

Decree by the Minister of Environment Protection 09/2001. (IV. 9.) KöM on detailed regulations of treating dry cells, rechargeable batteries or wastes thereof.

Authorised by subclause cc) of clause c) of item (2), Article 59, Act XLIII of year 2000 on waste management (hereinafter referred to as Hgt.) I ordain the following:

Scope of Decree

Article 1

The present document covers dry cells or rechargeable batteries, respectively, devices containing them, as well as wastes thereof and manufacturers, dealers of these dry cells or rechargeable batteries and their consumers.

Definitions

For the present document the following definitions shall apply:

- a) *dry cells or rechargeable batteries*: source of electric current, that converts chemical energy directly into electric energy and is composed of one or more primary (not rechargeable) or secondary (rechargeable) subparts (cells);
- b) *wasted dry cells or rechargeable batteries*: dry cells or rechargeable batteries qualified as waste in respect of item a) of Hgt. Article 3;
- c) *disposal*: operations (D5, D9, D10 and D13, D14, D15 performed for them) listed in Annex 3 to Hgt. and applicable to batteries or rechargeable batteries;
- d) *utilisation*: operations (R1, R4, R5, R6, R11 and R12, R13 performed for them) applicable to dry cells or rechargeable batteries listed in Annex 4 to Hgt.
- e) *importer*: economic organisation importing for the purpose of domestic marketing or use;
- f) *dealer*: economic organisation that sells dry cells or rechargeable batteries to the user or consumer, respectively, and that recollects and forwards waste batteries or waste rechargeable batteries for treatment and use;
- g) *consumer*: the one who buys, obtains, uses dry cells or rechargeable batteries for own purpose under the scope of the present document;
- h) *acid lead rechargeable battery*: all rechargeable batteries containing acid electrolyte agent and metallic lead;
- i) *high-capacity alkali rechargeable battery*: alkali rechargeable battery with a capacity over 5Ah whose electrolyte agent is alkali, metallic content is Nickel and Cadmium;
- j) *low-capacity alkali rechargeable battery*: alkali rechargeable battery with a capacity below 5 Ah whose electrolyte agent is alkali, metallic content is normally Nickel and Cadmium or other metal, e.g. Lithium;
- k) *rechargeable button cell*: fully sealed alkali rechargeable battery of small size and with a shape of flat disc whose electrolyte is alkali, metallic content is normally silver, zinc or mercury;
- l) *button cell*: not rechargeable fully sealed current source small in size with the shape of flat disc.

Prescription with respect to handling batteries and rechargeable batteries or their wastes, respectively.

Article 3

- (1) It is prohibited to market dry cells or rechargeable batteries containing mercury over 0.0005 percentage of mass, including even dry cells or rechargeable batteries placed in devices.
- (2) Exempted from the restriction defined in (1) are the button cells or rechargeable button cells composed of cells whose mercury content does not exceed 2 percentage of mass.

Article 4

- (1) Placing dry cells or rechargeable batteries in the apparatus should be such that the user can easily remove them.
- (2) Exempted from provision defined in (1) are apparatus categories listed in Annex 2 to this Decree.

Article 5

It is prohibited to mix discarded dry cells or rechargeable batteries to other refuse.

Article 6

- (1) Owners, holders of dry cells or rechargeable batteries are liable to find solution for selective collection of wasted dry cells or rechargeable batteries they used. They shall ensure recycling or disposal directly or, if no authorised, pass them over for recollection or to an economic organisation licensed for handling them.
- (2) The obligation of the manufacturer to recollect wastes of dry cells or rechargeable batteries does not exempt the producer from handling the waste arising from its economic activity, according to the prescriptions of the related rules of law.

Article 7

- (1) For complying with the obligation as laid down in Article 6 the manufacturer or the dealer has to provide for the recollection as defined in the conditions in separate rule of law. The manufacturer -- if not he is performing recollection -- may make a separate contract for the recollection, with respect to Article 8 (1). The recollection shall be performed separately from other waste.
- (2) Beside the recollection as described in item (1) the manufacturer or several manufacturers or dealers may establish and operate a common collection network, or may contract with the local government of the settlement for separate collection within the frame of the public service.
- (3) The manufacturer is liable to provide, as laid down in Article 3 of the Hgtv, for the collection, reuse or disposal, of waste dry cells or rechargeable batteries recollected at the depot centres, at the points of sale.

Article 8

- (1) For recollection of the waste batteries the points of sale -- in case of separate agreement--are liable on the scene of the activity to place an appropriate receptacle provided for by the manufacturer.
- (2) The wasted batteries, button cells, rechargeable button cells and low-capacity alkali rechargeable batteries can be collected on the same way, in common receptacle.
- (3) For the recollection of acid lead rechargeable batteries, or high-capacity alkali rechargeable batteries the points of sale -- in case of separate agreement -- are liable on the scene of the activity to place battery-acid proof, suitable receptacle, collecting container provided for by the manufacturer. For recollection of high-capacity alkali rechargeable batteries the containers shall be alkali-proof. The cover can be opened by the collector only.
- (4) The collection from the place of sale shall be performed according to the rules of law relating to collection of hazardous waste.

Article 9

In the product information or in information material displayed on the place of sale the manufacturer and dealer are liable to supply the consumer information on the batteries or rechargeable batteries. This information -- beside that described in Article 7 of Hgt. -- shall cover:

- a) the dangers of uncontrolled placing of waste batteries or rechargeable batteries;
- b) the marking of dry cells or rechargeable batteries and of apparatus containing batteries or rechargeable batteries permanently built in;
- c) the way of removing the dry cells or rechargeable batteries permanently built in the apparatus.

Article 10

- (1) The dry cells or rechargeable batteries as described in Annex 1 shall be marked – as defined in Annex 3 to this Decree – as to the separate collection and heavy metal content. The markings shall be affixed to be prominently visible and legible, and indelibly printed.
- (2) Dry cells or rechargeable batteries are not allowed to the market without marking defined in item (1) except for commercial stocks existed when this Decree came into force. These stocks are allowed to the market up to 31. December 2001.
- (3) On selecting the applied figure between figures seen in item 1 of Annex 3, for domestic product the manufacturer decides, for import product it is -- in compliance with the contract -- the manufacturer's authorised representative established in the Republic of Hungary, or the importer, in lack of agreement it is the importer who decides.
- (4) To apparatus listed in Annex 2 a guide in Hungarian language shall be attached for the consumers on the dangerous material content of the dry cells or rechargeable batteries in the apparatus, as well as on the safe removal of the dry cells or rechargeable batteries. The importer or manufacturer, as described in paragraph (3), is liable to place the guide.
- (5) The provisions do not touch the information providing liability of the manufacturer or dealer prescribed in the consumer protection rules of law.

Article 11

- (1) Jurisdiction of first instance in connection with environment protection activities, relating to dry cells or rechargeable batteries under the scope of this Decree, described in Articles 5, 6, 7, 8, 9 and 10 of this Decree is, according to separate rules of law, enforced by Environment Protection Authorities, in connection with marketing, by the Consumer Protection Authorities.
- (3) Who breached the prescription described in this Decree shall pay fine defined in separate rules.

Closing provisions

Article 12

- (1) This Decree but Articles 7-8 comes in to force on 15th of April. Its prescriptions shall be applied to Authority's procedures starting after its coming in to force.
- (2) Articles 7— 8 of this Decree will come in to force on the 1st of January 2002.
- (3) The registration and information providing liability regarding dry cells or rechargeable batteries shall, as defined by a separate rule of law, be performed by the manufacturers and dealers applying the custom tariff numbers published in the common Decree 64/1995. (XI. 24.) IKM—PM on Custom Tariff Number of Trade. In the custom documents the manufacturer, or, in case of foreign manufacturer, the importer is liable to declare that the dangerous material content of the imported dry cells or rechargeable batteries (including that in the apparatus) does not exceed the value defined in Article 3 of this Decree and it complies with the specification for marking liability as laid down in Article 10.
- (4) For issues not defined in these Decrees provisions of rules of law relating hazardous wastes are to follow.
- (5) For product fee of waste dry cells or rechargeable batteries the provisions of rules of law on product fee of environment protection are decisive.
- (6) This Decree includes regulation partially comparable with the following rules of laws of the European Communities in agreement with the Article 3 of first Act of year 1994 announcing the Agreement, within the scope of the European Agreement signed in Brussels on 16th of December, 1991, on establishing association between the Hungarian Republic and the European Communities and their Member States:
 - a) Council Directive 91/157/EEG on dry cells or rechargeable batteries containing certain dangerous materials;

- b) Council Directive 93/86/EEG on conforming the Directive 91/157/EEC on dry cells or rechargeable batteries containing certain dangerous materials, to the technical advancement;
c) Council Directive 98/101/EEG on conforming the Directive 91/157/EEC on dry cells or rechargeable batteries containing certain dangerous materials, to the technical advancement.

Dr Béla TURI-KOVÁCS,
Minister for Environment Protection

Annex 1 to Decree 9/2001. (IV. 9.) KÖM

Dry cells or rechargeable batteries within the scope of item (1) of Article 10

are those dry cells or rechargeable batteries

1. that contain mercury,
2. whose cadmium content exceeds the 0.025 percentage of volume,
3. whose lead content exceeds the 0.4 percentage of volume.

Annex 2 to Decree 9/2001. (IV. 9.) KÖM

Equipment categories within the scope of paragraph (2) of Article 4

1. Equipment whose batteries are soldered, welded or connected in another way in order to ensure a continuous current supply during industrial application where this is needed and to retain memory- and data functions in information technology and business equipment, where using cells or rechargeable batteries listed in Annex 1 is technologically needed.

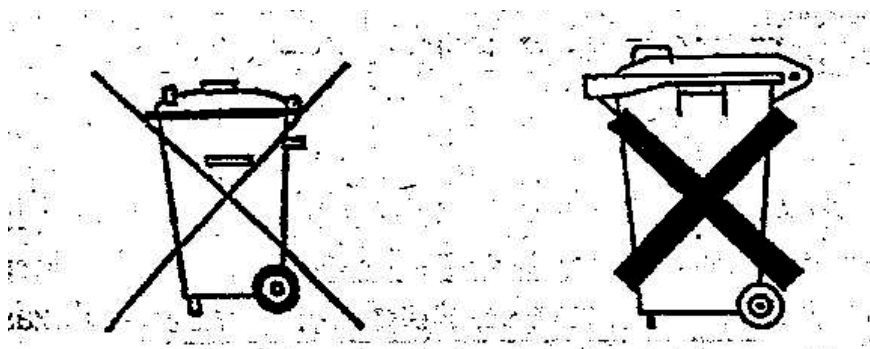
2. Scientific and professional equipment holding reference cells, as well as medical devices, if their continuous operation is essential to maintain vital functions and the cells or rechargeable batteries can be removed only by skilled personnel.

3. Portable equipment, if exchange of batteries by unskilled personnel may invoke dangers of safety for the consumer, or it may influence operation of apparatus or professional equipment that are intended for use in highly sensitive environment, e.g. in the presence of volatile materials.

Annex 3 to Decree 9/2001. (IV. 9.)

Marking of cells or rechargeable batteries

1. Any of the figures below hints at the separated collection:



The figure covers 3% of the biggest side of the dry cells or rechargeable batteries, or 3% of the half-surface area of the dry cells or rechargeable batteries of cylindrical cell. The figure can measure 5x5 cm at the biggest.

Should the figure measure less than 0.5x0.5 cm after the size of the dry cell or rechargeable battery, then instead of the dry cell or rechargeable battery a 1x1 cm figure shall be placed on its package.

2. The marking of the heavy metal content is by "Hg", "Cd", or "Pb" chemical symbol of the metal applied according to the type of dry cells or rechargeable batteries. It shall be affixed under the figure described in item #1. The size of the chemical symbol shall be at least one quarter the size of the figure defined in item #1.