

# **Act XLIII of 2000**

## **on waste management**

Parliament, in order to protect the environment, having special regard to the commitments of the Republic of Hungary pursuant to existing agreements with the European Union and other international agreements, aiming

- to ensure sustainable development, and appropriate conditions of life and opportunities for future generations,

- to reduce the consumption of energy and resources, to improve the effectiveness of use and decrease the quantity of waste,

- to reduce the impact of waste on human health and the natural and built environment,  
in accordance with the Constitution, has adopted the following Act:

### *Chapter 1*

#### **GENERAL PROVISIONS**

##### Objectives of this Act

###### *Section 1.*

The objectives of this Act are

a) to protect human health, to save the natural and built environment, to ensure sustainable development, and to develop environmental awareness by means of waste management;

b) to prevent the generation of waste (by fully utilizing material acquired from nature and designing reusable products and products with a long life cycle), to reduce the quantity and hazardous nature of the waste generated, to maximise waste recovery, to maintain the circle of consumption and production and to dispose of non-reusable and non-recyclable waste in an environmentally sound way, thus sparing natural resources, minimising the impact of waste on the environment and avoiding environmental pollution caused by waste.

##### Scope of this Act

###### *Section 2.*

(1) This Act shall apply to

a) any waste;

b) waste management activities and installations.

(2) This Act shall apply to the following without prejudice to other legal rules:

a) materials resulting from the prospecting and extraction of mineral resources and separated from the resources by physical methods,

- b) animal waste (including animal carcasses and dung) as well as other non-hazardous substances used in farming,
- c) waste waters, with the exception of waste in liquid form,
- d) decommissioned explosives.

(3) This Act shall not apply to

- a) materials emitted into the atmosphere, to which the legal rule on the protection of air purity shall apply,
- b) radioactive wastes.

(4) In issues related to waste management but not regulated by this Act the provisions of Act LIII of 1995 on the general rules of environmental protection (hereinafter: EAct) shall apply.

## Definitions

### *Section 3.*

For the purposes of this Act

a) waste shall mean any substance or object in the categories set out in Annex 1 which the holder discards or intends or is required to discard;

b) hazardous waste shall mean waste displaying one or more of the properties listed in Annex 2 and/or containing such substances or components, hazardous to health and/or the environment because of its origin, composition or concentration;

c) municipal waste shall mean waste from households or other waste which, because of its nature or composition, is similar to waste from households and can be managed together with the latter;

d) liquid waste shall mean liquids that became waste and are not drained and discharged into sewage systems or sewage treatment plants;

e) manufacturer shall mean anyone who manufactures or, in case of products manufactured abroad, imports the products;

f) producer shall mean anyone whose activities produce the waste or whose operations result in a change in the nature and composition of the waste;

g) waste operator shall mean anyone who, in the framework of his business activities, takes over the waste from the holder and carries out waste treatment;

h) waste management shall mean a system of waste-related activities, including prevention of the formation of waste, reduction of its volume and hazardous nature, waste treatment, planning and control of the above, operation, closure and after-care of equipment and sites, monitoring after closure and the related training and consultancy;

i) re-use shall mean repeated use of the product for the same purpose for it was conceived; such repeatedly re-used or re-filled products shall become waste when they are no longer subject to rotation;

j) recovery shall mean the use of the waste or any of its components in production or service applying one of the processes listed in Annex 4;

k) disposal shall mean the reduction of the impact of the waste on the environment, the abolition or elimination of its effects being hazardous, polluting or harmful to the environment by isolation from environmental media or by modification of its material character through the application of methods listed in Annex 3;

l) treatment shall mean operations designed to reduce the hazardous effects of waste, to prevent and eliminate environmental pollution, to promote recycling of waste into production or

consumption, as well as the practice of treatment procedures including after-care of treatment sites;

m) collection shall mean the organised collecting and sorting of waste for the purpose of transport and subsequent further treatment;

n) gathering shall mean taking over the waste from holders on the site of the holder or gathering operator or at the places of gathering (gathering points, waste gathering centres, storage and treatment sites) and recollecting and sorting of waste at the site of the gathering operator, with a view to further treatment;

o) transportation shall mean any movement of waste outside the site, including shipping and carriage;

p) pre-processing shall mean operations promoting the safe gathering, storage, recovery or disposal of waste, reducing the impact on the environment and causing changes in the physical, chemical and biological properties of the waste;

q) storage shall mean the deposit of waste by its producer for a period of less than three years with the exclusion of any risk to the environment;

r) dealer shall mean economic organisations transferring or selling products, goods, services to retailers and/or users or consumers.

## Principles of waste management

### *Section 4.*

To achieve the goal of waste management the following general principles shall be applied:

a) on the basis of the principle of prevention including integrated pollution prevention, the volume and hazardous nature of waste shall be reduced to the lowest possible extent in order to decrease environmental impact;

b) on the basis of the principle of precaution, in cases where the real extent of risk or danger is not known, procedures corresponding to the highest possible risk and danger shall be followed;

c) on the basis of the principle of manufacturer's responsibility, it shall be the responsibility of the manufacturer of the product to select product and technology properties favourable from the point of view of waste management, including the selection of resources, the resistance of the product to external effects, the life cycle and possible recovery of the product, and the planning of recovery or disposal of waste originating from the production and use of the product and from the product itself, as well as contributing to the costs of the treatment;

d) on the basis of the principle of shared responsibility, parties concerned in the total life cycle of the product and its waste shall cooperate in the fulfilment of duties arising from manufacturer's responsibility;

e) on the basis of the duty of care principle, the eventual holder of the waste shall do his best to keep the impact of the waste on the environment as low as possible;

f) on the basis of the best available process principle, efforts shall be taken to achieve the most effective solution feasible under the given technical and economical conditions, to apply energy and resource efficient technologies resulting in the least stress on the environment and process management reducing the impact on the environment, to replace materials constituting a high risk as wastes, and to introduce environmentally sound waste treatment technologies;

g) on the basis of the polluter pays principle, the producer or holder of waste or the manufacturer of the product that became waste shall pay the waste treatment costs or dispose of the waste; the polluter shall be responsible for the abatement of environmental pollution caused

by the waste, for the restoration of the state of the environment and the reimbursement of damages including costs of restoration;

h) on the basis of the principle of proximity, the recovery or disposal of waste shall take place in the closest appropriate installation, to be selected bearing environmental and economical efficiency in mind;

i) on the basis of the principle of regionalism, where waste treatment installations are built, the establishment of a network of such installations shall be encouraged, that will correspond to the waste treatment demands of the region from where the waste is collected, and conform to development, economic and environmental safety aspects;

j) on the basis of the principle of self-sufficiency, efforts shall be made to dispose of all the generated waste at the national level, bearing in mind the principle of regionality and the principle of proximity, and to operate a disposal installation network suitable for the purpose;

k) on the basis of the principle of gradual progress, the objectives of waste management shall be achieved by scheduled gradual steps, taking into account the possibilities and capacities of parties concerned;

l) on the basis of the principle of good example, the governmental and local governmental organs shall implement in their work the objectives and principles of this Act;

m) on the basis of the principle of cost effectiveness, it shall be ensured that in the course of setting up rules for waste treatment and organising waste management, the costs to be borne by economic organisations and consumers shall result in the greatest possible environmental benefits.

## *Chapter II*

### ***REQUIREMENTS AND DUTIES***

#### General rules of waste management

##### *Section 5.*

(1) All activities shall be planned and carried out to involve the environment to the least possible extent, to reduce the impact and stress on the environment, to cause no environmental hazard or pollution, as well as to ensure the prevention of waste production, reduction of volume and hazardous nature of waste, and recovery or environmentally sound disposal of waste.

(2) To prevent the generation of waste and to reduce the volume and hazardous nature of waste generated,

- a) the application of energy- and resource sparing low-waste technologies;
- b) the retention of material or waste in the production and consumption cycle;
- c) the production of products resulting in waste and contaminants of a minimum weight and volume;
- d) the replacement of materials whose waste constitutes a hazard shall be preferred.

(3) To recover resources and energy potentially present in waste, the greatest possible efforts shall be made to achieve the re-use of waste, replacement of resources by waste, or, should these not be feasible, the use of waste as a source of energy.

(4) The produced waste shall be recovered provided that this is ecologically beneficial, technologically feasible and economically sound.

(5) If the economical and technological conditions of recovery are ensured, the waste shall be collected separately according to the recovery possibilities, with a view to promoting recovery.

(6) Only such wastes shall be disposed of whose recovery as a secondary resource or source of energy is not yet possible because of the current lack of technical or economical possibilities or whose recovery costs are disproportionately high compared to the costs of disposal.

(7) Abandonment, dumping in any way other than provided for in the rules of collection, gathering, storage and disposal, or the uncontrolled management or disposal of waste shall be prohibited.

#### Duties of the manufacturer

##### *Section 6.*

(1) The manufacturer shall design the product and its packaging - as provided for in a separate legal rule - and develop the product and technology in such a manner as to result in the maximum possible efficiency in the use of resources and energy, and additionally, to promote the re-use of the product and, when the product becomes waste, the environmentally sound management, recovery and disposal of such waste.

(2) When considering the choice of raw materials and basic materials, semi-finished or finished products and packaging materials serving an identical purpose, the manufacturer shall give preference to those that demand less resources and energy in the course of their production and use, that result in the generation of less waste, that result in longer lasting products and packages, are repeatedly re-usable and have a reduced impact on the environment.

##### *Section 7.*

(1) The manufacturer shall inform the dealer and consumer of the properties of the product and its packaging pertinent from a waste management aspect, and the possible management of waste obtained if the product is spent or becomes waste.

(2) The following shall be clearly visible on the product or its packaging: indication of low-waste technology, long-lasting or re-usable nature if any, composition, and information on being returnable against a deposit. The methods of providing such information and the requirements concerning its content and presentation are provided for in other legal rules, in harmony with the Consumer Protection Act.

##### *Section 8.*

(1) For products specified in other legal rules, in the rate and under the conditions specified therein, the manufacturer shall, with a view to re-use, recovery or safe disposal, take back (return) with or without deposit, from dealers and consumers the waste or used items originating from products marketed by him domestically.

(2) Types of waste and used products to be taken back for re-use, recovery or disposal, the rates of return and recovery as well as the deadlines for the above shall be regulated by the Government in a decree, taking into account the proposal of consulting bodies established by the manufacturers and dealers concerned.

(3) The manufacturer may take back, with or without deposit, his used product or the waste originating from his product from the dealer or consumer on the basis of his own decision as well, or may conclude a voluntary agreement with the dealers of the product to promote return.

(4) On the basis of the principle of shared responsibility, the manufacturer may fully or partly confer his duties concerning the return referred to in Subsection (1) or the voluntary return referred to in Subsection (3), on conditions provided for in a separate legal rule, in the form of an agreement, to a dealer or waste operator authorised for such activity. The agreement shall be put forward to the environmental authority for approval.

(5) The manufacturer shall take care of the waste originating from his operations as well as the waste taken back on the basis of Subsections (1) to (3) in the same way as the holder of the waste is obliged to do.

#### *Section 9.*

(1) Based on an agreement, the manufacturer may permit the marketing of his product on the condition that the dealer undertakes the obligation of returning the spent products with the refund of deposit.

(2) The manufacturer shall take back from the dealer the products that were given out against deposit as well as the wastes of such products, and shall refund the deposit to the dealer.

(3) Product marketing is legally bound to the payment of deposit.

(4) Rules of the determination and application of deposits are provided for in a separate legal rule.

#### Duties of the dealer

#### *Section 10.*

(1) The dealer of products or services (hereinafter together: the dealer) shall ensure the return (from the consumers) and separate collection of the products marketed (sold, repaired, serviced) by him on the basis of an agreement referred to in Subsection (4) of Section 8 as well as the packaging or waste of these products, and shall deliver the above to the manufacturer or waste operator authorised for such activities.

(2) The dealer may take back, with or without deposit, products, their packaging and waste from consumers on the basis of his own decision as well provided that he ensures the treatment and recovery of waste in accordance with the relevant rules.

(3) The dealer shall take back from the consumer the used product, packaging or waste for which the consumer has paid a deposit and shall refund the deposit to the consumer.

(4) Independently from the manufacturer, the dealer himself also may apply the deposit system to encourage return.

(5) The dealer, the manufacturer and waste operator may fix in contract the methods and conditions of the collection of used products or waste. Acts or governmental decrees may render the conclusion of such contracts obligatory.

(6) At the point of sale, and according to the provisions laid down in the separate legal rules, the dealer may take back the waste of the products sold by him. No special permit shall be required for this activity.

#### Joint rules applying both to manufacturers and dealers

*Section 11.*

In order to perform their duties laid down in Sections 6 to 10, manufacturers and dealers may establish independent organisations that undertake obligations from the manufacturers and dealers against payment of a fee, under conditions fixed in contract. Such organisations shall organise and coordinate the collection and recovery or disposal of waste within their scope of activity.

## Duties of the consumer

*Section 12.*

(1) The consumer shall employ the organised waste gathering systems, including those that gather waste separately.

(2) Economic organisations whose activity produces waste, are exempted from the obligation referred to in Subsection (1) if they ensure the management of that waste according to the rules applying to the holder of the waste.

(3) In cases specified in law, the consumer shall return the products that became waste to those obliged or authorised to take them back.

## Duties of the producer/holder of waste

*Section 13.*

(1) The producer/holder of waste shall collect the waste produced in the course of his activity or which entered into his possession by any other way, and ensure the recovery or disposal of such waste.

(2) The producer/holder shall perform his duties related to recovery or disposal

a) himself, according provisions laid down in legal rules, by means of appropriate recovering or disposing procedures, equipment, installations, or

b) by conferring his duties to an operator authorised and licensed for such activities, and paying the costs of the waste treatment.

(3) Acts, governmental decrees or, in case of municipal waste, local governmental decrees may oblige the producer/holder of waste to collect the waste separated by kind, to package and label the separated waste according to its composition and forward the pre-processed waste to the economic organisation or waste operator responsible for gathering.

(4) If in the course of the operations of the manufacturer, dealer or consumer waste is generated, the performer of the operations in question shall ensure the management of the waste according to the rules applying to the producer of the waste.

(5) The transporter of waste shall be responsible for the safe transportation of the consignment to the place of destination.

***Chapter III******WASTE TREATMENT AND WASTE RECOVERY***

## Waste treatment

*Section 14.*

(1) Collection, gathering, transportation, pre-processing, storage, recovery and disposal of waste are considered as waste treatment activities.

(2) Waste treatment activities, if not otherwise provided for in an Act, governmental decree or ministerial decree, may be carried out exclusively with the permit of the environmental protection authority.

(3) Concerning the waste originating from waste treatment, the waste operator shall perform the duties laid down for the producer of waste.

(4) Additionally to the record-keeping and data supply required from the holder of waste, the waste operator shall also record, as provided for in a separate legal rule, data on the wastes that entered into his possession and treatments he carried out on them. These data shall be made available for the authorities.

(5) The application and marketing of technologies, equipment, tools and materials used for waste treatment may be legally bound to a permit, subject to testing to determine their suitability, or qualification.

(6) The general professional rules concerning individual types of waste or waste treatment activities shall be established

a) by the Government in the form of a decree in cases where codification in an Act is not required,

b) by the minister in charge of environmental protection or by the minister in charge of the activity to be regulated, in the form of a decree in cases where codification in an Act, or regulation on the level of a governmental decree is not required.

(7) Residual material originating from technologies and recycled into technological processes, as well as a product already used but re-usable for its original purpose becomes waste when it is no longer subject to rotation.

Collection and gathering of waste

*Section 15.*

(1) The producer or holder of the waste shall be responsible for collecting waste separately, according to the further treatment. Collection of waste within a plant, if it is carried out in a way excluding environmental hazards, may be continued without a permit issued by environmental protection authorities.

(2) In the course of gathering, the waste operator shall regularly collect and convey the waste from the producers or holders of waste and forward it to the place of gathering, recovery or disposal, and take over waste from the holders at the places or points of gathering.

(3) The waste gathering activity shall be subject to a permit issued by the environmental authority.

(4) An economic organisation, within its scope of activity, may carry out the marketing of non-hazardous waste (hereinafter: waste trade) provided that the waste is sold in unmodified form according to the provisions of legal rules on commence.

(5) A waste operator, in possession of a permit issued by the authority, may establish and operate a gathering place as an independent site or as an in-plant gathering place where waste is stored until transportation prior to recovery or disposal, or it is eventually pre-processed, or processed for further treatment and recovery.

(6) The criteria for the issuance of a permit referred to in Subsections (3) and (5) are provided for in a separate legal rule.

## Waste transportation

### *Section 16.*

(1) Waste shall be transported in such a way that environmental pollution be avoided. In case of pollution originated from transportation the transporter shall ensure the cleaning up of the waste, the decontamination of the area as well as the restoration of the original state of the environment, as provided for in Subsection (5) of Section 13.

(2) The transporter's obligation referred to in Subsection (1) shall be without prejudice to the liability of the producer and/or holder of waste based on this Act and a separate legal rule, or to the possibility of cost reversion.

(3) Economic organisations may carry out waste transportation activities permanently and commercially only under conditions specified in the separate legal rule, and only with a permit issued by the environmental authority.

## Import, export and transit movement of waste

### *Section 17.*

(1) Waste may be imported to the territory of this county, including customs free zones

- a) for recovery only,
- b) only in a manner not presenting any risk or pollution to the environment,
- c) with the exclusion of environmental damage,
- d) with a special permit to be issued by the environmental protection authority as provided for in a separate legal rule.

(2) The environmental protection authority may issue the permit referred to in Paragraph d) of Subsection (1) for waste trader, transporter economic organisations that carry out recovery themselves or are authorised by the recoverer in a contract to import the waste, and are eligible under the conditions set out in Subsection (1) and provided for in the separate legal rule.

(3) In case of importation to a customs free zone, the provisions of Subsections (1) and (2) shall apply by analogy. The transportation of waste generated in customs free zones to recovery within this country shall not be considered as importation.

(4) Importation of waste to the territory of this country shall be possible only if it is in harmony with international conventions, and the conditions provided for in the separate legal rule are met.

## Waste recovery

### *Section 18.*

(1) The waste may be recovered

- a) by repeated use of the substances of waste in production or services (re-use);
- b) by converting a certain separated re-usable component of the waste to raw material (recycling);
- c) by extracting the energy content of the waste (energetic utilisation).

(2) Aerobic or anaerobic degradation of biologically degradable organic material, rendering such material suitable for further utilisation, shall be considered as recovery. The conditions for such activity and utilisation of the resulting products are provided for in a separate legal rule.

(3) The recoverer of waste shall ensure that a product obtained by recovery shall not have a greater impact on the environment than the corresponding primary raw material.

(4) Waste recovery installations may be established only under conditions specified in the separate legal rule, and only with a permit issued by the environmental authority.

(5) In case of waste recovery the provisions concerning the manufacturer, holder and operator of waste shall apply.

## Waste disposal

### *Section 19.*

(1) Waste disposal may be carried out according to the permit issued by the environmental authority

- a) by depositing in a landfill;
- b) by thermal disposal;
- c) by other chemical, biological or physical processes

(2) A waste disposal installation may be established only under conditions specified in the separate legal rule, and only with a permit issued by the environmental authority.

(3) Provisions relating to the design, construction and management of disposal installations and those relating to existing and closed landfills are laid down in a separate legal rule.

(4) New installations intended for the disposal of municipal waste may be built for regional purposes only.

(5) Non pre-processed waste must not be disposed of in landfills unless otherwise provided for in an Act or governmental or ministerial decree. The types of waste that may be disposed of in landfills and the conditions of such disposal are provided for in a separate legal rule.

## *Chapter IV*

### ***SEPARATE RULES PERTAINING TO MUNICIPAL WASTE IN SOLID AND LIQUID FORM***

#### Duties of real estate owners

### *Section 20.*

(1) The owner, holder or user of a real estate (hereinafter together: real estate owner) shall collect and submit to the authorised waste operator any liquid waste generated on his land, originating from the discharge of facilities and equipment serving for temporary storage purposes (replacing public services) and drained neither into a public sewage system and other recipient nor to sewage works, and any solid municipal waste as provided for in the separate legal rule.

(2) The real estate owner himself may transport the solid municipal waste without any special permit to the waste gathering place or waste treatment site designated in the ordinance of the

local government, in the capital in the ordinance of the Metropolitan Government of Budapest (hereinafter together: local government ordinance) under the conditions specified therein.

(3) The real estate owner shall collect certain components of waste (e.g. hazardous waste) separately, in a manner excluding any risk to the environment, shall take them to the specified place or deliver them to the waste operator authorised for gathering as provided for in the local government ordinance, or shall act according to Subsections (2) and (3) of Section 12.

(4) Economic organisations possessing equipment and facilities permitted by the inspectorate for environmental protection and suitable for the disposal of municipal waste, shall be exempted from the obligation provided for in Subsection (1) if they ensure the disposal of the municipal waste generated in the course of their activities in the above mentioned equipment and facilities.

## Duties of local governments

### *Section 21.*

(1) The local government shall organise and maintain a waste treatment public service (hereinafter: public service) - as a public service to be provided obligatorily - to manage the waste generated by the real estate owners.

(2) An economic organisation shall be obliged to employ the public service in cases when

a) it fails to ensure the treatment of the municipal waste generated in the course of its activities as provided for in Section 13,

b) in the settlement where the municipal waste of the economic organisation is generated, the municipal waste treatment ensured as a public service is carried out in an environmentally much more favourable manner than is specified in Section 13, and this fact is verified by the inspectorate for environmental protection.

(3) The public service shall include

a) regular transport, with a view to deposition, of solid municipal waste from public areas and real estates collected in regulation bins suitable for the transport vehicles of the waste operator authorised to perform the public service (hereinafter: public service provider) and made available for the public service provider;

b) discharge of the installations serving for the temporary storage of liquid municipal waste and transport of liquid municipal waste with a view to deposition;

c) establishment and operation of an installation to dispose of municipal waste.

(4) The public service may also include the establishment and operation of collecting places (waste gathering centres, transfer centres, gathering points) as well as pre-processing and recovery (sorting, composting etc.) plants.

(5) The local government, depending on the local conditions, in its ordinance may provide for the separate collection of certain components of solid municipal waste and the gathering of the separated waste in the framework of the public service, and may specify the relevant detailed rules on it.

### *Section 22.*

(1) In order to perform their public service duties and taking account of the objectives and general principles of this Act, local governments shall cooperate with each other. They shall formulate the duration and terms of their cooperation in cooperation contracts or, in accordance with the Association Act, in association contracts.

(2) The local government may perform its duty to ensure public services either by organisation of an independent service or by accession to a functioning public service organised by other parties. Furthermore, local governments of neighbouring communities or communities close to one another may operate common installations for waste treatment or set up a joint venture to perform the public service.

(3) The local government may appoint the organisation referred to in Section 11 by contract to collect separately or sort out from municipal waste the specified wastes the return of which is the manufacturer's responsibility as provided for in Section 8.

(4) The corporation of the local government, in the framework of the cooperation referred to in Subsection (1), taking account of the regulation plans of the region and settlement, and in conformity with the local waste management plan, shall designate places for such local waste treatment installations corresponding to the demands of the settlements concerned.

#### *Section 23.*

The corporation of the local government shall provide for

- a) the content of the local public service and borders of the area provided with the public service;
- b) the name of the public service provider and the borders of the area within which the public service provider is obliged to provide a regular public service;
- c) the order and manner of public service performance, related rights and obligations of the public service provider and real estate owners including special rules applying to certain real estate categories, and certain elements of the content of the service contract;
- d) the manner of concluding contracts for the public service, and the manner and conditions of using the public service if not provided for in legal rules;
- e) spheres of responsibilities and jurisdiction of the local government in relation to public services, if not provided for in legal rules;
- f) fees payable by real estate owners for the public service, the maximum fee applicable, the order of payment, cases of possible reductions or free service, in a local government ordinance.

#### *Section 24.*

(1) The corporation of the local government may introduce by its ordinances issued in order to fulfil its waste management duties, in the manner and to the extent provided for in an Act or governmental decree, for the territory under its jurisdiction, more stringent waste management rules than provided for in other legal rules.

(2) The corporation of the local government shall forward its draft ordinances on waste management to the neighbouring and other local governments concerned and to the county local government for information, as well as to the inspectorate for environmental protection for an opinion. The inspectorate for environmental protection shall inform the local government of its opinion within 30 days.

### Waste treatment public service fees

#### *Section 25.*

(1) The public service fees shall be fixed proportionally to the performed service, taking into account as provided for in separate legislation:

- a) the character of the public service;

b) the amount and type of the treated waste,  
 c) the costs that include the public service provider's expenses needed to cover effective operation and maintenance open to a possible future development, plus the necessary investments incurred before the commencement of the service. The costs of transportation, gathering and disposal shall be calculated separately. The latter shall include separately the costs of the closure of the installation, and in case of landfills the costs of after-care and monitoring for 30 years.

(2) For owners of recreational real estates the fee of the public service shall be fixed proportionally to the fee fixed for permanent residential real estate owners, taking into account Subsection (1) with regard to the character of the settlement.

(3) As part of the assessment to take place in accordance with Section 43 of the EAct prior to the approval of the local government ordinance fixing the public service fees, a detailed cost assessment shall be carried out with regard to the order and manner of the public service. The cost assessment shall be put forward by the notary, in Budapest by the Notary General (hereinafter: the notary) on the basis of a proposal prepared by the public service provider according to the provisions laid down in Subsection (1).

#### *Section 26.*

(1) Arrears of fees payable by real estate owners for employing waste treatment public services shall be considered as public dues to be enforced officially.

(2) Within 30 days after the date when fee arrears arose, the public service provider shall draw the real estate owner's attention to the latter's failure to fulfil his payment obligation, requesting him to pay.

(3) Should the request elicit no response, the public service provider, verifying that the request has been made, may claim the fee arrears from the local government after the 90th day from the date when the fee arrears arose.

(4) On the basis of the duly forwarded claim the notary of the local government shall act without delay, in accordance with the provisions laid down in the separate legal rule, to enforce the fee arrears plus the expenses incurred. The local government shall transfer the enforced fee arrears to the public service provider within eight days. If the public due cannot be enforced, the local government shall reimburse the fee arrears to the public service provider within eight days to the debit of the governmental subsidy attached to responsibility.

### Waste treatment public service

#### *Section 27.*

(1) The public service provider performing municipal waste treatment public services shall be responsible for the gathering of municipal waste from real estate owners, its transportation to the municipal waste treatment site, the operation of the municipal waste treatment site and the continuity of the service, in compliance with provisions on environmental protection and in the manner provided for in the local government ordinance.

(2) The provision of the public service shall not be suspended or restricted except in cases when an Act or governmental decree so provides.

(3) Only a waste operator

a) able to ensure the necessary personnel and facilities provided for in a separate legal rule and to guarantee the long-term regular performance of the public service fully in line with environmental protection aspects;

b) being in possession of a permit that has been issued by the environmental protection authority and covering the waste treatment activities to be carried out;

c) able to verify the existence of a financial security provided for in a separate legal rule;

d) having concluded a contract with the local government on the basis of the terms listed in Paragraphs a) to c) or a successful application to a tender, shall be allowed to provide a municipal waste treatment public service.

(4) The local government in its ordinance shall invite an open tender for the public service defined in accordance with Subsections (3) to (5) of Section 21 or certain elements thereof. The detailed rules of a tender intended to select a public service provider are provided for in a separate legal rule.

(5) Should the tender be unsuccessful, it shall be repeated within six months. The local government itself shall be responsible for the provision of the public service until the public service contract is concluded.

#### *Section 28.*

(1) The corporation of the local government shall conclude a contract with the winner(s) of the tender on the provision of the public service.

(2) The contract with the waste operator to carry out municipal waste disposal shall be concluded for a minimum of 10 years.

(3) Contracts restricted to waste gathering and transportation may be concluded for a maximum of 10 years. In such contracts the name of the public service provider responsible for waste disposal, in case of separately collected waste the name of the waste operator responsible for recovery or disposal, shall be indicated.

(4) Detailed terms and content requirements of the contract shall be formulated in a Government Decree.

(5) The public service contract shall not be terminated unless the public service provider

a) in the course of the provision of the public service seriously violates the provisions of legal rules on environmental protection or that of the local government ordinance pertaining to his activities, and this fact has been upheld as non-appealable by a court or authority;

b) seriously contravenes his obligations set out in the contract, in a manner imputable to him.

(6) The minimum termination period of the contract shall be six months.

(7) In case of the termination of the public service contract the local government shall immediately take measures to ensure the provision of the public service.

#### *Section 29.*

(1) The public service provider shall prepare yearly a detailed statement of cost account on his activities and put it forward to the local government.

(2) The public service provider, additionally to the provision of the public service, may carry out other waste management activities according to his permit on waste treatment and fix the fees of these activities himself.

(3) The costs, accounts and fees of waste treatment services other than those performed in the framework of the public service to be provided obligatorily, shall be strictly separated. Such costs must not be financed from the fee of the public service.

(4) The detailed rules pertaining to the design, construction and operation of technologies and installations to be used for the treatment of solid and liquid municipal waste are provided for in a separate legal rule.

## Abandoned waste

### *Section 30.*

(1) In case of waste abandoned in a real estate, the duty of ensuring waste treatment shall be placed upon the holder of the waste, or, if this person cannot be identified, the owner of the real estate, until the contrary is proved.

(2) The local government shall ensure, within the territory under its administration, the transportation and recovery or disposal of waste abandoned in public areas in the framework of the public service as provided for in Section 31.

(3) The environmental protection authority shall oblige

a) the holder of the waste,

b) the owner of the real estate, if the holder of the waste cannot be identified,

c) the local government, if the waste is abandoned in a public area

to transport and dispose of the waste if the duty referred to in Subsections (1) and (2) is deliberately unfulfilled.

(4) If the holder of the abandoned waste can be identified, the cost bearer shall lay a claim against him for reimbursement.

## Cleanliness of public areas

### *Section 31.*

(1) The local government shall be responsible for keeping public areas clean by ensuring an organised and regular public service.

(2) Responsibilities of the real estate owners and local government in keeping public areas clean as well as the detailed rules for keeping livestock in public areas shall be defined by the local government in an ordinance, in accordance with provisions laid down in separate legal rules.

## *Chapter V*

### **HAZARDOUS WASTE**

#### Duties of holders of hazardous waste

### *Section 32.*

(1) Waste not figuring in waste lists published in separate legal rules and waste of unknown composition shall be presumed to be hazardous until its hazardous or non-hazardous nature is confirmed.

(2) Hazardous waste must not be mixed with other waste or material without a permit from the environmental protection authority.

(3) The producer shall prepare a material balance on his activity in the course of which hazardous waste is generated. The holder of the hazardous waste shall keep strict records and issue supporting documents on the fate (generation, collection, transportation, management,

transfer and acceptance) of the hazardous waste and shall forward data on it to the environmental protection authorities.

(4) The producer of hazardous waste, if not otherwise provided for in a legal rule, shall draw up a waste management plan for a period of a minimum of three years, the content of which is provided for in a separate legal rule, and shall refer to the prevention of hazardous waste generation, the reduction of volume and hazardous nature of such waste, and its recovery or disposal.

(5) Hazardous waste generated in households or originating from the consumption, use or services of institutions shall be collected by the producer separately, in a manner excluding environmental risk or pollution as provided for in Subsection (3) of Section 20. The producer shall forward the above hazardous waste to a waste operator having a permit for the gathering, transportation and disposal of such waste, and shall pay the fee due for the service. In such cases the costs of documentation and planning referred to in Subsections (3) and (4) shall be borne by the recipient of the waste.

(6) Treatment of hazardous waste may only be carried out according to the provisions laid down in a separate legal rule, and only with the permit of the environmental authority.

(7) Import, export and transit movement of hazardous waste may take place only with the permit of the environmental protection authority, under conditions provided for in a separate legal rule, in accordance with the provisions of the Basel Agreement on the control of the cross-border movement and disposal of hazardous waste.

## *Chapter VI*

### **ORGANISATION OF WASTE MANAGEMENT**

#### Waste management plan

##### *Section 33.*

Parliament, aiming to achieve the strategic goals of waste management and the objectives defined in this Act and to implement the principles of waste management, shall adopt a National Waste Management Plan (hereinafter: National Plan) as a part of the National Environmental Protection Programme.

##### *Section 34.*

(1) On the basis of the National Plan the inspectorates for environmental protection, with the involvement of local governments existing or operating in the region, other authorities concerned, interest representation and environmental protection civil organisations shall draw up waste management plans for regions designated in a separate legal rule, taking account of the relevant regional regulation and development plans.

(2) To ensure participation as provided for in Subsection (1), the inspectorate of environmental protection shall inform in writing the local governments, other authorities and interest representation organisations about the commencement of the preparation of the regional waste management plan.

(3) In order to involve civil organisations for environmental protection, the inspectorate for environmental protection shall display in its official rooms and publish in at least one regional

daily newspaper an announcement on the commencement of the preparatory procedure of the regional waste management plan. In this announcement the inspectorate shall draw attention to the commencement of planning, then involve in the planning a maximum of five persons delegated jointly by the civil organisations that volunteered within 15 days from the date of publication.

(4) Economic organisations established in the area may participate in the preparation of the plan through their representative bodies.

(5) The regional waste management plan prepared according to Subsections (1) to (4) shall be promulgated by the minister in charge of environmental protection in a decree, on the basis of a proposal from the inspectorate for environmental protection.

(6) The county government, in harmony with the national and regional plans and in consultation with the local governments existing within the territory of the county, may draw up an independent county waste management plan.

#### *Section 35.*

(1) The local government, in harmony with the objectives and tasks included in the national and regional plans and with the settlement regulation plan, shall draw up a local waste management plan for the territory under its jurisdiction.

(2) For the preparation of the local waste management plan the provisions laid down in Section 34 shall be adopted. The Metropolitan Government of Budapest shall involve the local governments of the districts in the preparation of the plan, and shall ask for their opinion.

(3) The local waste management plan prepared according to Subsections (1) and (2) shall be promulgated by the local government in an ordinance.

#### *Section 36.*

(1) Local governments belonging to the same notarial district or performing their waste management duties either in association or in other common manner may fulfil their obligation pursuant to Subsection (1) of Section 35 by drawing up and promulgating a joint waste management plan.

(2) To ensure the feasibility of national, regional and local waste management plans, certain economic organisations having a strong influence on waste management tasks shall draw up individual waste management plans. Such plans shall be agreed with the local governments and sent to the competent inspectorate for environmental protection for an opinion. Those economic organisations obliged to make such plans shall be defined in a separate legal rule, taking account of the amount of generated or managed waste and the possible special treatment duties. These economic organisations or organisations representing their interests must be involved in the preparation of the national, regional and local plans.

#### *Section 37.*

(1) The waste management plans on the various levels shall be drawn up for six years, and a report on their implementation shall be prepared every two years. The plans shall be drawn up in harmony with the contents of the National Environmental Protection Programme, with the environmental protection programme covering the region in question, as well as with the content of documents on regional and local regulation and development planning.

(2) The issues laid down in the waste management plans shall be implemented when the regional and local regulation plans are approved or other local government decisions are made.

(3) Those who have approved the plans as well as the authorities concerned shall follow the implementation of the plans, ensure the conditions for implementation, and pay continuous attention to the solution of the tasks. Concurrently with the composition of the report referred to in Subsection (1), the plans shall be reviewed and amended as appropriate on the basis of the experience gained. The inhabitants shall be informed about the results of the review, and about waste management activities carried out in the region subject to planning.

(4) Waste management plans shall include in particular

- a) the type, amount and origin of generated waste to be recovered or disposed of;
- b) general technical requirements related to waste treatment;
- c) any special measures for particular waste types;
- d) sites or installations suitable and companies authorised for waste treatment;
- e) waste management objectives to be achieved;

f) an action programme to achieve and implement the objectives: definition of measures to promote rationalisation of the management (gathering, sorting, transportation, disposal and recovery) of waste, the schedule of their implementation, the specification of tools, appropriate pre-processing, disposal and recovery procedures as well as equipment and installations necessary for the implementation, and estimated costs of the above.

(5) Tasks related to packaging wastes and hazardous wastes shall be defined as provided for in Subsection (4) as an independent part of the waste management plan or as a separate plan.

(6) Detailed content requirements for waste management plans are set out in a separate legal rule.

### Responsibilities of the county government

#### *Section 38.*

(1) The county government shall be responsible for promoting environmentally sound waste treatment within the territory of the county.

(2) The county government, in order to accomplish waste management tasks, shall take the following measures in particular:

- a) draw up the county waste treatment plan in cooperation with local governments as provided for in Section 34;
- b) select, in cooperation with local governments, areas within the territory of the county that are suitable for waste treatment and disposal;
- c) collect local waste management plans from local governments and make a proposal on their harmonisation and the implementation of the regional principle;
- d) cooperate with other county governments in accomplishing waste management tasks;
- e) promote and support the establishment of joint sites designed to serve the waste treatment of local governments.

### Economic resources of waste management

#### *Section 39.*

(1) The establishment of a network of waste treatment installations, designed to serve the attainment of waste management objectives, shall be promoted by earmarked and targeted subsidies and other financial means.

(2) Subsidies that are attached to local governmental responsibilities to be performed obligatorily pursuant to this Act and intended to ensure the fulfilment of such responsibilities shall be primarily provided for in the Budget Act.

(3) Local governments shall be entitled to receive a subsidy attached to responsibility for providing waste treatment services in the manner and amount as provided for in the Budget Act, taking into account the level of service. The detailed rules for granting the subsidy are provided for in a separate legal rule.

(4) A local government shall be entitled to receive the subsidy attached to responsibility referred to in Subsection (3) only if it accomplishes its duties - as concerns the provision of the public service - completely, in accordance with the provisions laid down in this Act and other legal rules.

(5) If a local government fails to accomplish its duties concerning the provision of a public service, the County Public Administration Office shall request the organisation that renders the budgetary subsidy attached to responsibility referred to in Subsection (3) payable to retain or block such subsidy until the public service is organised.

(6) A governmental subsidy may be granted for investments of waste treatment installations performing the duties of more than one local government or that of a region, as well as for the closure of filled landfills after an inspection and the restoration and remediation - according to a separate legal rule - of such sites.

## *Chapter VII*

### **WASTE MANAGEMENT ADMINISTRATION**

#### The waste management administration

##### *Section 40.*

(1) The waste management administration shall include

a) the direction of waste management, and performance, organisation and supervision of governmental and local governmental waste management tasks as provided for in separate legal rules;

b) performance of official activities related to waste management, in particular - and according to rules defined in this Act as well as in separate legal rules - the determination and performance of the licensing and inspection responsibilities of authorities and the enforcement of legal administrative liability for the environment;

c) performance of responsibilities in connection with processing of data related to waste management.

(2) Pursuant to the provisions of the EAct, this Act and other legal rules, the responsibilities of waste management administration shall be performed by the administrative body acting under the direction of the Minister of Environmental Protection, the Inspectorate for the Protection of the Environment and Nature, inspectorates for environmental protection, local governments and their organs as well as notaries.

#### Jurisdiction

*Section 41.*

(1) In waste management issues, unless otherwise provided for in an Act or governmental decree, the inspectorate for environmental protection shall exercise the jurisdiction of the authority of first instance.

(2) The General Inspectorate for the Protection of the Environment and Nature shall act as authority of first instance

a) in issuing permits for the import, export and transit movement of waste;

b) in approval of agreements between manufacturer and dealer or their organisation and the local government on waste return;

c) in cases when the application for official permit related to waste management concerns the area of jurisdiction of more than one inspectorate for environmental protection, or the whole territory of this country.

(3) The notary of the local government shall act as authority of first instance;

a) in the enforcement of fee arrears for waste treatment public services;

b) in cases referred to in Paragraphs a) and b) of Subsection (3) of Section 30.

(4) In official issues connected to waste management, where the notary is to act pursuant to a separate legal rule but the property being the subject of the official process is in the ownership or majority ownership of the local government, the General Inspectorate for the Protection of the Environment and Nature shall act.

Rules of procedure for the official supervision and inspection of waste management

*Section 42.*

The provisions of Act IV of 1957 on general rules of state administration procedures shall apply to official procedures under this Act, with the deviations provided for in this Act.

*Section 43.*

(1) The procedure deadline in official proceedings on the issue of an official permit related to waste management shall be 90 days if not otherwise provided for in separate legal rules.

(2) For the contribution of professional authorities 30 days shall be allowed.

*Section 44.*

(1) The environmental protection authority shall regularly check that legal rules and official provisions on waste management are complied with. In the course of this activity, additionally to the obligatory and regular data supply provided for in this Act and other legal rules, it may request the producer, holder and operator of waste to provide information, summaries or reports on the fulfilment of their duties.

(2) The environmental protection authority shall carry out regular site inspections at the manufacturer and dealer, and at the producer, holder and operator of waste. Additionally to the regular inspections, the authority may carry out special site inspections at any time. The site inspection shall be carried out on a notice delivered immediately before such inspection.

(3) A site inspection without notice shall take place when justified by an environmental protection or public health emergency, or a grounded suspicion of a serious breach of duties.

(4) The inspected shall accept the site inspection.

*Section 45.*

(1) The environmental protection authority, in order to ensure compliance with legal provisions, shall oblige the clients

a) to fulfil the duties laid down in legal rules or ordinances issued by authorities, where it finds that provisions are violated or duties neglected;

b) to suspend or stop activities that are hazardous or harmful to the environment or cause environmental pollution, and to restore the former state;

c) in case of environmental pollution, to take measures that reduce or stop pollution and exclude any environmental damage.

(2) The environmental protection authority, additionally to Subsection (1), shall restrict, suspend or prohibit any activities bound to an official permit but carried out in a manner deviating from the permit or without a permit, and any waste management activities harmful or seriously hazardous to the environment. The ruling shall be declared as enforced with immediate effect, regardless of legal remedy.

### *Chapter VIII*

## ***LIABILITY FOR COMPLIANCE WITH WASTE MANAGEMENT RULES***

### General legal liability

#### *Section 46.*

(1) Any person who - by action or negligence - neglects his duties provided for in waste management legislation or in a relevant ruling issued by an authority, and in this way endangers, pollutes or damages the environment, or carries out his activities in a manner that violates the provisions of environmental protection (hereinafter together: illegal activities) shall bear legal (criminal, civil, administrative etc.) liability as provided for in this Act and in the other legal rules.

(2) Any person carrying out illegal activities must

a) stop endangering, polluting or damaging the environment;

b) undertake responsibility for the damage caused;

e) restore the former state of the environment.

(3) If the measure referred to in Paragraph a) of Subsection (2) fails to take place or remains unsuccessful, the environmental protection authority or the court shall proceed according to Subsection (2) of Section 45.

(4) The administrative liability for illegal activities shall be borne jointly and severally by the owner and holder (user) of the real estate where the activities are or were carried on, until the contrary is proved.

(5) The owner shall be released from the above liability if he gives the name of the actual user of the real estate or the name of the holder of the waste and conclusively proves that he is not responsible.

(6) In case of landfills the period of prescription for environmental damage caused by the deposited waste shall be 30 years from the date of the closure of installation.

(7) In any case when the person legally responsible for the performance of a certain waste management activity cannot be identified, the state shall ensure that such activities are performed

in order to protect human health and the health of other living organisms and to prevent environmental damage. This commitment shall have no effect on any further possible counterclaim of the state.

### Financial security

#### *Section 47.*

(1) The economic organisation which generates hazardous waste in the course of its activities, and the operator of hazardous waste shall ensure a financial security proportional to the amount of the generated or treated waste, to cover possible losses or disposal costs of hazardous waste, as provided for in the separate legal rule.

(2) Reliable verification of the existence of the financial security referred to in Subsection (1) shall be the precondition of a permit to be issued by the environmental protection authority. Lacking the appropriate financial security, the activity shall neither be commenced nor continued.

(3) The owner of a waste treatment installation shall ensure a financial security for the costs to be incurred by the time of the closure of installation or the cessation of activity. In the case of landfills the financial security shall also cover the costs of after-care and monitoring for a minimum of 30 years.

### Liability insurance

#### *Section 48.*

(1) Any economic organisation generating hazardous waste in the course of its activities, and any operator managing hazardous waste shall take out a liability insurance as provided for in the separate legal rule. The fact of holding the insurance policy and any modification to it shall be notified to the inspectorate for environmental protection.

(2) The economic organisation shall maintain the insurance as long as the conditions set out in Subsection (1) prevail.

(3) Detailed rules of liability insurance are provided for in a separate Act.

### Waste management fine

#### *Section 49.*

(1) Anyone who by act or negligence

a) violates the provisions of waste management legislation or those of a relevant official ruling, or fails to perform or performs improperly his duties included in the above provisions,

b) carries on waste management activities bound to an official permit, approval or notification without an official permit, approval or notification, or in a manner deviating from them,

c) endangers or damages the environment by violating the provisions on environmental protection,

must pay a waste management fine.

(2) Waste management fines shall be imposed by the environmental protection authority.

(3) After a period of one year from obtaining knowledge of an act referred to in Subsection (1) the environmental protection authority shall not have the possibility to impose the fine. No fine shall be imposed after a period of five years from the time of the commission of the act unless it

is effected by preservation of an illegal situation. In such cases the prescription shall not start as long as the illegal situation prevails.

(4)

(5) The waste management fine shall not provide immunity from criminal liability and liability for misdemeanours or damages, furthermore from the restriction, suspension or prohibition of activities as well as from the obligations of taking appropriate protection measures and restoring the natural or former state of the environment.

(6) Non-appealable waste management fines shall be considered as public dues to be enforced officially.

(7) The rules of procedure for imposing waste management fines, and the amount and manner of the determination of fines shall be provided for in a separate legal rule.

## ***Chapter IX***

### ***PUBLICITY OF WASTE MANAGEMENT AND DUTY TO SUPPLY DATA***

#### Duty to provide information

##### *Section 50.*

(1) The government shall publish the National Waste Management Plan every six years and at the time of every subsequent revision.

(2) In reports on the implementation of their waste management plans, county and local governments shall publish information on the amount of waste generated, situation of waste management, state and operation of waste treatment installations and impact of the above on the environment within their territories.

#### Duty to keep records and to supply data

##### *Section 51.*

(1) In a manner and with a content provided for in the separate legal rules, the producer, holder and operator of waste shall record the amount and composition of waste (separately for each type of waste) generated in the course of his activity or received from other holders or transferred to other holders, and shall keep records on the treatments carried out, the treated wastes as well as wastes obtained from treatments, furthermore he shall keep plant diaries on the operation of the installation. All the above shall be reported to the authorities.

(2) The duty referred to in Subsection (1) shall not be binding for real estate owners submitting their municipal waste to a public service provider on contract. The public service provider shall ensure record keeping and reporting on such wastes according to provisions laid down in the separate legal rules.

(3) On the basis of manufacturer's responsibility the manufacturers, dealers, waste handlers and operators involved in marketing and return shall keep records, in a manner and with a content provided for in the separate legal rules, on the fulfilment of duties referred to in Sections 7 to 10, on the turnover of returnable goods, on returned used goods, packaging and waste. These data

shall be reported to the authorities. Organisations established according to Section 11 may perform jointly their duty to provide information and supply data.

### Waste Treatment Information System

#### *Section 52.*

(1) As an independent part of the National Environmental Protection Information System, a uniform, internationally compatible national information system on waste treatment shall be established and operated by the minister in charge of environmental protection.

(2) All the authorities, governmental or local governmental organs and providers of public services shall make available to the environmental protection authority any data, in the manner and with the content provided for in the separate legal rules, necessary for the procedures of the environmental protection authority.

### Involvement of citizens in waste treatment

#### *Section 53.*

(1) To the involvement of citizens in waste treatment Sections 97 to 100 of the EAct shall apply by analogy.

(2) In waste treatment issues, prior to a decision being taken at local governmental level, a public hearing may be held to learn the inhabitants' opinion.

(3) The local government must hold a public hearing before making a decision to order

- a) the establishment of a waste disposal plant,
- b) the separate collection of the types of municipal waste.

(4) To the public inquiry Sections 93 and 94 of the EAct shall apply by analogy, noting that 'inspectorate for environmental protection' shall read 'notary of the local government'.

### Training and education related to waste treatment

#### *Section 54.*

(1) On the basis of the provisions laid down in Sections 54 and 55 of the EAct, information related to waste treatment shall be presented in each educational institution as part of the National Master Curriculum. The development of the environmental awareness of society shall be promoted by teaching and propagating such knowledge with the involvement of the state and local institutions and other organisations as well as the public service media.

(2) Primarily the administrative organisation under the direction of the Minister of Environmental Protection, the General Inspectorate for the Protection of the Environment and Nature, the inspectorates for environmental protection and other administrative bodies, local governments as well as economic and civil organisations interested in waste treatment shall be responsible for the introduction and propagation of state-of-the-art methods of waste management and separated collection of waste types.

## *Chapter X*

## ***CLOSING PROVISIONS***

### Entry into force and transitional provisions

#### *Section 55.*

- (1) This Act, with the exception of Subsection (2), shall enter into force on 1 January 2001.
- (2) Section 59 of this Act on authorising provisions shall enter into force on 1 July 2000.
- (3) The provisions of this Act shall apply to cases commenced after its entry into force and to cases not yet decided upon at the first instance by the time of the entry into force of this Act.

#### *Section 56.*

(1) In the settlements where no active public service exists for the treatment of solid municipal waste, such a service shall be organised within the following deadlines, depending on the number of permanent inhabitants of the settlement:

- a) in case of 2000 or more permanent inhabitants, by 1 January 2002;
- b) in case of less than 2000 permanent inhabitants, by 1 January 2003.

(2) In the settlements where no active public service exists for the treatment of liquid municipal waste, such a service shall be organised within the deadlines laid down in Subsection (1), depending on the number of permanent inhabitants of the settlement in real estates not connected to a sewage system.

(3) On the operating conditions of waste treatment sites which at the time of entry into force of this Act operate with a valid permit issued by the environmental protection authority, the provisions of this Act shall start to apply after a one year grace period from the date of entry into force.

(4) Within 180 days after the entry into force of this Act, operators of installations referred to in Subsection (3) shall draw up a schedule to implement the requirements provided for in this Act and put it forward to the environmental protection authority for approval.

(5) To verify the environmental and technical conformity of landfills already in operation, the operator shall carry out an entire environmental inspection according to the EAct. The documentation of inspection, including the action plan, shall be forwarded to the environmental protection authority within two years. On the basis of the inspection, the environmental protection authority shall define - according to the provisions laid down in the EAct - the conditions of further operation as well as the measures to be taken for the protection of the environment and the deadlines of these measures.

(6) The National Waste Treatment Plan shall be put forward to Parliament for approval at the first occasion within 180 days after the entry into force of this Act. The regional waste treatment plans shall be promulgated within 270 days after the promulgation of the National Plan. The local waste treatment plans shall be promulgated within 270 days after the promulgation of the regional plans.

(7) Local waste treatment plans shall state the composition including the biodegradable organic material content, in percentages by weight, of the waste deposited in the local landfill, measured by standardized methods. Compared to the measured values, the biodegradable organic material content of waste disposed of in landfills shall be reduced

- a) to 75% by 1 July 2004,
- b) to 50% by 1 July 2007,

c) to 35% by 1 July 2014.

(8) Pursuant to the duty to return products as referred to in Section 8, the following shall be achieved by 1 July 2005:

- a) a minimum 50% by weight of the packaging waste will be recovered;
- b) within this general target, a minimum 25% of the totality of packaging materials contained in packaging waste will be recycled with a minimum of 15% each packaging material.

(9) Contracts intended for the provision of the waste treatment public service and concluded before the entry into force of this Act shall be cancelled by 1 January 2003 unless the parties have amended their content and conditions according to the provisions laid down in this Act and in the legal rule referred to in Paragraph 1) of Subsection (1) of Section 59.

(10) The contracts amended according to Subsection (9) shall continue to be valid for the period laid down in the original contract but not more than ten years from the date of amendment.

(11) The provisions laid down in Subsections (9) and (10) shall not apply to contracts concluded between promulgation and entry into force of this Act.

#### *Section 57.*

(1)

(2)

(3)

(4) Concurrently Subsection (1) of Section 1, the second sentence of Subsection (3) of Section 1, and Paragraphs a)-e) of Section 3 of Act XLII of 1995 are repealed.

#### *Section 58.*

(1)

(2)

### Authorising provisions

#### *Section 59.*

(1) The Government shall be authorised to regulate by decree:

- a) the import, export and transit movement of waste;
- b) the detailed rules of the application of deposits and return possibilities;
- c) the conditions for carrying out activities related to hazardous waste;
- d) the conditions for carrying out activities related to municipal waste;
- e) the duties to keep records and supply data on waste;
- f) the detailed content requirements of waste management plans;
- g) the manner and extent of imposing and determining waste management fines;
- h) the detailed rules for the treatment of packaging waste;
- i) the spheres of responsibilities and competence of notaries concerning waste treatment;
- j) detailed technical rules for the determination of fees for waste management public services;
- k) detailed rules of the tender to select waste management public service providers and that of the evaluation of the tender;
- l) detailed conditions and content requirements of contracts on the provision of a public service;
- m) rules for the determination of the subsidy granted to local governments for the provision of a public service;

- n) detailed conditions pertaining to the financial security;
- o) detailed conditions of waste trade;
- p) detailed rules for the agricultural use and treatment of sewage sludge.

(2) The minister in charge of environmental protection shall be authorised to regulate by decree:

- a) the detailed technical rules of waste treatment practice, and that of the design, construction and operation of waste treatment installations, and in particular
  - aa) technical requirements of landfill waste,
  - ab) technical requirements of the thermal disposal of waste,
  - ac) technical requirements of composting waste,
  - ad) technical requirements of closure and after-care of filled landfills;
- b) lists of waste and hazardous waste;
- c) special rules concerning the categories and types of waste requiring special treatment, and in particular:
  - ca) detailed rules for the treatment of waste oils,
  - cb) detailed rules for the treatment of polychlorinated biphenyls and triphenyls and their containers;
  - cc) detailed rules for the treatment of batteries (dry cell and wet cell) and their waste,
  - cd) detailed rules for the treatment of waste from the titanium dioxide industry,
  - ce) detailed rules for the treatment of scrapped vehicles,
  - cf) detailed rules for the treatment of electric and electronic instruments and their waste.

(3)

- a) The minister in charge of agriculture shall be authorised to regulate by decree:
  - aa) the detailed rules for the treatment of waste of veterinary products and their packaging,
  - ab) detailed rules for the treatment of non-hazardous agricultural waste;
- b) The minister in charge of health affairs shall be authorised to regulate by decree:
  - ba) the detailed rules for the treatment of waste of medical products and their packaging,
  - bb) detailed rules for the treatment of clinical waste,
  - bc) public health requirements related to solid and liquid municipal waste;
- c) The minister in charge of mineral resources shall be authorised to regulate by decree the detailed rules for the treatment of waste from the prospecting of mineral resources;
- d) The minister in charge of the regulation of economic activities shall be authorised to regulate by joint decree with the minister in charge of environmental protection the detailed rules for the management of waste originating from building and demolition.

#### *Section 60.*

In accordance with Article 3 of Act I of 1994 promulgating the Europe Agreement establishing an association between the Republic of Hungary and the European Communities and their Member States, signed on 16 December 1991 in Brussels, this Act contains regulation which may be approximated with the following legal instruments of the European Communities:

- a) Council Directive 75/442/EEC on waste as amended by Council Directive 91/156/EEC;
- b) Commission Resolution 94/3/EC establishing a list of wastes pursuant to Paragraph a) of Article 1 of Council Directive 75/442/EEC on waste;
- c) Commission Resolution 96/350/EC on the rectification of Appendices II/A and II/B of Council Directive 75/442/EEC;
- d) Commission Resolution 97/C-76/01 on a Community strategy for waste management.

Annex 1 to Act XLIII of 2000**Categories of waste**

Q1	Production, service or consumption residues not otherwise specified below
Q2	Off-specification products
Q3	Products whose date of use has expired
Q4	Materials spilled, lost or otherwise damaged, including any materials, equipment, etc., contaminated as a result of the accident
Q5	Materials contaminated or soiled as a result of planned actions (e.g. residues from cleaning operations, packing materials, containers, etc.)
Q6	Unusable parts (e.g. reject batteries, exhausted catalysts, etc.)
Q7	Substances which no longer perform satisfactorily (e.g. contaminated acids, contaminated solvents, exhausted tempering salts, etc.)
Q8	Residues of industrial processes (e.g. slag, still bottoms, etc.)
Q9	Residues from pollution abatement processes (e.g. scrubber sludge, dust precipitator dust, spent filters, etc.)
Q10	Machining and finishing residues (e.g. lathe turnings, mill scales, etc.)
Q11	Residues from raw materials extraction and processing (e.g. metal mining residues, oil field slops, etc.)
Q12	Adulterated materials (e.g. oils contaminated with PCBs, etc.)
Q13	Any materials, substances or products whose use has been banned by a legal rule
Q14	Products for which the holder has no further use (e.g. agricultural, household, office, commercial and shop discards, etc.)
Q15	Contaminated materials and substances resulting from remedial action with respect to land
Q16	Any materials, substances or products which became waste and are not contained in the above categories Annex 2 to Act XLIII of 2000

Annex 2 to Act XLIII of 2000**List of hazardous properties**

The detailed interpretation of hazardous properties, the test and measurement methods to be applied as well as the reference values to be used in evaluations are provided for in separate legal rules.

H1	'Explosive': solid, liquid, plastic or gelatinous substances and preparations which may also react exothermically without atmospheric oxygen thereby quickly evolving gases, and which, under defined test conditions, detonate, quickly deflagrate, or explode upon pressure or heating
H2	'Oxidizing': substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances
H3-A	'Flammable':- liquid substances and preparations having a low flash point (including extremely flammable substances and preparations)- substances and preparations which may

	catch fire in contact with air at ambient temperature- solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition- gaseous substances and preparations which are flammable in air at normal temperature and pressure- substances and preparations which, in contact with water or damp air, evolve flammable gases in dangerous quantities
H3-B	'Less flammable': liquid substances and preparations having a low flash point
H4	'Irritant': non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation
H5	'Harmful': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may cause death or acute health risks
H6	'Toxic': substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin even in small amounts may cause death or acute health risks
H7	'Carcinogenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin or mucous membrane, may induce cancer or increase its incidence
H8	'Corrosive': substances and preparations which may destroy living tissue on contact
H9	'Infectious': substances containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms
H10	'Toxic for reproduction and progeny development': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin or mucous membrane, may disturb, usually prohibit reproduction or cause morphological or functional defects in the progeny or increase their incidence
H11	'Mutagenic': substances and preparations which, if they are inhaled or ingested or if they penetrate the skin or mucous membrane, may induce genetic defects or increase their incidence
H12	Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid
H13	Substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed above
H14	'Ecotoxic': substances and preparations which present immediate or delayed risks for one or more sectors of the environment or change the state, natural ecological balance or biodiversity of the environment Annex 3 to Act XLIII of 2000

Annex 3 to Act XLIII of 2000

***Waste disposal operations***

This Annex is intended to list disposal operations such as they occur in practice. In accordance with Article 5 of this Act, waste must be disposed of without endangering human health and the natural and built environment and complying with requirements laid down in the separate legal rules, using processes conforming to these legal rules only.

D1	Tipping above or underground
D2	Land treatment (e.g. biodegradation of liquid or sludge discards in soils, etc.)
D3	Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally

	occurring repositories, etc.)
D4	Surface impoundment (e.g. placement of liquid or sludge discards into pits, ponds or lagoons, etc.)
D5	Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
D6	Release of solid waste into a water body except seas/oceans
D7	Release into seas/oceans including seabed insertion
D8	Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are treated by means of any of the operations D1 - D12
D9	Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are disposed of by means of any of the operations D1 - D12 (e.g. evaporation, drying, calcination etc.)
D10	Incineration on land
D11	Incineration at sea
D12	Permanent storage (e.g. emplacement of containers in a mine, etc.)
D13	Blending or mixing prior to submission to any of the operations numbered D1 to D12
D14	Repackaging prior to submission to any of the operations numbered D1 to D12
D15	Storage pending any of the operations numbered D1 to D14 (excluding temporary storage, pending collection, on the site where it is produced) Annex 4 to Act XLIII of 2000

Annex 4 to Act XLIII of 2000

**Waste recovery operations**

This Annex is intended to list recovery operations such as they occur in practice. In accordance with Article 5 of this Act, waste must be recovered without endangering human health and the natural and built environment and complying with requirements laid down in the separate legal rules, using processes conforming to these legal rules only.

R1	Use as a fuel or other means to generate energy
R2	Solvent reclamation, regeneration
R3	Recycling, reclamation of organic substances which are not used as solvents (including composting and other biological transformation processes)
R4	Recycling, reclamation of metals and metal compounds
R5	Recycling, reclamation of other inorganic materials
R6	Regeneration of acids or bases
R7	Recovery of components used for pollution abatement
R8	Recovery of components from catalysts
R9	Oil re-refining or other reuses of oil
R10	Land treatment resulting in benefit to agriculture or ecological improvement
R11	Use of wastes obtained from any of the operations numbered R1 to R10
R12	Exchange of wastes for submission to any of the operations numbered R1 to R11
R13	Storage of wastes pending any of the operations numbered R1 to R12 (excluding temporary storage and collection, on the site where it is produced)

