste collector subcontractors.

(6) Subcontractors shall charge to selective waste management operators the quantity of waste they have collected minus the quantity charged to the organization established for brokering deals for and organizing the collection and recovery of waste products subject to product charges, and for coordinating the collection of waste destined for recovery (hereinafter referred to as “State waste management coordinator organization”) as provided for in the Decree on the Implementation of the Act on Waste.

(7) The subcontractors involved shall distribute the quantity of waste they have collected for the purpose of recovery in proportion to the quantity of the selective waste management operator’s discharge relating to the products provided for in Subsection (6).

(8) Selective waste management operators shall take into account in their declaration of product charges the quantities collected for the purpose of recovery, and recovered as verified by the time of submission of the declaration, including the quantities specified in Subsection (3), and shall calculate their liabilities according to the procedure specified in Annex 3.

(9)

***CHAPTER IV***

***ORGANIZATION OF WASTE MANAGEMENT RELATING TO PRODUCTS SUBJECT TO PRODUCT CHARGES***

15.

*Sections 17-18*

16. State waste management coordinator organization

*Section 19*

(1)-(2)

(3) The State waste management coordinator organization shall have exclusive rights to operate as a broker in the system of management of waste products subject to product charges, with the exception of packaging wastes which are considered to be hazardous waste. In the system of management of packaging waste considered to be hazardous waste, the provisions for discharging the broker’s duties shall be defined by the Government in the decree adopted for the implementation of this Act, taking into account the regulations derogating from the provisions on certain types of hazardous wastes.

(4)

*Section 20*

(1) The State waste management coordinator organization, in its environmental administrative function, shall:

*a)* broker deals for and organize the collection and recovery of waste products subject to product charges;

*b)* prepare the National Collection and Recovery Program (hereinafter referred to as “OGyHT”), and shall provide for the implementation of the OGyHT approved;

*c)* oversee and evaluate waste management processes falling within its sphere of competence;

*d)* monitor and inspect the activities of parties engaged under contract and the activities of operators carried out under service contracts awarded by way of tender regarding waste products subject to product charges, using an information system where deemed necessary;

*e)* participate in the supervision of obligors according to the decree adopted for the implementation of this Act;

*f)* support the development of waste management programs related to products subject to product charges;

*g)* participate in programs to raise the environmental awareness of the general public.

(2) In connection with what is contained in Paragraph *g)* of Subsection (1), the State waste management coordinator organization shall allocate at least 7 per cent of the sum shown under the budget heading of the funds remitted by State waste management coordinator organization through service contracts awarded by way of tender for programs intended to raise the environmental awareness of the general public.

(3) In the course of the State waste management coordinator organization inspection referred to in Paragraph *d)* of Subsection (1), the party inspected - including any substitute operator or subcontractor (hereinafter referred to as “inspected party”) - shall not resist the inspection and shall cooperate with the inspectors so as to ensure that the inspection is carried out effectively.

(4) In carrying out the inspection referred to in Paragraph *d)* of Subsection (1), the State waste management coordinator organization shall have the right:

*a)* to enter the inspected party’s offices, establishments and other premises, including the buildings and technical facilities located therein,

*b)* to inspect the means, buildings, facilities, equipment, machinery and systems used for the collection, gathering, transport, interim recovery and recovery of wastes of products subject to product charges,

*c)* to examine and analyze the physical and chemical characteristics and physico-chemical properties of wastes of products subject to product charges, by sampling if necessary, and to create diagrams from the data received, and to perform monitoring activities,

*d)* to conduct process-based inspections relating to wastes of products subject to product charges,

*e)* to review records, documents and receipts relating to wastes of products subject to product charges, and to take notes and make copies thereof,

*f)* to gather and process information, so as to determine the material balance unique to the activity in question,

*g)* to record the findings of such inspection in a report.

(5) The State waste management coordinator organization shall keep all business secrets obtained under Subsection (4) hereof strictly confidential, and shall not disclose such data to, or discuss such information with, third parties, except for the authority, prosecution service or court of competent jurisdiction.

(6) The detailed provisions on such inspections are laid down in this Act and in its implementing decree, and in the contract concluded by the State waste management coordinator organization and the inspected party.

(7) In the interest of enforcement of the regulations relating to environmental product charges, the State waste management coordinator organization shall develop inspection (in particular measurement and evaluation) methods and procedures. The minister in charge of waste management shall publish the methods and procedures rendered mandatory by way of a decree.

*Section 21*

(1) The OGyHT shall:

*a)* lay down the mid-term goals concerning the quantities for collection and recovery at the national level (strategic target), based on the relevant legislation of the European Communities and Hungary, and on the National Waste Management Plan;

*b)* lay down the goals of State waste management coordinator organization concerning the quantities for collection and recovery during the year at the national level (hereinafter referred to as “target”), broken down according to product stream and material flow, separately for each type of waste;

*c)*

*d)* specify the priorities for State waste management coordinator organization in reaching the above-specified goals during the year, and the means made available for this purpose.

(2) The State waste management coordinator organization shall prepare - by 20 September of the previous year - the OGyHT draft in accordance with specific other legislation relying on its own records and the records of the relevant authorities, and it shall be approved by the minister in charge of waste management on a recommendation by the State waste management coordinator organization. With the exception set out in Subsection (3), the OGyHT may be amended during the given year on a recommendation by the State waste management coordinator organization, by the minister in charge of waste management.

(3) The target specified in the OGyHT may be revised by the State waste management coordinator organization before 31 October of the given year by one-third of the opening quantity, for which the approval of the minister in charge of waste management is not required.

(4) The OGyHT, and any amendment of the OGyHT shall be published on the government portal.

*Section 22*

(1) In the interest of discharging its duties specified in Subsection (1) of Section 20, the State waste management coordinator organization shall - as deemed necessary - publish tender notices, and order services, and shall sign up for tender procedures itself. Unless otherwise provided for by law, contracts for services shall be awarded in due compliance with the relevant public procurement regulations. In public procurement procedures the State waste management coordinator organization shall function as the contracting entity.

(2)

(3) The State waste management coordinator organization shall make arrangements for the public award procedures required for carrying out the tasks specified in the OGyHT relating to a specific year, and shall send them to the minister in charge of waste management for approval by 15 November of the previous year.

(4) The State waste management coordinator organization shall - upon receipt of the opinion of the minister overseeing the system of governance relating to the management of State property - send out the written report on the outcome of the public award procedures to tenderers by 31 March of the subject year.

(5)

(6) The service contracts awarded under Subsection (1) to the successful tenderers shall provide for the right of State waste management coordinator organization to conduct inspections pursuant to Paragraph *f)* of Subsection (1) of Section 20.

*Sections 22/A-22/B*

*Section 22/C*

No infringement of the provisions laid down in Section 11 of Act LVII of 1996 on the Prohibition of Unfair Trading Practices and Unfair Competition shall be established in respect of the actions carried out in the execution of public procurement procedures published in 2012-2013 for the implementation of the OGyHT.

***CHAPTER V***

***RECORDS, REGISTERS AND DATA MANAGEMENT***

17. Records and registers

*Section 23*

(1) The State waste management coordinator organization and the state tax and customs authority shall be authorized to process the data mentioned in Section 24 for a period of six years from the time of the opening of the obligor’s liability for product charges.

(2) The State waste management coordinator organization shall be authorized to process personal data obtained in accordance with this Act and its implementing decrees in connection with waste management and liabilities for product charges, including those indicated in resolutions, contracts and other documents in due observation of data protection regulations.

18. Data processing

*Section 24*

(1) The State waste management coordinator organization and the state tax and customs authority, and the environmental protection authority relating to liability for product charges, furthermore, the State waste management coordinator organization in connection with its activities, shall exchange information from their records on authorizations issued and resolutions adopted with a view to monitoring recovery operations and the payment of product charges, as described in the legislation adopted for the implementation of this Act.

(2) The state tax and customs authority shall process the data contained in the notification or declaration of environmental product charges filed by the obligor in connection with its powers and competencies relating to liability for product charges, as well as consolidated data - other than tax secrets and personal data - pertaining to the given quarter for the purpose of overseeing the fulfillment of obligations relating to product charges and for scheduling such inspections, and shall convey this information to the State waste management coordinator organization on a quarterly basis, or by the 20th day of the second month following the quarter at the latest.

(3) The State waste management coordinator organization shall process the data and information relating to its activities, and shall transfer the data related to liability for product charges to the state tax and customs authority at least quarterly.

(4) The state tax and customs authority shall check and verify the data and information contained in the declarations.

***CHAPTER VI***

***REFUND OF PRODUCT CHARGES***

*Section 25*

(1) Product charges, other than flat-rate product charges provided for in Sections 15/A and 15/B, may be refunded:

*a)* if the products are exported to a foreign country, as documented;

*b)* if the products are built into another product in an unaltered form, or are in an unaltered form and condition and are exported to a foreign country;

*c)* in connection with activities relating to tax-exempt purchases made under international agreement;

*d)* if the products are used within the framework of the North Atlantic Treaty Organization Security Development Program;

*e)* if the raw material used for manufacturing a product subject to product charges is itself subject to product charges;

*f)* where the packaging product referred to in Paragraph *d)* of Subsection (2) of Section 4 is re-exported past the product charge assessment period, as documented;

*g)* in the case of packaging materials or packaging sundries, when used for purposes other than packaging, with the exception of resale;

*h)* if product charges are paid for fastenings as retail packaging products or metal cans for beverages placed on the market as a packaging component.

(2) The obligor may apply for refund of the product charges he has paid on other petroleum products, for which he is able to verify the fact that the used or waste petroleum products in question have been delivered for recycling and have been recycled by the obligor.

(2a) A refund may be requested from product charges paid on the packagings of plant protection products, that come into direct contact with the plant protection products, in the amount the applicant has paid - as documented - to the waste management non-profit organization in the form of services charges based on the weight of the intermediate packaging materials that have become waste.

(2b) The product charges that may be refunded under Subsection (2a) shall be based on the mass of the waste packaging product contaminated by plant protection products delivered - as documented - during the quarter for treatment.

(3) Having the products exported may be verified by an invoice or other similar document issued in proof completion of the transaction, and by a movement certificate or accompanying document. Furthermore, refund may be requested in possession of an invoice in proof of purchase or other similar document issued in proof completion of the transaction, that is to contain the number of the invoice issued by the obligor when the product was placed into the domestic market or the number of the other document issued in proof of completion of the transaction, the obligor’s name, address, tax number, and the rate and amount of the product charges indicated on the invoice issued by the obligor or in its appendix, or on the document issued in proof completion of the transaction.

(4) The provisions relating to the obligor’s notification, notification of changes, assessment and declaration of product charges and to keeping records, and the rules on inspections shall also apply to the persons applying under this Section for refund of product charges paid up.

(5) For the purposes of refunds of product charges, the admission of products subject to product charges into a industrial product charge warehouse shall be treated on the same footing as exportation, or the international transfer of ownership in return for payment or free of charge.

(6) When using products subject to product charges as raw material, refund of product charges may be requested for factory rejects and wastes as well, in this case, however, the quantity of factory rejects and wastes shall not be taken into account in calculating the output of waste recovery operations.

(7) The procedure provided for in Paragraph *b)* of Subsection (9) of Section 3 shall not apply in connection with the refund under Subsection (2) of Section 25.

*Section 25/A*

(1) Refund of product charges may be requested only if product charges had in fact been paid by a means which can be proved.

(2) Refund of product charges may be requested - with the exception of refunds relating to used or waste lubricants - in the declaration submitted for the period when the entitlement to refund commences.

(3) The amount of refund - save where refund is related to the recycling of used or waste lubricants and with the exception of product charge advances - shall comprise the product charge billed as shown in the invoice made out for products subject to product charges by the person who placed the product on the market.

(4) In the case of export sales product charges shall not be refunded for used or waste products subject to product charges, with the exception of:

*a)* packaging products shown in the register of reusable packaging products, and/or

*b)* other petroleum products.

(5) The refund provided for in Subsection (2) of Section 25 may be requested for the quantity of used or waste lubricating oils delivered during the quarter by the obligor for the purpose of recycling, or - if the obligor is a recycling operator - for the quantity of used or waste lubricating oils received for the purpose of recycling. If the obligor itself carries out the recycling process relating to used or waste lubricating oils used for own purposes from lubricating oils subject to product charges, the refund shall be based on the recycled quantity of used or waste lubricating oils. The total amount of products charges refunded quarterly may not exceed on the aggregate the total amount of products charges paid for the given year.

(6) In the cases provided for in Subsections (2) and (2a) of Section 25, the total amount of product charges refunded quarterly may not exceed on the aggregate the total amount of products charges paid for the given year.

***CHAPTER VII***

***SPECIAL PROVISIONS CONCERNING PRODUCTS SUBJECT TO PRODUCT CHARGES***

19. Product charges on tires

*Section 26*

Liability for product charges shall apply to any used tire that was collected in Hungary and rebuilt abroad, after imported to Hungary, based on the weight of the added material used in the course of rebuilding.

20. Product charges on packaging products

*Section 27*

(1) The product charges on composite and combined packaging products shall be determined:

*a)* by the rate applicable to the various components, if they can be physically separated or detached;

*b)* by the rate applicable to the main component for the whole packaging product, if its components cannot be physically separated and the main component constitutes at least 90 per cent of the whole material;

*c)* by the rate applicable to composite materials if the various components cannot be physically separated and no component constitutes 90 per cent or more of the whole packaging product.

(2) The environmental protection authority shall admit a packaging product - at the request of the obligor or the user of the packaging product - to the register of reusable packaging products if it is found conforming to the conditions set out in Point 31 of Section 2 relating to reusable packaging products.

(3)

20/A. Product charges on commercial printing paper

*Section 27/A*

(1) In the case of commercial printing papers the obligor of product charges shall keep an electronic or printed copy of the commercial printing paper for a period of six years, and shall present it when so requested in any control or administrative proceedings of the state tax and customs authority.

(2) If a product:

*a)* functions as a packaging product and a commercial printing paper in one, liability for product charges shall apply on the basis of the packaging product function, or

*b)* functions as paper stationery and commercial printing paper in one, liability for product charges shall apply on the basis of the commercial printing paper function.

***CHAPTER VIII***

***CONTROL***

21. General provisions on control

*Section 28*

(1) The state tax and customs authority shall monitor compliance with the liability for product charges within the framework of audit conducted in accordance with the Taxation Code and the RTA, where the vehicle itself and the cargo of any vehicle used in connection with operations involving products subject to product charges may be inspected as well.

(2) The state tax and customs authority shall be authorized to take samples for the purposes of the inspection, or may request the person or organization inspected to take samples themselves. The sample, and the container, equipment and venue for the sampling procedure shall be made available by the person or organization inspected. The person or organization inspected shall cooperate in the sampling procedure, and shall carry out the sampling procedure when so requested by the state tax and customs authority.

(3) Site supervision may be exercised by continuous presence and routine inspections, or by random inspections. Where continuous presence is required, the state tax and customs authority shall notify the person or organization inspected in advance.

*Section 28/A*

22. Monitoring waste products subject to product charges

*Section 29*

(1)

(2) The person or organization inspected shall be required to cooperate with the customs authority during the inspections, and shall provide the necessary conditions for on-site inspection.

(3)-(6)

(7) The customs authority shall monitor in accordance with the provisions of the Taxation Code relating to the supervision of compliance checks the preconditioning, processing, recovery and disposal of products subject to environmental product charges, prescribed in waste management regulations, with the exception of administrative proceedings delegated upon the environmental and other authorities.

(8) The customs authority shall be entitled to use the records specified in the Waste Act and other regulations adopted by authorization of the Waste Act, as well as the operations log and accounting documents for the purposes of its inspections.

*Section 29/A*

(1) The customs authority shall oversee the implementation of transactions within the framework of recovery services funded by the State waste management coordinator organization, including the verification of compliance with regulations. The customs authority shall launch supervisory proceedings in respect of those persons to whom the State waste management coordinator organization has made the payment. By way of derogation from Subsection (2) of Section 41 of Act CXCV of 2011 on Public Finances, the payment made by the State waste management coordinator organization may be provided in the form of budget support (hereinafter referred to as “support”).

(2)

(3) The supervisory proceedings referred to in Subsection (1) shall be governed by the relevant provisions of the Taxation Code and the RTA, subject to the exceptions set out in this Section.

(4) The customs authority shall have the right to verify entitlement to the support relying on the documents underlying the payments, on a case-by-case basis (separately for each payment) or in respect of specific periods.

(5) The State waste management coordinator organization shall notify the state tax and customs authority concerning the contracts concluded under this Act, within fifteen days from the date of conclusion or the date of payment where applicable, by way of electronic means, and shall simultaneously disclose the particulars of the contract, deeds, instruments and other similar documents underlying the contract, and the documents underlying performance (payment).

(6) The person or organization under inspection may be compelled by the customs authority to supply a written declaration to guarantee that the information and the documents provided for the purposes of the inspection are accurate and that they are complete.

(7) The person inspected shall make available to the customs authority any and all documents, books, records and other instruments, data medium and other physical evidence relating to the activities inspected, and the customs authority shall be entitled to seize such evidence for which it shall issue an itemized acknowledgment of receipt. Documents, carrier media and other physical evidence may also be seized in order to study them at the customs authority’s official premises. If such are kept for a period of over sixty days or until the conclusion of the inspection at the latest, the permission of the director of the competent customs authority shall be required in the form of a ruling.

(8) Before seizure is effected, the person or organization inspected shall be entitled to make copies of the documents at his own expense. At the request of the person or organization inspected, the customs authority shall - in the stead of the originals - seize the copies the person or organization has made as they have been declared identical to the originals by the person or organization.

(9) The customs authority shall have powers to conduct field visits anytime before or during the inspection. The field visits may be repeated if deemed necessary. Field visits shall be conducted in due observation of the inspected entity’s operations and schedule, where the inspector shall have the right to enter business, administration and other premises, seize documents, order trial production, take samples according to the rules on sampling procedures, request information, and to inspect objects and work processes, record the contents of carrier media and to take inventory. The person or organization inspected shall cooperate with the customs authority during the field visits. Before the field visit the person carrying out the inspection shall identify himself with a service identification card.

(10) If the person or organization inspected performs entrepreneurial activities in the residence of a private person, or uses the property of another person for such activities, before the opening of the procedure the customs authority is to ascertain which area or section of such residence or property is used by the person or organization inspected for the activities. The inspection shall cover only the areas and places used by the person or organization inspected, which is to be determined in principle on the basis of the contract between the owner and person or organization under inspection.

(11) On-site inspections shall be conducted during the standard hours of activities (business hours) of the person or organization under inspection, or during the day, between 8 a.m. and 8 p.m. as regards other persons. Derogation from this rule is allowed only if so requested by the person or organization inspected, or if any delay is likely to jeopardize the outcome of the inspection.

(12) The person or organization inspected shall be required to make the evidence and exhibits - including their official Hungarian translations when necessary - available to the officers carrying out the inspection at the time prescribed by the customs authority and to enable said officers to investigate the facts, circumstances and other particulars required for the inspection; to provide information and explanations verbally or in writing; and to grant access to review documents.

(13) The customs authority shall have powers to order the person or organization inspected, and any person who is presumed to have business ties, directly or indirectly, with the person who is the subject of the inspection, to disclose any data, facts, circumstances known to him or shown in his records where this is required with a view to ascertaining the relevant facts of the inspection.

(14) Such disclosure may be refused if the person affected cannot be heard as a witness or has the right to refuse to testify in the proceeding in question.

(15) The person or organization inspected, and any person who is presumed to have business ties, directly or indirectly, with the person who is the subject of the inspection, shall be informed of their rights and obligations, and shall be advised of the consequences of refusing said disclosure. The person or organization inspected shall not be notified concerning the disclosure made by a person who is presumed to have business ties, directly or indirectly, with the person who is the subject of the inspection.

(16) The customs authority shall record the oral statements made by the person or organization inspected, or by any person who is presumed to have business ties, directly or indirectly, with the person who is the subject of the inspection in a report. Such report shall, in particular, contain the name of the customs authority, the place and date of the report, the information for identification and the address of the person filing the statement, the notification on the rights and obligations and the advice on the legal consequences, the statement, as well as the signature of the person filing the statement, and the signature of the officer drafting the report.

(17) The person or organization under inspection shall have the right to review the documents of the inspection, and shall have the right to inspect all other documents, and make or order copies of such documents at his own expense, to the extent necessary to enforce his rights and discharge his obligations.

(18) The person or organization under inspection shall have no access to:

*a)* the internal correspondence of the customs authority;

*b)* any report (document) that contains the personal data of a witness or any other person involved in the proceedings, if the customs authority declared these data confidential;

*c)* any document, or any part of a document, that contains any classified information without proper clearance for use or inspection;

*d)* any part of a document that contains tax or customs secrets pertaining to another person, gaining knowledge of which is in violation of the law;

*e)* any document containing information that is afforded protection by law, where such information is prevented by the legislation in which protection is prescribed.

(19) In the event of any breach of the obligations set out in this Section by the person or organization inspected, or the person who is or has been presumed to have business ties, directly or indirectly, with the person who is the subject of the inspection, the customs authority shall impose a default penalty according to Section 32.

(20) The customs authority shall record the findings of the inspection in a report, that is to contain:

*a)* the name of the customs agency conducting the inspection, the number of the report, and the names of the inspectors;

*b)* the name, address and tax identification number of the person or organization inspected, and the name, address and tax identification number/tax identification code of any other person participating;

*c)* the opening date of the inspection;

*d)* the subject matter of the inspection and an indication of the legislation on which the inspection is based, and the period to be inspected;

*e)* the comments and conclusions of the inspectors, the facts clarified with an indication of the relevant legislation, including the evidence, a list of evidence offered by the person or organization inspected and rejected, including the reasons thereof;

*f)* a clause indicating the inspected person’s right to comment on the findings contained in the report within the statutory time limit;

*g)* the signatures of the inspectors.

(21) The time limit for inspection procedures shall begin on the day when the letter of authorization is delivered, or failing delivery, when presented. Inspection procedures shall be completed within sixty days, including the first and last day of the procedure. In justified cases, the head of the customs agency conducting the inspection may extend this time limit once, by an additional thirty days, of which the person or organization inspected must be informed.

(22) The extended time limit for control may be extended under extraordinary circumstances once by up to ninety days by authorization of the head of the state tax and customs authority at the request of the customs agency conducting the control procedure.

(23) Where an inspection is ordered, the customs authority shall have powers to conduct a related inquiry at any person who is or has been presumed to have business ties, directly or indirectly, with the person who is the subject of the inspection, provided that this examination is required with a view to ascertaining the relevant facts of the inspection. The related inquiry shall be completed within sixty days. In justified cases, the head of the customs agency conducting the inspection may extend this time limit once, by an additional thirty days, of which the person or organization inspected must be informed. The duration of the related inquiry shall not be included in the time limit of the inspection.

(24) If the customs authority attaches the findings from the inspection of another person to support the results of an inspection, the report and the resolution on such inspection shall be conveyed to the person or organization under inspection to the extent to which he is concerned.

(25) The customs authority shall adopt a resolution on the findings of the inspection, on the basis of the report.

(26) If the customs authority finds that the person or organization inspected claimed the support unlawfully, it shall adopt a resolution ordering repayment of the support that was claimed unlawfully in double of the amount received. The person having claimed the support shall be liable to repay double of the amount of support received within fifteen days from the operative date of the resolution.

(27) The customs authority shall impose a financial penalty between one hundred thousand and one million forints upon the person or organization inspected, in addition to ordering repayment of the support in double of the amount of support that has been claimed unlawfully.

(28) As regards the legal consequences provided for in Subsections (26) and (27), payment facilities, reduction or remission may not be granted.

*Section 29/B*

(1) With the exception of administrative proceedings delegated under waste management regulations upon the environmental and other authorities, the customs authority shall oversee the actual implementation of transactions by the selective waste management operator and by the waste management operators contracted for this purpose.

(2) Where the sampling procedure is carried out at the customs authority’s request, and the waste has to be sorted and/or classified, the costs thereof shall be covered by the person or organization inspected if the inspection reveals any infringement, or by the customs authority in other cases.

(3) The customs authority shall record the sampling procedure in a report.

(4) The sampling report shall contain:

*a)* the serial number or other identifier of the sampling report;

*b)* the name of the person taking the sample;

*c)* the names and identification of the persons participating in the sampling procedure directly;

*d)* the place and date of sampling;

*e)* the reasons for taking the sample;

*f)* description of the batch from which the sample was taken, including all particulars for identification;

*g)* quantity of the samples taken, and the necessary means of identification;

*h)* signature and stamp of the persons taking the samples.

(5) The sampling report shall be made out in three copies, where the original is retained by the customs authority, the second copy is attached to accompany the sample and the third copy is given to the person or organization inspected.

(6) The supervisory proceedings referred to in Subsection (1) shall be governed by the relevant provisions of the Taxation Code and the RTA, subject to the exceptions set out in this Section.

(7) As regards the inspections referred to in Subsection (1) hereof, the provisions of Subsections (6), (8)-(24) of Section 29/A shall apply.

(8) If according to the customs authority’s findings transactions by the selective waste management operator and by the waste management operators contracted for this purpose have not effectively materialized, or if they are carried out not in due form, a fine between one hundred thousand and 1 million forints shall be imposed upon the obligor.

(9) As regards the legal consequences provided for in Subsection (8), payment facilities, reduction or remission may not be granted.

23.

*Section 30*

***CHAPTER IX***

***LEGAL MEASURES***

24. Product charge penalty

*Section 31*

(1) Product charge penalty shall be imposed:

*a)* for any failure to pay product charges in full;

*b)* for unlawfully claiming, or making a refund of product charges;

*c)* in the event of non-performance by a selective waste management operator.

(2) The amount of product charge penalty shall be:

*a)* equal to the full amount unpaid under Paragraph *a)* of Subsection (1);

*b)* three times the amount of refund claimed or made under Paragraph *b)* of Subsection (1);

*c)* in the case of Paragraph *c)* of Subsection (1), the difference between the quantities for recovery declared and the actual performance, that is to say the quantity not performed, plus three times the outstanding amount of product charges calculated by taking into account the rates specified in Annex 2.

(3) In the case of any product charges owed in connection with packaging products, the state tax and customs authority shall establish the amount of the product charge penalty based on the rates applicable to other materials, if the material flow of the packaging product cannot be determined from the obligor’s records.

(4) The relevant provisions of the Taxation Code and the RTA relating to tax penalties shall apply to Subsections (1)-(3) subject to the exceptions set out in this Section.

(5) Any reduction or remission of product charge debts owed by the obligor, penalties and surcharges shall be governed by the relevant provisions of the Taxation Code and the RTA. The product charge penalty may not be reduced, where non-payment of product charges is attributable to the falsification or destruction of accounting documents, books and records.

24a. Default interest

*Section 31/A*

(1) In the event of any delay in the payment of product charges or if any unpaid product charges is established default interest shall be paid in accordance with the provisions of the RTA applicable to default interest.

(2) Where any budget support provided under this Act is claimed unlawfully, the default interest shall be double of the amount of budget support claimed unlawfully from the first day of drawing the support until the day the support is repaid in full.

25. Default penalty

*Section 32*

The state tax and customs authority shall impose a default penalty of up to five hundred thousand forints upon the obligor. The state tax and customs authority shall impose the penalty in accordance with the following provisions of the RTA applicable to default penalties:

*a)* provisions on general fines;

*b)* provisions on mandatory request for remedying deficiencies;

*c)* provisions on failure to comply with the obligation of keeping documents;

*d)* provisions on assessment criteria for levying penalties; and

*e)* provisions on time limitations for default penalties.

26. Seizure and confiscation

*Section 33*

(1) In the course of proceedings related to products subject to product charges to ascertain the relevant facts of a case, the state tax and customs authority may order seizure in order to enforce confiscation as specified in this Act.

(2) The obligor shall be given the opportunity to be present when the seizure is carried out. If the obligor waives his right to be present, or is unable to be present and fails to provide for appropriate representation, the state tax and customs authority shall carry out the seizure procedure in the presence of two official witnesses.

(3) The state tax and customs authority shall record the events of the aforesaid seizure of products subject to product charges in a report in the presence of the obligor, his agent or representative, or failing this in front of two official witnesses, seal off the products confiscated, together with any other product of which it is a part or component “(hereinafter referred to collectively as “product”), or remove it from the premises for safeguarding at the expense of the obligor affected.

(4) The state tax and customs authority shall have powers to seize and confiscate products subject to product charges if:

*a)* the holder of such products is unable to produce reliable evidence concerning the origin or purpose of the products in question, and

*b)* if there is reason to believe that:

*ba)* an attempt will be made to conceal the products from the authorities;

*bb)* the obligor is on the verge of becoming insolvent, or

*bc)* any related payment liability will be dishonored; furthermore

*c)* it is necessary so as to ascertain the relevant facts of the case, and shall use the products confiscated, together with the means used for the production, utilization, storage and transportation of such products as physical evidence.

*Section 34*

(1) The state tax and customs authority shall order seizure by way of ruling.

(2) The client shall have the right to lodge a compliant against such ruling alleging infringement of the law. The lodgment shall be presented within eight days of the date when the ruling was delivered to the relevant state tax and customs authority.

(3) The compliant will be adjudged by the superior body within fifteen days of the date of submission. The seizure shall be carried out irrespective of the compliant.

(4) Seizure shall be terminated by way of a ruling:

*a)* if the seized products which are subject to environmental product charges are no longer required for the purposes of the proceeding;

*b)* if the decision adopted in the respective case contains no environmental product charges, product charge penalty or a default penalty;

*c)* with respect to the seized products the environmental product charges, product charge penalty or default penalty imposed, and the costs of transport, storage and safeguarding of the products in question are paid in the process of ascertaining the relevant facts of the case, or if deferral or payment by installment has been permitted subject to restraint on alienation;

*d)* if seizure is to be effected under criminal proceedings launched upon charges of violations of regulations on product charges, and the court, public prosecutor’s office or investigating authority has contacted the state tax and customs authority to enforce it.

*Section 35*

(1) The seized product may be released if the receiving person produces conclusive evidence of ownership, or to the person from whom it was seized by the state tax and customs authority if such person is able to produce proof of legitimate possession.

(2) If the state tax and customs authority is unable to identify the products (in particular as to quantity, type and quality) seized beyond doubt, it shall be identified, primarily, with the assistance of State waste management coordinator organization, or in the absence of the necessary expertise, by expert examination to determine its type and quality.

(3) The costs incurred in connection with the transportation, storage, safeguarding and destruction of seized products, as well as the costs of the expert inspection shall be borne by the client if sanctioned to pay environmental product charges, product charge penalty or default penalty by final decision. If no penalty is imposed, the said costs shall be borne by the State.

(4) As regards the warehouse fees charged for the storage of seized products and the means of production, utilization, storage and transportation in a warehouse operated by the state tax and customs authority, a storage fee of 500 forints for each 100 kilograms, or any fraction thereof, shall be paid for each calendar day in storage. If storage takes place in another warehouse, the fees commonly charged by the warehousekeeper shall be applied.

*Section 36*

(1) The seized products shall be confiscated if in the case involving environmental product charges, product charge penalty or default penalty is imposed by final decision in the relevant proceedings, and they are not paid within fifteen days of the due date. Furthermore, if the combined total of unpaid charges in connection with the transport, storage, safeguarding or destruction of the products owned by the client sanctioned to pay environmental product charges, product charge penalty or default penalty by final decision reaches the amount it was worth at the time of seizure, and the obligor failed to satisfy his payment obligation.

(2) With a view to enforcing the payment obligations incurred and to recovering the costs of the relevant proceedings, the state tax and customs authority shall take measures to have the seized products which are subject to product charges sold on behalf of the State in accordance with the provisions on enforcement, or failing this to have them destroyed.

(3) Confiscated products shall not be destroyed if the state tax and customs authority, in its capacity as the body authorized to dispose over the products on behalf of the State, agrees to donate them, upon consulting the State waste management coordinator organization:

*a)* in connection with any event defined as a catastrophe under specific other legislation, to the head of the competent county or Budapest defense committee, or in connection with any flood control emergency defense alert of the I, II or III degree to the mayor of the community affected or the head of the competent water administration organization;

*b)* subject to the prior consent of the holder of intellectual property rights, to the head of an organization recognized as charitable according to specific other legislation on the utilization of seized goods for the benefit of the public;

*c)* to the head of the recycling operator in connection with products subject to product charges, which are considered recyclable waste or that can be used for energy production purposes;

provided that they are accepted by the beneficiaries for use for the purposes described in Paragraphs *a)-c)*.

(4) Of the confiscated products:

*a)* the ones falling under the scope of the Act on Foods shall be destroyed, if the authority delegated under specific other legislation fails to approve otherwise;

*b)* the products whose sale would violate any intellectual property rights shall be destroyed, if the holder of such rights fails to approve otherwise.

(5) The goods seized under Paragraph *c)* of Subsection (4) of Section 33 may not be confiscated if deferred payment or other similar payment facilities had been authorized, and if requested within five working days of the original due date. Deferral of payment and other payment facilities may not be authorized on other grounds.

(6) The state tax and customs authority, after the decision for confiscation is adopted and before it becomes executable, shall be empowered to destroy confiscated products in a preliminary action, if it concerns products which are considered perishable, or if cannot be stored for any extended period of time, or handling, storing or safeguarding such goods is likely to entail unreasonably high expenses with a view to their value or due to any extensive storage period that may be ultimately required. Confiscation, transfer or destruction in a preliminary action shall be ordered in a ruling.

27. Financing government functions relating to product charges

*Section 37*

(1) The State waste management coordinator organization shall be granted budget support, deposited to a discretionary account, for covering operating expenses and for carrying out its responsibilities relating to waste management from the target-specific appropriations chapters. By way of derogation from Subsection (2) of Section 41 of Act CXCV of 2011 on Public Finances, payments made by the State waste management coordinator organization for waste management services may be provided in the form of budget support.

(2)

***CHAPTER X***

***CLOSING PROVISIONS***

28. Authorizations

*Section 38*

(1) The Government is hereby authorized to decree:

*a)* the detailed rules concerning liability for product charges, the assumption and refund of product charges, and for admission to inventory;

*b)* the publication of tender notices and the award of service contracts relating to the treatment of waste products subject to product charges, and for the conclusion and termination of, and withdrawal from, such contracts;

*c)* the detail provisions relating to control proceedings conducted by State waste management coordinator organization, and for the involvement of experts and specialists in such proceedings, furthermore, the detailed rules for the activities of brokers, and the detailed provisions on the exchange of data and information between the State waste management coordinator organization and the relevant authorities;

*d)* authorization for the body designated to operate as a broker in the system of management of packaging wastes which are considered to be hazardous waste, and the activities of such brokers;

*e)* the catalogue of goods that can be used as packaging products (packaging product catalogue) and the detailed rules of classification and application;

*f)* the provisions for the implementation of transactions carried out by selective waste management operators within the framework of recovery services, including the rules for the verification of compliance with regulations and the relevant criteria for exercising control;

*g)* the detailed regulations governing the activities of selective waste management operators, including notification, declaration and implementation;

*h)* the detailed rules for the charter scheme of reusable packaging products;

*i)* the publication of tender notices and the award of service contracts relating to coordinating the collection of waste destined for recovery as provided for in the Act on Waste, and for the conclusion and termination of, and withdrawal from, such contracts.

(1a) The Government is hereby authorized to designate the State waste management coordinator organization by means of a decree.

(2) The minister in charge of waste management is hereby authorized to decree:

*a)* the detailed technical conditions for determining the waste management output, and the procedure of approval;

*b)* the examination, measurement and evaluation methods and procedures rendered mandatory in the interest of enforcement of the regulations relating to environmental product charges, and the detailed provisions for the preparation and approval of the material balance;

*c)*

*d)* the terms and conditions for the contracts to be awarded to public service companies selected by the State waste management coordinator organization, providing local public waste management services in respect of solid household waste;

*e)*

29. Implementing provisions

*Section 39*

(1) This Act - subject to the exceptions set out in Subsections (2) - shall enter into force on 1 September 2011.

(2) Sections 1-18, Subsections (3) and (4) of Section 19, Sections 23-37, Section 43 of and Annexes Nos. 1, 2 and 3 to this Act shall enter into force on 1 January 2012.

(3)

30. Transitional provisions

*Section 40*

*Section 40/A*

(1) By way of derogation from Subsection (2) of Section 8 of this Act, declarations of environmental product charges for periods prior to 1 January 2013 (including supplementary declarations and self-audit) shall be submitted on or before 14 February 2013 to the customs authority, where the related tasks regarding records and corrections shall be carried out by the customs authority. Until 14 February 2013 payments shall be made to the customs authority.

(2) After 14 February 2013, declarations of environmental product charges (including supplementary declarations and self-audit) shall be submitted to the state tax authority, where the related tasks regarding records and corrections shall be carried out by the state tax authority. After 14 February 2013 payments shall be made to the state tax authority.

(3) Cases related to environmental product charges notified by 31 December 2012 shall be heard by the customs authority.

(4) Prior to 1 January 2013, proceedings opened by the customs authority - with the exception of monitoring compliance with tax liabilities, inspections conducted for the purpose of data gathering, processing and correcting declarations submitted on or before 14 February 2013, and proceedings opened in connection with environmental product charges notified before 31 December 2012 - shall be conducted by the state tax authority. The supreme body of the tax directorate of competence for handling the taxation matters of the taxpayer affected shall hear the actions (appeals, requests for supervisory action) brought against the decisions of the customs authority of the first instance - with the exception of decisions adopted in connection with monitoring compliance with tax liabilities and with inspections conducted for the purpose of data gathering -, and shall proceed in redress procedures and court proceedings opened *ex officio*. If the supreme body of the tax directorate of competence adopts a ruling for ordering the customs authority of the first instance to reopen the case, it shall be carried out by the tax directorate of competence. The supreme body of the tax directorate of competence shall have powers to carry out an oversight inspection of an audit conducted by the customs authority. Any change in the person of the taxpayer inspected shall be notified to the court of jurisdiction by the state tax authority.

*Section 40/B*

Paragraph *f)* of Subsection (1) of Section 9/A shall apply as of 1 July 2015.

*Section 40/C*

(1) Where product charges are assumed under contract and lawfully notified under Paragraph *a)* of Subsection (5) of Section 14 to the state tax and customs authority by 31 December 2013, they shall remain in effect for the term notified and shall not be amended or renotified based on the title provided for Subparagraph *aa)* of Paragraph *a)* of Subsection (5) of Section 14.

(2) The grounds for applying for refund under Paragraph *f)* of Subsection (1) of Section 25, as amended by Act XVI of 2014 on Collective Investment Trusts and Their Managers, and on the Amendment of Financial Regulations (hereinafter referred to as “Collective Investments Act”) shall apply as of 1 January 2014 to packaging products exported by a means which can be proved.

(3) Subsection (3a) of Section 3 shall apply as of 1 January 2014.

(3) Section 22/C of this Act, as established by Section 125 of Act XCIX of 2014 on Establishing the Foundations for the 2015 Budget of Hungary (hereinafter referred to as “Act XCIX/2014”), shall also apply to cases pending at the date of its entry into force.

*Section 40/D*

(1) Polluters of marginal quantity shall be able to make the notification referred to in Subsection (3a) of Section 10 for 2014, by 20 April 2014. Any notification made relating to 2014 for any other legal title may be changed by way of a notification made under this Subsection.

(2) An obligor placing marginal quantities of packaging materials on the market or using them for own purposes notified to the state tax authority as such at the time of the Collective Investments Act entering into force shall be construed to have made the notification as a polluter of marginal quantity.

(3) A polluter of marginal quantity - other than the obligor provided for in Subsection (2) - may use flat-rate product charges with respect to products subject to product charges placed on the market, used for own purposes or shown under inventories during the last three quarters of 2014 (tax year), up to the limit specified in Point 6 of Section 2, subject to payment of the flat-rate product charges provided for in Subsection (2) of Section 15.

(4) The obligor referred to in Subsection (2) shall be able to pay flat-rate product charges for the complete year (tax year), with the proviso that packaging products discharged during the first quarter of 2014 (tax year) shall be included in the quantity specified in Point 6 of Section 2.

(5) The obligor referred to in Subsection (2), if exceeding in 2014 the quantity specified in Point 6 of Section 2, apart from packaging products, shall remain entitled in 2014 to pay flat-rate product charges for the packaging products.

*Section 40/E*

Where product charges are assumed under contract and lawfully notified to the state tax and customs authority before 1 July 2014, they shall remain in effect for the term notified and no application for registration of the contract of assumption is to be submitted if there are no changes in the data.

*Section 40/F*

Obligors registered with the state tax authority as polluters of marginal quantity are not required to re-register if they recognized as polluters of marginal quantity also in connection with the products subject to product charges established under Act LXXIV of 2014 on the Amendment of Tax Laws and Other Related Regulations, and on the Amendment of Act CXXII of 2010 on the Nemzeti Adó- és Vámhivatal.

*Section 40/G*

In the year preceding the entry into force of Act CLXVIII of 2015 on the Amendment of Act LXXXV of 2011 on Environmental Protection Product Charges (hereinafter referred to as “Act CLXVIII/2015”) selective waste management operators shall satisfy their liability for product charges for the fourth quarter of 2015 in accordance with the provisions in effect before the date of Act CLXVIII/2015 entering into force.

31. Notification of the European Union

*Section 41*

(1) Prior notification of the draft of this Act had been submitted in accordance with the following legislation of the Communities:

*a)* Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services, as amended by Directive 98/48/EC of the European Parliament and of the Council and Council Directive 2006/96/EC;

*b)* Article 16(1) and (2) of European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste.

(2) The draft of this Act had been submitted in advance in accordance with Article 15(7) of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

32.

*Section 42*

33. Repeals

*Section 43*

*Annex 1 to Act LXXXV of 2011*

***Products and materials subject to product charges***

The product subject to product charges from among those shown under customs headings marked “ex” shall be covered by the substantive scope under Subsection (3) of Section 1, other than the products marked “excluding” in the description.

*a)* accumulators

|  |  |  |
| --- | --- | --- |
| A | B | C |
| No. | Description | Heading and HS, CN subheading |
| 1. | Electric accumulators, including separators therefor, whether or not rectangular (including square) excluding products of subheadings 8507 50, 8507 60 and 8507 90 and fixed sodium-sulphur (NaS) electrical energy storage devices | ex 8507 |

*b)* packaging products

|  |  |  |
| --- | --- | --- |
| A | B | C |
| No. | Description | Heading and HS, CN subheading |
| 1. | Vegetable materials of a kind used primarily for plaiting | ex 1401 90 |
| 2. | Vegetable products not elsewhere specified or included | ex 1404 90 |
| 3. | Corner guard packaging aid | 3916 |
| 4. | Flexible hose packaging product | 3917 32 3917 39 |
| 5. | Self-adhesive plates, sheets, film, foil, tape, strip and other flat shapes, of plastics, whether or not in rolls excluding construction products, furniture, electrical insulation and electrotechnical supplies | ex 3919 |
| 6. | Other plates, sheets, film, foil and strip, of plastics, non-cellular and not reinforced, laminated, supported or similarly combined with other materials excluding construction products, furniture, electrical insulation and electrotechnical supplies, perimeter barrier | ex 3920 |
| 7. | Other plates, sheets, film, foil and strip, of plastics excluding construction products, furniture, electrical insulation and electrotechnical supplies | ex 3921 |
| 8. | Articles for the conveyance or packing of goods, of plastics; stoppers, lids, caps and other closures, of plastics excluding equipment of a capacity exceeding 300 liters, and from among containers for waste material standard-size waste collectors | ex 3923 |
| 9. | Single-use plastic containers | 3924 10 00 |
| 10. | Other packaging products of plastic | 3926 |
| 11. | Articles for the conveyance or packing of goods, of vulcanized rubber; stoppers, lids, caps and other closures, of vulcanized rubber | ex 4016 |
| 12. | Packing cases, boxes, crates, drums and similar packaging products, of wood; cable-drums of wood; pallets, box pallets and other load boards, of wood; pallet collars of wood | 4415 |
| 13. | Corks and stoppers, of natural cork | ex 4503 10 |
| 14. | Corks and stoppers, of agglomerated cork (with or without a binding substance) | ex 4504 10 11 ex 4504 10 19 ex 4504 90 20 |
| 15. | Basketwork, wickerwork and other articles, made directly to shape from plaiting materials or made up from goods of heading 4601; articles of loofah other than single-use articles; articles of loofah | ex 4602 |
| 16. | Uncoated paper and paperboard, of a kind used for writing, printing or other graphic purposes, and non-perforated punchcards and punch-tape paper, in rolls or rectangular (including square) sheets, of any size, other than paper of heading 4801 or 4803; handmade paper and paperboard  excluding handmade paper and paperboard; wallpaper base; paper for postcards and books; paper stationery; rolls for cash registers; safety paper | ex 4802 |
| 17. | Toilet or facial tissue stock, towel or napkin stock and similar paper of a kind used for household or sanitary purposes, cellulose wadding and webs of cellulose fibers, whether or not creped, crinkled, embossed, perforated, surface-colored, surface-decorated or printed, in rolls or sheets excluding towel or napkin stock; similar paper of a kind used for household or sanitary purposes, furniture and clothing articles | ex 4803 |
| 18. | Uncoated kraft paper and paperboard, in rolls or sheets, other than that of heading 4802 or 4803 | ex 4804 |
| 19. | Other uncoated paper and paperboard, in rolls or sheets, not further worked or processed than as specified in note 3 to this chapter excluding filter paper and paperboard | ex 4805 |
| 20. | Vegetable parchment, greaseproof papers, tracing papers and glassine and other glazed transparent or translucent papers, in rolls or sheets  excluding tracing papers; baking paper | ex 4806 |
| 21. | Composite paper and paperboard (made by sticking flat layers of paper or paperboard together with an adhesive), not surface-coated or impregnated, whether or not internally reinforced, in rolls or sheets | ex 4807 |
| 22. | Paper and paperboard, corrugated (with or without glued flat surface sheets), creped, crinkled, embossed or perforated, in rolls or sheets, other than paper of the kind described in heading 4803 | ex 4808 |
| 23. | Paper and paperboard, coated on one or both sides with kaolin (China clay) or other inorganic substances, with or without a binder, and with no other coating, whether or not surface-colored, surface-decorated or printed, in rolls or rectangular (including square) sheets, of any size excluding paper stationery | ex 4810 |
| 24. | Paper, paperboard, cellulose wadding and webs of cellulose fibers, coated, impregnated, covered, surface-colored, surface-decorated or printed, in rolls or rectangular (including square) sheets, of any size, other than goods of the kind described in heading 4803, 4809 or 4810 excluding household articles, clothing articles, rolls for cash registers | ex 4811 |
| 25. | Cartons, boxes, cases, bags and other packing containers, of paper, paperboard, cellulose wadding or webs of cellulose fibers excluding box files, letter trays, and similar articles, of paper or paperboard, of a kind used in offices, shops or the like | ex 4819 |
| 26. | Paper or paperboard labels of all kinds, whether or not printed excluding school supplies, documents, identification tags of consignments by letter post not containing merchandise | ex 4821 |
| 27. | Bobbins, spools, cops and similar supports, of paper pulp, paper or paperboard (whether or not perforated or hardened) | ex 4822 |
| 28. | Other paper, paperboard, cellulose wadding and webs of cellulose fibers, cut to size or shape; other articles of paper pulp, paper, paperboard, cellulose wadding or webs of cellulose fibers  excluding filter paper and paperboard; rolls, sheets and dials, printed for self recording apparatus; rolls for cash registers | ex 4823 |
| 29. | Woven fabrics of jute or of other textile bast fibers of heading 5303 excluding construction products, articles for protection against erosion and for protection of embankments | ex 5310 |
| 30. | Nonwovens, whether or not impregnated, coated, covered or laminated excluding household articles; textiles, clothing articles; car articles; construction products, furniture, articles for protection against erosion and for protection of embankments; geotextile | ex 5603 |
| 31. | Twine, cordage, whether or not plaited or braided and whether or not impregnated, coated, covered or sheathed with rubber or plastics excluding ropes and cables, baler twine; goods of a diameter of 5 mm or more; household articles; textiles, clothing articles; construction products; furniture | ex 5607 |
| 32. | Sacks and bags, of a kind used for the packing of goods excluding sand bags for flood control | 6305 |
| 33. | Ceramic pots, jars and similar articles of a kind used for the conveyance or packing of goods | ex 6909 90 |
| 34. | Carboys, bottles, flasks, jars, pots, phials, ampoules and other containers, of glass, of a kind used for the conveyance or packing of goods; preserving jars of glass; stoppers, lids and other closures, of glass | ex 7010 |
| 35. | Flat-rolled steel strips of iron or non-alloy steel, of a width of less than 600 mm, clad, plated or coated | 7211 7212 |
| 36. | Tanks, casks, drums, cans, boxes and similar containers, for any material (other than compressed or liquefied gas), of iron or steel, of a capacity not exceeding 300 liters, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment excluding lined or heat insulated tanks, fixed containers; containers for waste material | ex 7310 |
| 37. | Containers for compressed or liquefied gas, of iron or steel excluding containers of a capacity exceeding 300 liters, fixed containers | ex 7311 |
| 38. | Aluminum foil (whether or not printed or backed with paper, paperboard, plastics or similar backing materials) of a thickness (excluding any backing) not exceeding 0.2 mm excluding electrotechnical supplies | ex 7607 |
| 39. | Aluminum casks, drums, cans, boxes and similar containers (including rigid or collapsible tubular containers), for any material (other than compressed or liquefied gas), of a capacity not exceeding 300 liters, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment excluding lined or heat insulated tanks, fixed containers; containers for waste material | ex 7612 |
| 40. | Aluminum containers for compressed or liquefied gas excluding containers of a capacity exceeding 300 liters, fixed containers | ex 7613 |
| 41. | Table, kitchen or other household articles and parts thereof, of aluminum other than single-use articles | ex 7615 10 |
| 42. | Stoppers, caps and lids (including crown corks, screw caps and pouring stoppers), capsules for bottles, threaded bungs, bung covers, seals and other packing accessories, of base metal excluding threaded bungs, bung covers, seals | ex 8309 |
| 43. | Moisture absorbers for packaging | 3824 99 |

*c)* other petroleum products

|  |  |  |
| --- | --- | --- |
| A | B | C |
| No. | Description | Heading and HS, CN subheading |
| 1. | Motor oils, compressor lubricating oils, turbine lubricating oils, whether or not containing biodiesel | 2710 19 81 2710 20 90 |
| 2. | Hydraulic oils, whether or not containing biodiesel | 2710 19 83 2710 20 90 |
| 3. | White oils, liquid paraffin, whether or not containing biodiesel | 2710 19 85 2710 20 90 |
| 4. | Transmission oils and reductor oils, whether or not containing biodiesel | 2710 19 87 2710 20 90 |
| 5. | Metal-working compounds, mould release oils, anti-corrosion oils, whether or not containing biodiesel | 2710 19 91 2710 20 90 |
| 6. | Electrical insulating oils, whether or not containing biodiesel | 2710 19 93 2710 20 90 |
| 7. | Other lubricating oils and other oils, whether or not containing biodiesel excluding lubricating greases | 2710 19 99 2710 20 90 |
| 8. | Lubricating preparations (including cutting-oil preparations, bolt or nut release preparations, anti-rust or anti-corrosion preparations and mould-release preparations, based on lubricants) and preparations of a kind used for the oil or grease treatment of textile materials, leather, furskins or other materials, preparations containing petroleum oils or of oils obtained from bituminous minerals excluding lubricating greases | 3403 |
| 9. | Hydraulic brake fluids and other prepared liquids for hydraulic transmission, not containing or containing less than 70 per cent by weight of petroleum oils or oils obtained from bituminous minerals excluding those not containing petroleum oils or oils obtained from bituminous minerals | 3819 00 00 |

*d)* other plastic products

|  |  |  |
| --- | --- | --- |
| A | B | C |
| No. | Description | Heading and HS, CN subheading |
| 1. | Flowers, foliage and fruit of plastics and parts thereof; articles made of artificial flowers, foliage or fruit | 6702 10 00 ex 9505 |

*e)* other chemical products

|  |  |  |
| --- | --- | --- |
| A | B | C |
| No. | Description | Heading and HS, CN subheading |
| 1. | Soap; organic surface-active products and preparations for use as soap, in the form of bars, cakes, moulded pieces or shapes, whether or not containing soap; organic surface-active products and preparations for washing the skin, in the form of liquid or cream and put up for retail sale, whether or not containing soap; paper, wadding, felt and nonwovens, impregnated, coated or covered with soap or detergent excluding the products in packages with a gross weight of over 50 kilograms, and/or hand-crafted articles | 3401 |
| 2. | Organic surface-active agents (other than soap); surface-active preparations, washing preparations (including auxiliary washing preparations) and cleaning preparations, whether or not containing soap, other than those of heading 3401 excluding the products in packages with a gross weight of over 50 kilograms, and/or hand-crafted articles | 3402 |
| 3. | Scouring pastes and powders and other scouring preparations excluding the products in packages with a gross weight of over 50 kilograms, and/or hand-crafted articles | 3405 40 |
| 4. | Preparations for use on the hair excluding hand-crafted articles | 3305 |
| 5. | Pre-shave, shaving or aftershave preparations, personal deodorants, bath preparations, depilatories and other perfumery, cosmetic or toilet preparations, not elsewhere specified or included; prepared room deodorizers, whether or not perfumed or having disinfectant properties excluding hand-crafted articles | 3307 |

*f)* electric appliances and electronic equipment

|  |  |  |
| --- | --- | --- |
| A | B | C |
| No. | Description | Heading and HS, CN subheading |
| 1. | Electric boilers for central heating | ex 8403 10\* |
| 2. | Auxiliary plant for use with electric boilers of heading 8403 | ex 8404 10\* |
| 3. | Pumps for liquids, whether or not fitted with a measuring device; liquid elevators excluding products of parts subheading | ex 8413\* |
| 4. | Air or vacuum pumps, air or other gas compressors and fans; ventilating or recycling hoods incorporating a fan, whether or not fitted with filters excluding products of parts subheading | ex 8414\* |
| 5. | Air-conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated excluding products of parts subheading | ex 8415\* |
| 6. | Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning machines of heading 8415  excluding products of parts subheading | ex 8418\* |
| 7. | Centrifuges, including centrifugal dryers; filtering or purifying machinery and apparatus, for liquids or gases excluding products of parts subheading | ex 8421\* |
| 8. | Dishwashing machines; machinery for cleaning or drying bottles or other containers; machinery for filling, closing, sealing or labelling bottles, cans, boxes, bags or other containers; machinery for capsuling bottles, jars, tubes and similar containers; other packing or wrapping machinery (including heat-shrink wrapping machinery); machinery for aerating beverages excluding products of parts subheading | ex 8422\* |
| 9. | Pulley tackle and hoists other than skip hoists; winches and capstans; jacks | ex 8425\* |
| 10. | Weaving machines (looms) | ex 8446\* |
| 11. | Household or laundry-type washing machines, including machines which both wash and dry excluding products of parts subheading | ex 8450\* |
| 12. | Machinery (other than machines of heading 8450) for washing, cleaning, wringing, drying, ironing, pressing (including fusing presses), bleaching, dyeing, dressing, finishing, coating or impregnating textile yarns, fabrics or made-up textile articles and machines for applying the paste to the base fabric or other support used in the manufacture of floor coverings such as linoleum; machines for reeling, unreeling, folding, cutting or pinking textile fabrics excluding floor coverings such as linoleum; machines for reeling, unreeling, folding, cutting or pinking textile fabrics; products of parts subheading | ex 8451\* |
| 13. | Electric motors and generators (excluding generating sets) | 8501\* |
| 14. | Electric generating sets and rotary converters | 8502\* |
| 15. | Electrical transformers, static converters (for example, rectifiers) and inductors excluding products of parts subheading | 8504\* |
| 16. | Electromagnets; permanent magnets and articles intended to become permanent magnets after magnetization; electromagnetic or permanent magnet chucks, clamps and similar holding devices; electromagnetic couplings, clutches and brakes; electromagnetic lifting heads excluding electromagnetic or permanent magnet chucks, clamps and similar holding devices; electromagnetic couplings, clutches and brakes; electromagnetic lifting heads; products of parts subheading | ex. 8505\* |
| 17. | Electrical ignition or starting equipment of a kind used for spark-ignition or compression-ignition internal combustion engines (for example, ignition magnetos, magneto-dynamos, ignition coils, sparking plugs and glow plugs, starter motors); generators (for example, dynamos, alternators) and cut-outs of a kind used in conjunction with such engines  excluding products of parts subheading | 8511\* |
| 18. | Weighing machinery (excluding balances of a sensitivity of 5 cg or better) excluding products of parts subheading | ex. 8423\* |
| 19. | Knitting machines, stitch-bonding machines and machines for making gimped yarn, tulle, lace, embroidery, trimmings, braid or net and machines for tufting excluding machines for making gimped yarn, tulle, lace, embroidery, trimmings, braid or net and machines for tufting | ex. 8447\* |
| 20. | Sewing machines, other than book-sewing machines of heading 8440; furniture, bases and covers specially designed for sewing machines; sewing machine needles excluding furniture, bases and covers specially designed for sewing machines; sewing machine needles; products of parts subheading | ex 8452\* |
| 21. | Machines and mechanical appliances having individual functions, not specified or included elsewhere in chapter 84 excluding products of parts subheading | ex 8479\* |
| 22. | Vacuum cleaners excluding products of parts subheading | ex 8508\* |
| 23. | Electromechanical domestic appliances, with self-contained electric motor, other than vacuum cleaners of heading 8508 excluding products of parts subheading | 8509\* |
| 24. | Shavers, hair clippers and hair-removing appliances, with self-contained electric motor excluding products of parts subheading | 8510 |
| 25. | Electrical lighting or signaling equipment (excluding articles of heading 8539), windscreen wipers, defrosters and demisters, of a kind used for cycles or motor vehicles excluding of a kind used for cycles, electrical lighting equipment used for motor vehicles; products of parts subheading | ex 8512 |
| 26. | Electric instantaneous or storage water heaters and immersion heaters; electric space-heating apparatus and soil-heating apparatus; electrothermic hairdressing apparatus (for example, hairdryers, hair curlers, curling tong heaters) and hand dryers; electric smoothing irons; other electrothermic appliances of a kind used for domestic purposes; electric heating resistors, other than those of heading 8545 excluding products of parts subheading | ex 8516\* |
| 27. | Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits (for example, switches, relays, fuses, surge suppressors, plugs, sockets, lamp holders and other connectors, junction boxes), for a voltage not exceeding 1000 V; connectors for optical fibers, optical fiber bundles or cables | 8536 |
| 28. | Mounted piezoelectric crystals | 8541 60 00 |
| 29. | Electrical vibratory-massage apparatus | 9019 10 10 |
| 30. | Wristwatches, pocket-watches and other watches, including stopwatches, with case of precious metal or of metal clad with precious metal | ex 9101 |
| 31. | Wristwatches, pocket-watches and other watches, including stopwatches, other than those of heading 9101 | ex 9102 |
| 32. | Clocks with watch movements, excluding clocks of heading 9104 | ex 9103 |
| 33. | Instrument panel clocks and clocks of a similar type for vehicles, aircraft, spacecraft or vessels | ex 9104 |
| 34. | Other clocks | ex 9105 |
| 35. | Time of day recording apparatus and apparatus for measuring, recording or otherwise indicating intervals of time, with clock or watch movement or with synchronous motor (for example, time-registers, time-recorders) | ex 9106 |
| 36. | Time switches, with clock or watch movement or with synchronous motor | ex 9107 |
| 37. | Watch movements, complete and assembled | ex 9108 |
| 38. | Clock movements, complete and assembled | ex 9109 |
| 39. | Printers, copying machines and facsimile machines, whether or not combined | ex 8443\* |
| 40. | Calculating machines and pocket-size data-recording, reproducing and displaying machines with calculating functions; accounting machines, postage-franking machines, ticket-issuing machines and similar machines, incorporating a calculating device; cash registers | ex 8470 |
| 41. | Automatic data-processing machines and units thereof; magnetic or optical readers, machines for transcribing data onto data media in coded form and machines for processing such data, not elsewhere specified or included | ex 8471 |
| 42. | Other office machines (for example, hectograph or stencil duplicating machines, addressing machines, coin-sorting machines, coin-counting or -wrapping machines, pencil-sharpening machines, perforating or stapling machines) | ex 8472 |
| 43. | Parts and accessories (other than covers, carrying cases and the like) suitable for use solely or principally with machines of headings 8470-8472 | ex 8473 |
| 44. | Telephone sets, including telephones for cellular networks or for other wireless networks; other apparatus for the transmission or reception of voice, images or other data, including apparatus for communication in a wired or wireless network (such as a local or wide area network), other than transmission or reception apparatus of heading 8443, 8525, 8527 or 8528 | ex 8517\* |
| 45. | Discs, tapes, solid-state non-volatile storage devices, ‘smart cards’ and other media for the recording of sound or of other phenomena, whether or not recorded, including matrices and masters for the production of discs, but excluding products of Chapter 37 | ex 8523 |
| 46. | Radar apparatus, radio navigational aid apparatus and radio remote control apparatus | 8526\* |
| 47. | Monitors and projectors, not incorporating television reception apparatus; reception apparatus for television, whether or not incorporating radio-broadcast receivers or sound or video recording or reproducing apparatus | 8528\* |
| 48. | Electronic integrated circuits | 8542 |
| 49. | Electrical machines and apparatus, having individual functions, not specified or included elsewhere in chapter 85 | ex 8543\* |
| 50. | Microphones and stands therefor; loudspeakers, whether or not mounted in their enclosures; headphones and earphones, whether or not combined with a microphone, and sets consisting of a microphone and one or more loudspeakers; audio-frequency electric amplifiers; electric sound amplifier sets  excluding products of parts subheading | ex 8518\* |
| 51. | Sound recording or sound reproducing apparatus | 8519\* |
| 52. | Video recording or reproducing apparatus, whether or not incorporating a video tuner | 8521\* |
| 53. | Transmission apparatus for radio-broadcasting or television, whether or not incorporating reception apparatus or sound recording or reproducing apparatus; television cameras, digital cameras and video camera recorders  excluding television cameras with three or more camera tubes | 8525\* |
| 54. | Reception apparatus for radio-broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock | 8527 |
| 55. | Photovoltaic cells | 8541 40 90 |
| 56. | Photographic (other than cinematographic) cameras; photographic flashlight apparatus and flashbulbs other than electrically ignited flashbulbs, excluding discharge lamps falling within CN code 8539, and excluding non-electric devices, furthermore, Cameras of a kind used for preparing printing plates or cylinders; cameras specially designed for underwater use, for aerial survey or for medical or surgical examination of internal organs; comparison cameras for forensic or criminological laboratories, photographic flashlight apparatus and flashbulbs       excluding products of parts subheading | ex 9006 |
| 57. | Cinematographic cameras and projectors, whether or not incorporating sound recording or reproducing apparatus excluding products of parts subheading | ex 9007\* |
| 58. | Image projectors, other than cinematographic; photographic (other than cinematographic) enlargers and reducers excluding products of parts subheading | ex 9008\* |
| 59. | Musical instruments, the sound of which is produced, or must be amplified, electrically (for example, organs, guitars, accordions) | 9207\* |
| 60. | Agricultural, horticultural or forestry machinery for soil preparation or cultivation; lawn or sports-ground rollers excluding products of parts subheading | ex 8432\* |
| 61. | Mowers for lawns, parks or sports grounds, electric, powered, with the cutting device rotating in a horizontal plane | 8433 11 10\* |
| 62. | Lathes (including turning centers) for removing metal | ex 8458\* |
| 63. | Machine tools (including way-type unit head machines) for drilling, boring, milling, threading or tapping by removing metal, other than lathes (including turning centers) of heading 8458 | ex 8459\* |
| 64. | Machine tools for deburring, sharpening, grinding, honing, lapping, polishing or otherwise finishing metal or cermets by means of grinding stones, abrasives or polishing products, other than gear cutting, gear grinding or gear finishing machines of heading 8461 | ex 8460\* |
| 65. | Machine tools for planing, shaping, slotting, broaching, gear cutting, gear grinding or gear finishing, sawing, cutting-off and other machine tools working by removing metal or cermets, not elsewhere specified or included | ex 8461\* |
| 66. | Other machine tools for working metal or cermets, without removing material | ex 8463\* |
| 67. | Machine tools for working stone, ceramics, concrete, asbestos-cement or like mineral materials or for cold working glass | ex 8464\* |
| 68. | Machine-tools (including machines for nailing, stapling, gluing or otherwise assembling) for working wood, cork, bone, hard rubber, hard plastics or similar hard materials | ex 8465\* |
| 69. | Tools for working in the hand, pneumatic, hydraulic or with self-contained electric or non-electric motor excluding products of parts subheading | ex 8467\* |
| 70. | Machinery and apparatus for soldering, brazing or welding, whether or not capable of cutting, other than those of heading 8515; gas-operated surface tempering machines and appliances excluding products of parts subheading | ex 8468\* |
| 71. | Machinery for sorting, screening, separating, washing, crushing, grinding, mixing or kneading earth, stone, ores or other mineral substances, in solid (including powder or paste) form; machinery for agglomerating, shaping or moulding solid mineral fuels, ceramic paste, unhardened cements, plastering materials or other mineral products in powder or paste form; machines for forming foundry moulds of sand excluding products of parts subheading | ex 8474\* |
| 72. | Electric (including electrically heated gas), laser or other light or photon beam, ultrasonic, electron beam, magnetic pulse or plasma arc soldering, brazing or welding machines and apparatus, whether or not capable of cutting; electric machines and apparatus for hot spraying of metals or cermets excluding products of parts subheading | 8515\* |
| 73. | Tricycles, scooters, pedal cars and similar wheeled toys; dolls' carriages; dolls; other toys; reduced-size (‘scale’) models and similar recreational models, working or not; puzzles of all kinds | ex 9503 |
| 74. | Video game consoles and machines, articles for funfair, table or parlor games, including pintables, billiards, special tables for casino games and automatic bowling alley equipment   excluding products of parts subheading | ex 9504\* |
| 75. | Electric sound or visual signaling apparatus (for example, bells, sirens, indicator panels, burglar or fire alarms), other than those of heading 8512 or 8530 excluding products of parts subheading | 8531\* |
| 76. | Boards, for a voltage ≤ 1000 V, panels, consoles, desks, cabinets and other bases, equipped with two or more apparatus of heading 8535 or 8536, for electric control or the distribution of electricity, including those incorporating instruments or apparatus of Chapter 90, and numerical control apparatus, other than switching apparatus of heading 8517 | ex 8537 10\* |
| 77. | Other bicycles with electric motor for propulsion | 8711 60 90 |
| 78. | Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments excluding products of parts subheading | ex 9025\* |
| 79. | Instruments and apparatus for measuring or checking the flow, level, pressure or other variables of liquids or gases (for example, flow meters, level gauges, manometers, heat meters), excluding instruments and apparatus of heading 9014, 9015, 9028 or 9032  excluding products of parts subheading | ex 9026\* |
| 80. | Instruments and apparatus for physical or chemical analysis (for example, polarimeters, refractometers, spectrometers, gas or smoke analysis apparatus); instruments and apparatus for measuring or checking viscosity, porosity, expansion, surface tension or the like; instruments and apparatus for measuring or checking quantities of heat, sound or light (including exposure meters); microtomes    excluding products of parts subheading | ex 9027\* |
| 81. | Gas, liquid or electricity supply or production meters, including calibrating meters therefor excluding products of parts subheading | ex 9028\* |
| 82. | Revolution counters, production counters, taximeters, milometers, pedometers and the like; speed indicators and tachometers, other than those of heading 9014 or 9015; stroboscopes excluding products of parts subheading | ex 9029\* |
| 83. | Measuring or checking instruments, appliances and machines, not specified or included elsewhere in chapter 90; profile projectors excluding products of parts subheading | ex 9031\* |
| 84. | Automatic regulating or controlling instruments and apparatus  excluding products of parts subheading | ex 9032\* |
| 85. | Automatic goods-vending machines (for example, postage stamp, cigarette, food or beverage machines), including money-changing machines excluding products of parts subheading | ex 8476\* |
| 86. | Monopods, bipods, tripods and similar articles | ex 9620\* |
| *The headings marked with an asterisk (\*) indicate electric appliances and electronic equipment where the products shall be subject to product charges if gross weight does not exceed 200 kg or have an electrical output power of up to 4 kW.* | | |

*g)* tires

|  |  |  |
| --- | --- | --- |
| A | B | C |
| No. | Description | Heading and HS, CN subheading |
| 1. | New pneumatic tires, of rubber excluding tires of a kind used on bicycles | 4011 |
| 2. | Retreaded or used pneumatic tires of rubber; solid or cushion tires, tire treads and tire flaps, of rubber excluding tire treads and tire flaps, of rubber, and tires of a kind used on bicycles | 4012 |

*h)* paper stationery

|  |  |  |
| --- | --- | --- |
| A | B | C |
| No. | Description | Heading and HS, CN subheading |
| 1. | Uncoated paper and paperboard, of a kind used for writing, printing or other graphic purposes, and non-perforated punchcards and punch-tape paper, in rolls or rectangular (including square) sheets, of any size, other than paper of heading 4801 or 4803; handmade paper and paperboard, in retail packages for end users excluding non-perforated punchcards and punch-tape paper, handmade paper | ex 4802 |
| 2. | Carbon paper, self-copy paper and other copying or transfer papers (including coated or impregnated paper for duplicator stencils or offset plates), whether or not printed, in rolls or sheets | ex 4809 |
| 3. | Paper and paperboard, coated on one or both sides with kaolin (China clay) or other inorganic substances, with or without a binder, and with no other coating, whether or not surface-colored, surface-decorated or printed, in rolls or rectangular (including square) sheets, of any size, for writing, printing or other graphic purposes, in retail packages for end users | ex 4810 |
| 4. | Paper, paperboard, cellulose wadding and webs of cellulose fibers, coated, impregnated, covered, surface-colored, surface-decorated or printed, in rolls or rectangular (including square) sheets, of any size, other than goods of the kind described in heading 4803, 4809 or 4810 | ex 4811 |
| 5. | Carbon paper, self-copy paper and other copying or transfer papers (other than those of heading 4809), duplicator stencils and offset plates, of paper, whether or not put up in boxes | ex 4816 |
| 6. | Box files, letter trays, storage boxes and similar articles, of a kind used in offices, shops or the like | 4819 60 |
| 7. | Registers, account books, notebooks, order books, receipt books, letter pads, memorandum pads, diaries and similar articles, exercise books, blotting pads, binders (loose-leaf or other), folders, file covers, manifold business forms, interleaved carbon sets and other articles of stationery, of paper or paperboard; albums for samples or for collections and book covers, of paper or paperboard  excluding products recognized as commercial printing paper, account books, order books, receipt books, exercise books and book covers | ex 4820 |

*i)* commercial printing papers

|  |  |  |
| --- | --- | --- |
| A | B | C |
| No. | Description | Heading and HS, CN subheading |
| 1. | Paper and paperboard, articles of paper pulp, of paper or of paperboard | ex 48 |
| 2. | Printed books, newspapers, pictures and other products of the printing industry | ex 49 |
|  |  |  |

*Annex 2 to Act LXXXV of 2011*

***Product charge rates***

*a)* Accumulators

|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Product stream | Product charge (HUF/kg) |
| 2. | Accumulators (whether or not filled with electrolyte) | 57 |

*b)* Packaging products

|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Material flow | Product charge (HUF/kg) |
| 2. | Packaging made of plastic [other than plastic (shopping and/or promotional) bags, products made from biodegradable plastic originating entirely from renewable resources - in accordance with MSZ EN 13432:2002 or an equivalent procedure] | 57 |
| 3. | Plastic shopping and/or promotional bags | 1900 |
| 4. | Composite (excluding composite laminated beverage containers) | 57 |
| 5. | Composite laminated beverage containers | 19 |
| 6. | Metal (excluding metal cans for beverages) | 19 |
| 7. | Metal cans for beverages | 57 |
| 8. | Paper | 19 |
| 9. | Wood, material of natural origin | 19 |
| 10. | Glass | 19 |
| 11. | Other | 57 |

*c)* Other petroleum products

|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Product stream | Product charge (HUF/kg) |
| 2. | Lubricating oils | 114 |

*d)* Other plastic products

|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Product stream | Product charge (HUF/kg) |
| 2. | Artificial flowers of plastic, foliage and fruit and parts thereof; plastic articles made of artificial flowers, foliage or fruit | 1900 |

*e)* Other chemical products

|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Product stream | Product charge (HUF/kg) |
| 2. | Soap; organic surface-active agents; washing preparations | 11 |
| 3. | Cosmetic or toilet preparations | 57 |

*f)* Electric appliances and electronic equipment

|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Product stream | Product charge (HUF/kg) |
| 2. | Temperature exchange equipment | 57 |
| 3. | Screens, monitors, and equipment containing screens having a surface greater than 100 cm2 | 57 |
| 4. | Large equipment (any external dimension more than 50 cm) | 57 |
| 5. | Small equipment (no external dimension more than 50 cm) | 57 |
| 6. | Small IT and telecommunication equipment (no external dimension more than 50 cm) | 57 |

*g)* Tires

|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Product stream | Product charge (HUF/kg) |
| 2. | Tires | 57 |

*h)* Paper stationery

|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Product stream | Product charge (HUF/kg) |
| 2. | Paper stationery | 19 |

*i)* Commercial printing papers

|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Product stream | Product charge (HUF/kg) |
| 2. | Commercial printing papers | 85 |
|  |  |  |

*Annex 3 to Act LXXXV of 2011*

***Product charges relating to selective waste management operators for product streams and material flows***

In product streams and material flows qe means the waste management output of operators authorized to pay product charges as a selective waste management operator, qáhksz means the average nation-wide waste management output of the State waste management coordinator organization, and qf means the ceiling rate of recovery for a given product stream and material flow.

The qf and qOHU values effective as of 2012 are shown in the table below:

*a)* Accumulators

|  |  |  |  |
| --- | --- | --- | --- |
|  | A | B | C |
| 1. | Product stream | qf ceiling rate of recovery | qáhksz average nation-wide waste management output of State waste management coordinator organization |
| 2. | Accumulators (whether or not filled with electrolyte) | 0.85 | 0.85 |

*b)* Packaging products

|  |  |  |  |
| --- | --- | --- | --- |
|  | A | B | C |
| 1. | Material flow | qf ceiling rate of recovery | qáhksz average nation-wide waste management output of State waste management coordinator organization |
| 2. | Plastic  [other than plastic (shopping and/or promotional) bags] | 0.65 | 0.25 |
| 3. | Plastic shopping and/or promotional bags | 0.65 | 0.15 |
| 4. | Composite (excluding composite laminated beverage containers) | 0.65 | 0.40 |
| 5. | Composite laminated beverage containers | 0.65 | 0.20 |
| 6. | Metal (excluding metal cans for beverages) | 0.65 | 0.60 |
| 7. | Paper | 0.65 | 0.65 |
| 8. | Wood, material of natural origin | 0.65 | 0.15 |
| 9. | Glass | 0.65 | 0.60 |
| 10. | Other | 0.65 | 0.25 |
| 11. | Metal cans for beverages | 0.17 | 0.17 |

*c)* Electric appliances and electronic equipment

|  |  |  |  |
| --- | --- | --- | --- |
|  | A | B | C |
| 1. | Product stream | qf ceiling rate of recovery | qáhksz average nation-wide waste management output of State waste management coordinator organization |
| 2. | Temperature exchange equipment | 0.55 | 0.55 |
| 3. | Screens, monitors, and equipment containing screens having a surface greater than 100 cm2 | 0.52 | 0.52 |
| 4. | Large equipment (any external dimension more than 50 cm) | 0.55 | 0.55 |
| 5. | Small equipment (no external dimension more than 50 cm) | 0.48 | 0.48 |
| 6. | Small IT and telecommunication equipment (no external dimension more than 50 cm) | 0.48 | 0.48 |

*d)* Tires

|  |  |  |  |
| --- | --- | --- | --- |
|  | A | B | C |
| 1. | Product stream | qf ceiling rate of recovery | qáhksz average nation-wide waste management output of State waste management coordinator organization |
| 2. | Tires | 0.75 | 0.75 |

2. Description of product charges:

The product charge payable by selective waste management operators for a given product stream and material flow is determined by the following standard formula:

T=R+E1+K1

where

‘T’ means the per-unit product charge payable,

‘R’ means the per-unit basic system control fee payable,

‘E1’ means the per-unit basic external cost payable,

‘K1’ means the per-unit handling charges payable.

3. Per-unit basic system control fee

The amount of the per-unit basic system control fee (R) payable for the various product streams and material flows are shown in the table below:

*a)* Accumulators

|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Product stream | Per-unit basic system control fee   (HUF/kg) |
| 2. | Accumulators (whether or not filled with electrolyte) | 44 |

*b)* Packaging products

|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Material flow | Per-unit basic system control fee  (HUF/kg) |
| 2. | Packaging made of plastic [other than plastic (shopping and/or promotional) bags] | 34 |
| 3. | Plastic shopping and/or promotional bags | 1300 |
| 4. | Composite (excluding composite laminated beverage containers) | 34 |
| 5. | Composite laminated beverage containers | 12 |
| 6. | Metal (excluding metal cans for beverages) | 12 |
| 7. | Metal cans for beverages | 34 |
| 8. | Paper | 11. |
| 9. | Wood, material of natural origin | 14 |
| 10. | Glass | 12 |
| 11. | Other | 34 |

*c)* Electric appliances and electronic equipment

|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Product stream | Per-unit basic system control fee  (HUF/kg) |
| 2. | Temperature exchange equipment | 34 |
| 3. | Screens, monitors, and equipment containing screens having a surface greater than 100 cm2 | 34 |
| 4. | Large equipment (any external dimension more than 50 cm) | 34 |
| 5. | Small equipment (no external dimension more than 50 cm) | 34 |
| 6. | Small IT and telecommunication equipment (no external dimension more than 50 cm) | 34 |

*d)* Tires

|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Product stream | Per-unit basic system control fee  (HUF/kg) |
| 2. | Tires | 35 |

4. External cost

The amount of per-unit external cost payable (E1) shall be calculated in the case of qe>qf

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by the formula, in all other cases it is E1 = 0. The amount of the E per-unit external cost shown in the formula for the various product streams and material flows are shown in the table below:

*a)* Accumulators

|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Product stream | Per-unit basic external cost   (HUF/kg) |
| 2. | Accumulators (whether or not filled with electrolyte) | 24 |

*b)* Packaging products

|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Material flow | Per-unit basic external cost   (HUF/kg) |
| 2. | Packaging made of plastic [other than plastic (shopping and/or promotional) bags] | 24 |
| 3. | Plastic shopping and/or promotional bags | 774 |
| 4. | Composite (excluding composite laminated beverage containers) | 24 |
| 5. | Composite laminated beverage containers | 7 |
| 6. | Metal (excluding metal cans for beverages) | 8 |
| 7. | Metal cans for beverages | 24 |
| 8. | Paper | 4 |
| 9. | Wood, material of natural origin | 4 |
| 10. | Glass | 6 |
| 11. | Other | 24 |

*c)* Electric appliances and electronic equipment

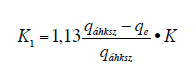
|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Product stream | Per-unit basic external cost  (HUF/kg) |
| 2. | Temperature exchange equipment | 24 |
| 3. | Screens, monitors, and equipment containing screens having a surface greater than 100 cm2 | 24 |
| 4. | Large equipment (any external dimension more than 50 cm) | 24 |
| 5. | Small equipment (no external dimension more than 50 cm) | 24 |
| 6. | Small IT and telecommunication equipment (no external dimension more than 50 cm) | 24 |

*d)* Tires

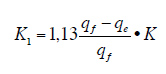
|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Product stream | Per-unit basic external cost   (HUF/kg) |
| 2. | Tires | 34 |

5. Handling charges

The amount of handling charges payable (K 1) shall be calculated in the case of q e <qáhksz <q f by the



formula, in the case of qe<qáhksz and qáhksz=qf by the



formula, in all other cases it is K1=0. The amount of the K per-unit handling charges shown in the formula for the various product streams and material flows are shown in the table below:

*a)* Accumulators

|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Product stream | Per-unit handling charges   (HUF/kg) |
| 2. | Accumulators (whether or not filled with electrolyte) | 20 |

*b)* Packaging products

|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Material flow | Per-unit handling charges   (HUF/kg) |
| 2. | Packaging made of plastic [other than plastic (shopping and/or promotional) bags] | 30 |
| 3. | Plastic shopping and/or promotional bags | 30 |
| 4. | Composite (excluding composite laminated beverage containers) | 30 |
| 5. | Composite laminated beverage containers | 10 |
| 6. | Metal (excluding metal cans for beverages) | 10 |
| 7. | Metal cans for beverages | 30 |
| 8. | Paper | 5 |
| 9. | Wood, material of natural origin | 10 |
| 10. | Glass | 10 |
| 11. | Other | 30 |

*c)* Electric appliances and electronic equipment

|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Product stream | Per-unit handling charges   (HUF/kg) |
| 2. | Temperature exchange equipment | 30 |
| 3. | 2. Screens, monitors, and equipment containing screens having a surface greater than 100 cm2 | 30 |
| 4. | Large equipment (any external dimension more than 50 cm) | 30 |
| 5. | Small equipment (no external dimension more than 50 cm) | 30 |
| 6. | Small IT and telecommunication equipment (no external dimension more than 50 cm) | 30 |

*d)* Tires

|  |  |  |
| --- | --- | --- |
|  | A | B |
| 1. | Product stream | Per-unit handling charges   (HUF/kg) |
| 2. | Tires | 30 |
|  |  |  |

*Annex 4 to Act LXXXV of 2011*

***If paying flat-rate product charges, the average weight of motor vehicle parts or components subject to product charges and the amount of flat-rate charges***

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | A | B | | | | C |
| 1. | Heading and HS subheading, description | *a)* accumulators (kg/ea.) | *b)* tires (kg/ea.) | *c)* lubricating oils (kg/ea.) | *d)* Electric appliances and electronic equipment   (kg/ea.) | flat-rate product charges  (HUF/ea.) |
| 2. | 8702 10 With only compression-ignition internal combustion piston engine (diesel or semi-diesel) | 40 | 150 | 20 | 60 | 17,000 |
| 3. | 8702 20 With both compression-ignition internal combustion piston engine (diesel or semi-diesel) and electric motor as motors for propulsion | 40 | 150 | 20 | 150 | 22,000 |
| 4. | 8702 30 With both spark-ignition internal combustion reciprocating piston engine and electric motor as motors for propulsion | 40 | 150 | 20 | 150 | 22,000 |
| 5. | 8702 40 00 With only electric motor for propulsion | 40 | 150 | 20 | 150 | 22,000 |
| 6. | 8702 90 Other motor vehicles for the transport of ten or more persons, including the driver | 18 | 45 | 11 | 35 | 7,000 |
| 7. | 8703 10 Vehicles specially designed for traveling on snow; golf cars and similar vehicles | 10 | 25 | 7 | 17 | 4,000 |
| 8. | 8703 21 Other vehicles, with only spark-ignition internal combustion reciprocating piston engine of a cylinder capacity not exceeding 1,000 cm3 | 10 | 25 | 7 | 17 | 4,000 |
| 9. | 8703 22 Other vehicles, with only spark-ignition internal combustion reciprocating piston engine of a cylinder capacity exceeding 1,000 cm3 but not exceeding 1,500 cm3 | 13 | 35 | 9 | 20 | 5,000 |
| 10. | 8703 23 Other vehicles, with only spark-ignition internal combustion reciprocating piston engine of a cylinder capacity exceeding 1,500 cm3 but not exceeding 3,000 cm3 | 15 | 40 | 11 | 23 | 6,000 |
| 11. | 8703 24 Other vehicles, with only spark-ignition internal combustion reciprocating piston engine of a cylinder capacity exceeding 3,000 cm3 but not exceeding 3,000 cm3 | 15 | 45 | 11 | 35 | 7,000 |
| 12. | 8703 31 Other vehicles, with only compression-ignition internal combustion piston engine (diesel or semi-diesel) of a cylinder capacity not exceeding 1,500 cm3 | 18 | 35 | 7 | 17 | 5,000 |
| 13. | 8703 32 Other vehicles, with only compression-ignition internal combustion piston engine (diesel or semi-diesel) of a cylinder capacity exceeding 1,500 cm3 but not exceeding 2,500 cm3 | 20 | 40 | 9 | 22 | 6,000 |
| 14. | 8703 33 Other vehicles, with only compression-ignition internal combustion piston engine (diesel or semi-diesel) of a cylinder capacity exceeding 2,500 cm3 | 22 | 45 | 11 | 30 | 7,000 |
| 15. | 8703 40 - Other vehicles, with both spark-ignition internal combustion reciprocating piston engine and electric motor as motors for propulsion, other than those capable of being charged by plugging to external source of electric power | 15 | 45 | 11 | 80 | 10,000 |
| 16. | 8703 50 Other vehicles, with both compression-ignition internal combustion piston engine (diesel or semi-diesel) and electric motor as motors for propulsion, other than those capable of being charged by plugging to external source of electric power | 22 | 45 | 11 | 80 | 10,000 |
| 17. | 8703 60 Other vehicles, with both spark-ignition internal combustion reciprocating piston engine and electric motor as motors for propulsion, capable of being charged by plugging to external source of electric power | 15 | 45 | 11 | 80 | 10,000 |
| 18. | 8703 70 Other vehicles, with both compression-ignition internal combustion piston engine (diesel or semi-diesel) and electric motor as motors for propulsion, capable of being charged by plugging to external source of electric power | 22 | 45 | 11 | 80 | 10,000 |
| 19. | 8703 80 Other vehicles, with only electric motor for propulsion | 15 | 45 | 2 | 80 | 9,000 |
| 20. | 8703 90 Other motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading 8702), including station wagons and racing cars | 12 | 40 | 2 | 60 | 7,000 |
| 21. | 8704 10 Dumpers designed for off-highway use | 40 | 500 | 20 | 20 | 35,000 |
| 22. | 8704 21 Other motor vehicles for the transport of goods, with compression-ignition internal combustion piston engine (diesel or semi-diesel) of a gross vehicle weight not exceeding 5 tons | 20 | 50 | 18 | 22 | 8,000 |
| 23. | 8704 22 Other motor vehicles for the transport of goods, with compression-ignition internal combustion piston engine (diesel or semi-diesel) of a gross vehicle weight exceeding 5 tons but not exceeding 20 tons | 30 | 360 | 25 | 17 | 27,000 |
| 24. | 8704 23 Other motor vehicles for the transport of goods, with compression-ignition internal combustion piston engine (diesel or semi-diesel) of a gross vehicle weight exceeding 20 tons | 120 | 450 | 35 | 22 | 38,000 |
| 25. | 8704 31 Other motor vehicles for the transport of goods, with spark-ignition internal combustion reciprocating piston engine of a gross vehicle weight not exceeding 5 tons | 15 | 40 | 11 | 22 | 6,000 |
| 26. | 8704 32 Other motor vehicles for the transport of goods, with spark-ignition internal combustion reciprocating piston engine of a gross vehicle weight exceeding 5 tons | 80 | 180 | 23 | 17 | 19,000 |
| 27. | 8704 90 Other motor vehicles for the transport of goods | 45 | 60 | 20 | 17 | 10,000 |
| 28. | 8711 10 Motorcycles (including cycles fitted with an auxiliary motor [mopeds]), with or without side-cars; with reciprocating internal combustion piston engine of a cylinder capacity not exceeding 50 cm3 | 3 | 6 | 1 | 2 | 1,000 |
| 29. | 8711 20 Motorcycles (including cycles fitted with an auxiliary motor [mopeds]), with or without side-cars; with reciprocating internal combustion piston engine of a cylinder capacity exceeding 50 cm3 but not exceeding 250 cm3 | 4 | 10 | 2 | 6 | 1,500 |
| 30. | 8711 30 Motorcycles (including cycles fitted with an auxiliary motor [mopeds]), with or without side-cars; with reciprocating internal combustion piston engine of a cylinder capacity exceeding 250 cm3 but not exceeding 500 cm3 | 4 | 10 | 3 | 10 | 2,000 |
| 31. | 8711 40 Motorcycles (including cycles fitted with an auxiliary motor [mopeds]), with or without side-cars; with reciprocating internal combustion piston engine of a cylinder capacity exceeding 500 cm3 but not exceeding 800 cm3 | 4 | 11 | 4 | 14 | 2,500 |
| 32. | 8711 50 Motorcycles (including cycles fitted with an auxiliary motor [mopeds]), with or without side-cars; with reciprocating internal combustion piston engine of a cylinder capacity exceeding 800 cm3 | 4 | 14 | 5 | 18 | 3,000 |
| 33. | 8711 60 Motorcycles with electric motor for propulsion (including cycles fitted with an auxiliary motor [mopeds]), with or without side-cars (excluding products under heading 8711 60 90) | 4 | 9 | 3 | 15 | 2,000 |
|  |  |  |  |  |  |  |