

The Act of the 29 July 2005

on waste electric and electronic equipment¹

Section 1

General provisions

1. The Act defines:

Article 1.

1) requirements to be met by electric and electronic equipment, called hereinafter the Equipment,

2) principles of handling the waste equipment in the way ensuring people's health and life protection and environment protection according to the principle of sustainable development

- in order to limit the volume of waste generated from the equipment and ensure proper level of collection, recovery and recycling of waste equipment.

2. In cases regarding conduct with waste equipment in scope that is not regulated by the Act provisions of waste Act are applicable.

Article 2.

1. Provisions of the Act shall apply to:

1) equipment manufactured and marketed in the territory of the Country;

2) equipment introduced to the territory of the Country by import or intra-Community purchase;

3) waste equipment formed of the equipment mentioned in points 1 and 2.

2. Provisions of the Articles 7-14, Articles 18-21, Articles 23, Articles 24 and 27 shall apply also to equipment sold remotely via mass-media or data transfer networks to other countries of the European Union besides Poland.

3. Provisions of the Act shall not apply to:

1) equipment serving for protection of safety of Poland, if this equipment is designed solely for military purposes;

2) radioactive waste according to the provisions of the Act of 29 November

¹ Regulations of this Act implement provisions of the Directive 2002/96/EC of 27 January 2003 on waste electric and electronic equipment (OJ EU L 37 of 13.02.2003, page 34 and L 345 of 31.12.2003, page 106).

Data regarding the legal act of the European Union announced before 1st May 2004 mentioned in this Act regard to announcement of the act in the Official Journal of the European Union – special edition.

The following Acts are amended by this Act: the Act of 20 July 1991 on Nature Protection inspection, the Act of 26 July 1991 on income tax from natural persons, the Act of 15 February 1992 on income tax from legal persons, the Act of 13 September 1996 on ensuring cleanness and order in communities, the Act of 26 November 1998 on public finance, the Act of 15 December 2000 on Trade Inspection, the Act of 27 April 2001 – Environment Protection Act, the Act of 27 April 2001 on waste and the Act of 11 May 2001 on obligations of entrepreneurs in respect to management of selected waste and product fee and deposit fee.

2000 - Atomic Law (Journal of Laws of the year 2004, No. 161, position 1689 and No. 173, position 1808);

3) equipment constituting a part of a device that is not considered as equipment according to the provisions of the Act.

Article 3.

1. Definitions used in the Act have the following meaning:

1) decisions connected with waste management – decisions mentioned in the Article 17 paragraph 1, point 1, and paragraph 2, Article 26 paragraph 1 and paragraph 28 paragraph 1 of the Act of 27th April, 2001 on waste (Journal of Laws No. 62 position 628, with subsequent changes²), in Article 181 paragraph 1, point 1 of the Act of 27th April, 2001 – Environment Protection Law (Journal of Laws No. 62 position 627, with subsequent changes³), and in Article 7 paragraph 1, point 1 of the Act of 13 September 1996 on ensuring cleanness and order in communities (Journal of Laws No. 132, position 622, with subsequent changes⁴);

2) import – bringing equipment from the territory of a country that is not a Member State of the European Union in order to introduce it to the territory of the Country;

3) recovery – recovery according to the Article 3 paragraph 3, point 9 of the Act of 27 April 2001 on waste;

4) reuse – operation by which waste equipment or its components are used for the same purpose for which they were conceived and produced;

5) treatment – all operations undertaken following passing the waste equipment to the entrepreneur maintaining recycling plant in order to be disassembled, including removal of dangerous materials and components defined in the Annex no. 2 to the Act, cutting and preparation for recovery or disposal;

6) recycling – recycling according to the Article 3, point 14 of the Act of 27 April 2001 on waste;

7) dangerous constituent – any substance or preparation considered dangerous under the Article 2 paragraph 2 of the Act of 11th January, 2001 on chemical substances and preparations (Journal of Laws No. 11 position 84, with subsequent changes⁵);

8) retailer – entrepreneur who provides equipment on a commercial basis to the

² Changes to the mentioned Act have been announced in the Journal of Laws of the year 2002, No. 41, position 365, No. 113, position 984 and No. 199, position 1671, of the year 2003, No 7, position 78, of the year 2004, No 96, position 959, No. 116, position 1208 and no. 191, position 1956, and of the year 2005, No 25, position 202, No. 90, position 758, No. 130, position 1087 and No. 175, position 1458 and 1462.

³ Changes to the mentioned Act have been announced in the Journal of Laws of the year 2001, No. 115, position 1229, of the year 2002 no. 74, position 676, No. 113, position 984, No. 153, position 1271 and No. 233, position 1957, of the year 2003, No 46, position 392, No. 80, position 717 and 721, no. 162, position 1568, No. 175, position 1693, No. 190, position 1865 and No. 217, position 2124, of the year 2004, No 19, position 177, No. 49, position 464, No. 70, position 631, No. 91, position 875, No. 92, position 880, No. 96, position 959, No. 121, position 1263, No. 273, position 2703 and No. 281, position 2784, and of the year 2005, No 25, position 202, No. 62, position 552, No. 113, position 954, No. 130, position 1087, No. 132, position 1110, No. 163, position 1362, No. 167, position 1399, No. 169, position 1420 and No. 175, position 1458 and 1462.

⁴ Changes to the mentioned Act have been announced in the Journal of Laws of the year 1997, No. 60, position 369 and No. 121, position 770, of the year 2000, No 22, position 272, of the year 2001, No 100, position 1085 and No. 154, position 1800, of the year 2002, No 113, position 984, of the year 2003, No 7, position 78, of the year 2004, No 96, position 959 and No. 173, position 1808, and of the year 2005 no. 85, position 729 and No. 175, position 1458.

⁵ Changes to the mentioned Act have been announced in the Journal of Laws of the year 2001, No. 100, position 1085, No. 123, position 1350 and No. 125, position 1367, of the year 2002, No 135, position 1145 and No. 142, position 1187, of the year 2003, No 189, position 1852, and of the year 2004, No 96, position 959 and No. 121, position 1263, and of the year 2005, No 179, position 1485.

- parties who are going to use it;
- 9) wholesaler – entrepreneur who provides equipment on a commercial basis to the parties who are going to sell it further;
- 10) equipment – equipment which is dependent on electric current or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and fields and designed for use with a voltage rating not exceeding 1000 Volt for alternating current and 1500 Volt for direct current, falling under categories set out in the Annex 1 to the Act;
- 11) disposal of waste – disposal under the Article 3 paragraph 3, point 21 of the Act of 27 April 2001 on waste;
- 12) intra-Community purchase – bringing equipment from the territory of a country that is a Member State of the European Union in order to introduce it to the territory of the Country;
- 13) producer – entrepreneur who:
- a) manufactures and sells equipment under his own brand,
 - b) sells under his own brand equipment manufactured by any other entrepreneur,
 - c) carries economic activity connected with import or intra-Community purchase of equipment;
- 14) introduction of equipment – introduction of equipment into the territory of the Country which takes place:
- a) on the day of equipment release from a warehouse in order to be marketed - in case of equipment produced in the Country,
 - b) on the day of marketing authorisation in the territory of the Country for domestic market – in case of imported equipment,
 - c) on the day of issuing the invoice confirming intra-Community purchase, or - if the invoice is not issued - on the day of marketing authorisation in the Member State other than Poland.
- 15) treatment plant – installation, construction or its part, where treatment of waste equipment is carried out, including disassembly with removal of dangerous materials and components mentioned in the Annex no. 2 to the Act from equipment;
- 16) collector of waste equipment – person carrying a collection point for waste equipment, including retailer and wholesaler, and communal organisational unit carrying activity of collecting municipal waste and entrepreneur possessing permission for carrying activity within the scope of municipal waste collecting;
- 17) waste equipment – equipment constituting waste under the Article 3 paragraph 1 of the Act of 27 April 2001 on waste.

2. Anytime waste equipment from private households is mentioned in this Act, this notion includes also waste equipment originating from other sources, which because of its nature and quantity, is similar to that from private households.

Article 4.

1. While determining quantity and weight of equipment introduced to the territory of the Country only first introduction is taken into account.
2. While determining quantity and weight of equipment introduced in the territory of

the Country quantities and weight of equipment that had been introduced by import or intra-Community purchase and then had been exported or had been a subject of intra-Community supply provided by a producer or other entrepreneur is not taken into account.

Article 5.

Disassembly of waste equipment, including removal of dangerous components, materials and parts defined in the Annex no. 2 to the Act from this equipment, may be carried only in a treatment plant.

Section 2

Tasks of the Inspection for Environment Protection

Article 6.

The Chief Inspector for Environment Protection maintains the following registers:

- 1) of producers;
- 2) of collectors of waste equipment;
- 3) of persons operating treatment plants;
- 4) of persons carrying activity within the scope of recycling;
- 5) of persons carrying activity within the scope of recovery processes other than recycling;
- 6) of organisations dealing with recovery of electric and electronic equipment.

Article 7.

1. Entrepreneurs mentioned in the Article 6, points 1-5, before they start activity in the following scopes:

- 1) production of equipment,
- 2) collection of waste equipment;
- 3) treatment,
- 4) recycling,
- 5) recovery processes other than recycling

- are obliged to file an application for entry to the register to The Chief Inspector for Environment Protection.

2. Entrepreneur carrying economic activity in more than one scope mentioned in paragraph 1 files one application for entry in the register, including data required for applications for entry to the register within the scope of performed activity.

3. Organisation dealing with recovery of electric and electronic equipment is obliged to file an application for entry to the register to The Chief Inspector for Environment Protection, within 14 days from the day of obtaining entry to the National Court Register.

Article 8.

1. The Chief Inspector for Environment Protection provides entry to the register against application of an entrepreneur or an organisation dealing with recovery of electric and electronic equipment.

2. Application mentioned in paragraph 1 includes, in respect to:

1) producers;

- a) entrepreneur's company and definition of its seat as well as address, b) tax identification number (NIP), if it possesses one,
- c) statistical number (REGON), if it possesses one,
- d) number and name of a group and number and name of kind of equipment, defined in the Annex no. 1 to the Act,
- e) information on a contract with an organisation dealing with recovery of electric and electronic equipment, mentioned in the Article 57 paragraph 1, or about weight of separate kinds of equipment, defined in the Annex no. 1 to the Act, that a producer intends to introduce during a given year, and about form and amount of financial security mentioned in the Article 18 paragraph 1, if he introduces equipment designed for private households;

2) collectors of waste equipment:

- a) entrepreneur's company and definition of its seat as well as address, and in case of communal organisational unit - its name and address,
- b) tax identification number (NIP), if it possesses one, c) statistical number (REGON), if it possesses one,
- d) number and name of a group and number and name of kind of equipment, defined in the Annex no. 1 to the Act, of which the collected waste equipment originated,
- e) information on decisions connected with waste management, including decision number and definition of an organ that issued the decision,

3) persons operating treatment plants:

- a) entrepreneur's company and definition of its seat as well as address, b) tax identification number (NIP), if it possesses one,
- c) statistical number (REGON), if it possesses one,
- d) addresses of treatment plants,
- f) number and name of a group and number and name of kind of equipment, defined in the Annex no. 1 to the Act, of which the accepted waste equipment originated,
- f) information on treatment capacity of a treatment plant,
- g) information on decisions connected with waste management, including decision number and definition of an organ that issued the decision,
- h) information on implemented quality management system or lack of it;

4) persons carrying activity within the scope of recycling:

- a) entrepreneur's company and definition of its seat as well as address, b) tax identification number (NIP), if it possesses one,
- c) statistical number (REGON), if it possesses one,
- d) code and name of kind of accepted waste,
- e) information on decisions connected with waste recycling, including decision number and definition of an organ that issued the decision,
- f) information on used recycling process, including information on the type

of a process defined in the Annex no. 5 to the Act of 27 April 2001 on waste,

g) information on treatment capacity of recycling installations,

h) information on the place of carrying the recycling activity, i) information on implemented quality management system or lack of it;

5) persons carrying activity within the scope of recovery processes other than recycling;

a) entrepreneur's company and definition of its seat as well as address, b) tax identification number (NIP), if it possesses one,

c) statistical number (REGON), if it possesses one,

d) code and name of kind of accepted waste,

e) information on decisions connected with waste recovery, including decision number and definition of an organ that issued the decision,

f) information on used recovery process, including information on the type of a process defined in the Annex no. 5 to the Act of 27 April 2001 on waste,

g) information on treatment capacity of recovery installations,

h) information on the place of carrying the recovery activity, i) information on implemented quality management system or lack of it;

6) organisations dealing with recovery of electric and electronic equipment:

a) organisation's company and definition of its seat as well as address,

b) tax identification number (NIP), if it possesses one, c) statistical number (REGON), if it possesses one,

d) list of producers with which the organisation concluded contracts mentioned in the Article 57 paragraph 1, including entrepreneurs' companies and definitions of their seats and registry numbers.

3. The Chief Inspector for Environment Protection refuses entry to the register, issuing a decision, if a producer:

1) has not paid the registration fee mentioned in the Article 9 paragraph 1;

2) has not provided financial security on required level, mentioned in the Article 18 paragraph 1, if he introduces equipment designed for private households.

4. In case of a change of data mentioned in the paragraph 2, points 1-5, an entrepreneur is obliged to file an application for change in entry to the register to The Chief Inspector for Environment Protection, within 7 days from the day when this change occurred.

5. In case of a change of data mentioned in the paragraph 2, point 6, an organisation dealing with recovery of electric and electronic equipment is obliged to file an application for change in entry to the register to The Chief Inspector for Environment Protection, within 30 days from the day when this change occurred.

6. Applications mentioned in paragraphs 4 and 5, respectively, shall include:

1) registration number;

2) entrepreneur's company and definition of its seat as well as its address or company of the organisation dealing with recovery of electric and electronic equipment and definition of its seat, as well as its address;

- 3) tax identification number (NIP), if it possesses one;
 - 4) statistical number (REGON), if it possesses one;
 - 5) data that has been changed.
7. A producer attaches to the application mentioned in the paragraph 1, a legalised copy of receipt of payment of the registration fee mentioned in the Article 9, section 1.
8. A producer introducing equipment for private households attaches to the applications mentioned in paragraphs 1 and 4 a legalised copy of a contract with an organisation dealing with recovery of electric and electronic equipment, mentioned in the Article 57 paragraph 1, and in case of lack of such contract – a document confirming provision of financial security, mentioned in the Article 18 paragraph 1.
9. The Minister proper for the matters of environment shall define, issuing a decree, model applications mentioned in the paragraph 1, 4 and 5 and ways of filing them, guided by the necessity for unification of application forms, facilitation of filing them and identification of an entrepreneur and organisation dealing with recovery of electric and electronic equipment.

Article 9.

1. Entry to the register of producers is subject to a registration fee.
2. A producer transfers the registration fee on a separate bank account of the Office of The Chief Inspector for Environment Protection.
3. A registered producer shall transfer an annual fee on a separate bank account of the Office of The Chief Inspector for Environment Protection until the end of February of each year.
4. Annual fee is not payable in the year when the registration fee has been paid.
5. Upper limits of the registration fee and annual fee are 8000 PLN, and for micro-entrepreneurs the upper limit of the registration fee and annual fee is 400 PLN.
6. The Minister proper for the matters of environment, in agreement with the minister proper for the matters of public finance, shall define amount of the following fees issuing a decree:
 - 1) registration fee,
 - 2) annual fee- taking into account costs of maintaining the register and the data base of equipment and waste equipment mentioned in the Article 15 paragraph 3, and the fact that those fees should not constitute an obstacle in obtaining entry to the register or in performing activities, especially for micro-entrepreneurs and small and medium entrepreneurs.

Article 10.

1. The Chief Inspector for Environment Protection, making an entry to the register endows a registration number to the entrepreneur.
2. The Chief Inspector for Environment Protection notifies the entrepreneur about the endowed registration number.
3. The Minister proper for the matters of environment shall define, issuing a decree, the way of registration numbers establishing, mentioned in the paragraph 1, guided by the necessity for identification of entrepreneurs entered to the register.

Article 11.

The register includes, in respect to:

- 1) producers;
 - a) registration number;
 - b) data mentioned in the Article 8 paragraph 2, point 1;
- 2) collectors of waste equipment:
 - a) registration number;
 - b) data mentioned in the Article 8 paragraph 2, point 2;
- 3) persons operating treatment plants:
 - a) registration number;
 - b) data mentioned in the Article 8 paragraph 2, point 3;
- 4) persons carrying activity within the scope of recycling:
 - a) registration number;
 - b) data mentioned in the Article 8 paragraph 2, point 4;
- 5) persons carrying activity within the scope of recovery processes other than recycling;
 - a) registration number;
 - b) data mentioned in the Article 8 paragraph 2, point 5;
- 6) organisations dealing with recovery of electric and electronic equipment:
 - a) registration number;
 - b) data mentioned in the Article 8 paragraph 2, point 6.

Article 12.

1. The Chief Inspector for Environment Protection:

- 1) maintains the register in form of a database stored in data carriers under the provisions of the Act of 17 February 2005 on computerisation of activity of subjects realising public tasks (Journal of Laws No. 64, position 565);
- 2) archives, stores and transforms data entered to the register;
- 3) ensures safety of data entered into the register and of documents received by him in connection with maintenance of the register.

2. Data included in the register are accessible in the seat of The Chief Inspector for Environment Protection and at The Chief Inspector for Environment Protection's website, excluding data concerning:

- 1) treatment capacity of a treatment plant and of installations serving for recycling other than recycling of recovery processes;
- 2) contractual conditions between a producer and the organisation dealing with recovery of electric and electronic equipment;
- 3) financial security mentioned in the Article 18 paragraph 1.

Article 13.

1. In case of termination of activity mentioned in the Article 7 paragraph 1, an entrepreneur is obliged to file an application for removal from the register to The Chief Inspector for Environment Protection, within 7 days from the day of persistent cease of activity.
2. In case a liquidation is opened or bankruptcy is declared of the organisation dealing with recovery of electric and electronic equipment, the organisation is obliged to file an application for removal from the register to The Chief Inspector for Environment Protection, within 7 days.
3. Applications mentioned in paragraphs 1 and 2, respectively, shall include:
 - 1) registration number;
 - 2) entrepreneur's company and definition of its seat as well as its address or company of the organisation dealing with recovery of electric and electronic equipment and definition of its seat, as well as its address;
 - 3) tax identification number (NIP), if it possesses one;
 - 4) statistical number (REGON), if it possesses one;
 - 5) date of cease of activity or date of liquidation opening or bankruptcy declaration of the organisation dealing with recovery of electric and electronic equipment.
4. Removal of an entrepreneur and organisation dealing with recovery of electric and electronic equipment from the register is performed basing on a decision of The Chief Inspector for Environment Protection.

Article 14.

The Chief Inspector for Environment Protection makes decision on removal of an entrepreneur from the register by virtue of his office in the following cases:

- 1) lack of payment of the annual fee mentioned in the Article 9 paragraph 3;
- 2) withdrawal or expiration of a decision connected with waste management;
- 3) lack of provision of financial security on required level, mentioned in the Article 18 paragraph 1.

Article 15.

1. The Chief Inspector for Environment Protection verifies data included in the reports mentioned in the Article 31 paragraph 1, Article 40 paragraph 1, Article 51 paragraph 1, Article 56 paragraph 1 and paragraph 67 paragraph 1.
2. The Chief Inspector for Environment Protection analyses functioning of the waste equipment management system using data mentioned in the paragraph 1.
3. basing on the data mentioned in the paragraph 1 and cumulative information on results of control mentioned in the Article 16 paragraph 2, The Chief Inspector for Environment Protection maintains a database of equipment and waste equipment.
4. The Chief Inspector for Environment Protection:
 - 1) archives, stores and transforms data entered to the database mentioned in the paragraph 3;
 - 2) ensures safety of data entered in the database mentioned in the paragraph 3 and of documents that he has received in connection with maintenance of the

database.

5. The Chief Inspector for Environment Protection prepares and transfers the annual report concerning functioning of the waste equipment management system to the minister proper for the matters of environment until 30 April of the year following the year to which the data refer.
6. The minister proper for the matters of environment shall define, in form of a decree:
 - 1) required scope of information covered by obligation of collection and transformation,
 - 2) the way of maintenance of the database mentioned in the paragraph 3,
 - 3) model report on functioning of the waste equipment management system
- driven by the necessity of unification of the system of data collection and transformation, and by necessity of waste equipment management system function assessment.

Article 16.

1. District Inspector for Environment Protection performs inspection of treatment plants at least once a year.
2. District Inspector for Environment Protection prepares and transfers cumulative information concerning results of inspections mentioned in the paragraph 1, and for the previous calendar year to The Chief Inspector for Environment Protection, until 15 February of the next year.

Article 17.

1. Performing tasks defined in the Article 10 paragraph 1 and 2, Article 12 paragraph 1 and Article 15 paragraph 2-5 may be entrusted by The Chief Inspector for Environment Protection, following consent of the minister proper for the matters of environment, basing on a contract, to a legal person representing producers, who possess altogether not less than 75% share in the weight of introduced equipment.
2. The contract mentioned in paragraph 1 should define especially:
 - 1) the way tasks entrusted by The Chief Inspector for Environment Protection and performed and financed;
 - 2) the way of protecting and storage of documents and data possessed by the legal person mentioned in the paragraph 1, in connection with execution of the contract;
 - 3) the way The Chief Inspector for Environment Protection performs supervision over the legal person mentioned in the paragraph 1;
 - 4) cases in which the contract expires or becomes dissolved.
3. Information on conclusion, dissolution and expiry of the contract mentioned in the paragraph 1 are published by The Chief Inspector for Environment Protection in form of the announcement in the Official Journal of the Republic of Poland "Monitor Polski", within 60 days from conclusion, dissolution or expiry of the contract, respectively.
4. The announcement mentioned in paragraph 3, states:
 - 1) company, definition of its seat and address of the legal person mentioned in the paragraph 1;
 - 2) information on tasks entrusted by The Chief Inspector for Environment

Protection;

3) date of commencement of entrusted tasks or date of end of their performance because of expiry or dissolution of the contract.

5. Within 30 days from the day of discontinuation of activity by the legal person mentioned in the paragraph 1, or from the day of expiry or dissolution of the contract mentioned in the paragraph 1, the legal person is obliged to return all documents entrusted and possessed in connection with performing the entrusted tasks and the database mentioned in the Article 12, paragraph 1, point 1 to The Chief Inspector for Environment Protection . .

6. Execution of obligations mentioned in the paragraph 5 is subject to execution pursuant to the provision of the Act of 17 June 1966 on execution proceeding in administration (Journal of Laws of the year 2002, No. 110, position 968, with subsequent changes⁶);

Section 3

Financial security

Article 18.

1. A producer, in case of:

- 1) lack of concluded contract with an organisation dealing with recovery of electric and electronic equipment,
- 2) expiry or dissolution of concluded contract with an organisation dealing with recovery of electric and electronic equipment,
- 3) liquidation start or declaration of bankruptcy of an organisation dealing with recovery of electric and electronic equipment,

- is obliged to provide financial security for a given calendar year. The security will be designed for financing of collection, treatment, recovery, including recycling, and disposal of waste equipment originating from private households, formed from the same kind of equipment – defined in the Annex no. 1 to the Act – that was introduced by the producer.

2. A basis for calculation of amount of this financial security mentioned in the paragraph 1 is:

- 1) in case of a producer who is not entered to the register mentioned in the Article 6 – weight of equipment to be introduced during a given calendar year;
- 2) in case of a producer who is entered to the register mentioned in the Article 6 – weight of equipment introduced during a previous calendar year.

3. Amount of this financial security mentioned in the paragraph 1 is calculated as product of product fee rate regarding to recycling of waste equipment and weight of the equipment mentioned in the paragraph 2.

⁶ Changes to the unified text of the mentioned Act have been announced in the Journal of Laws of the year 2002, No. 113, position 984, No. 127, position 1090, No. 141, position 1178, No. 153, position 1271, No. 169, position 1387, No. 199, position 1672, No. 200, position 1679 and No. 216, position 1824, of the year 2003, No 80, position 718, No. 135, position 1268, No. 137, position 1302, No. 193, position 1884, No. 217, position 2124 and No. 228, position 2255, of the year 2004, No 68, position 623, No. 91, position 870 and 871, no. 96, position 959 and No. 116, position 1203 of the year 2005, No 86, position 732 and No. 172, position 1438.

Article 19.

1. The financial security mentioned in the Article 18, paragraph . 1 may have a form of:
 - 1) a deposit payable to a separate bank account of the National Fund for Environmental Protection and Water Management;
 - 2) producer's civil responsibility insurance agreement for ill realisation of his obligation for collecting, treatment, recovery, including recycling, and disposal of waste equipment and presentation of the insurance policy or any other document conforming conclusion of such agreement to the National Fund for Environmental Protection and Water Management;
 - 3) a bank guarantee filed to the National Fund for Environmental Protection and Water Management.
2. The civil responsibility insurance agreement mentioned in paragraph 1, point 2, or a bank guarantee mentioned in the paragraph 1, point 3 should state that in case of ill realisation of obligation for collecting, treatment, recovery, including recycling, and disposal of waste equipment an insurance company or a bank will settle liabilities towards the National Fund for Environmental Protection and Water Management.
3. In case of providing the financial security in form of civil responsibility insurance agreement mentioned in the paragraph 1, point 2, or a bank guarantee mentioned in the paragraph 1, point 3, only a financial body authorised for providing guarantee for duty debt may be a guaranteeing party.
4. The minister proper for the matters of public finance, following opinions expressed by The Chief Inspector for Environment Protection and by the President of the Board of the National Fund for Environmental Protection and Water Management, will define in form of a decree principles of cooperation between financial bodies mentioned in the paragraph 3 and The Chief Inspector for Environment Protection and the National Fund for Environmental Protection and Water Management, as well as model forms of financial security in form of civil responsibility insurance agreement, mentioned in the paragraph 1, point 2, and a bank guarantee mentioned in the paragraph 1, point 3, in order to ensure financing for collection, treatment, recovery, including recycling, and disposal of waste equipment.
5. The minister proper for the matters of financial institutions, in agreement with the minister proper for the matters of environment, and following opinion expressed by the Polish Chamber of Insurance, shall define in form of a decree, a detailed scope of insurance mentioned in the paragraph 1, point 2, term of insurance obligation start, taking into account especially ensuring financing for collection, treatment, recovery, including recycling, and disposal of waste equipment.

Article 20.

1. The Chief Inspector for Environment Protection shall, not later than on 30 April of the year following the year in which the financial security mentioned in the Article 18, paragraph 1, had been provided, . perform settlement of this security.
2. In case it is found that a producer has not financed collection, treatment, recovery, including recycling, or disposal of waste equipment mentioned in the Article 18, paragraph . 1 The Chief Inspector for Environment Protection shall make a decision on financing those activities from the resources originating from the financial security provided by this producer.
3. If a producer financed collection, treatment, recovery, including recycling, and

disposal of waste equipment mentioned in the Article 18, paragraph . 1 The Chief Inspector for Environment Protection shall make a decision on return of the financial security provided by this producer.

Section 4

Producer's obligations

Article 21.

A producer is obliged to place his registration number on invoices and other documents issued in connection with his economic activity.

Article 22.

1. A producer of equipment designed for private households is obliged to attach to this equipment an information concerning:

- 1) prohibition of placing the waste equipment together with other waste, along with explanation of marking, model of which is presented in the Annex no. 3 to the Act;
- 2) potential effect for environment and health of people resulting from presence of dangerous constituents in the equipment;
- 3) weight of the equipment.

2. A producer of equipment designed for private households is obliged to inform about:

- 1) waste equipment collection system;
- 2) a role played by private households in reuse and recovery, including recycling, of waste equipment.

Article 23.

1. A producer is obliged to place a marking, model of which is defined in the Annex no. 3 to the Act, on equipment.

2. The marking mentioned in paragraph 1 should be placed in a clear, readable and durable way.

3. If it is justified by size or function of the equipment, the marking mentioned in the paragraph 1 may be placed on collective packaging, in instructions for use or guarantee of the equipment.

Article 24.

1. A producer is obliged to prepare and submit to The Chief Inspector for Environment Protection, not later than on 15th day of the month following the quarter in which the equipment was introduced, a report concerning quantity and weight of introduced equipment, with division into groups and kinds of equipment according to the Annex no. 1 to the Act, with detailed data concerning kind and weight of batteries and cells used for the equipment operation.

2. In case a producer ends his activity, the report mentioned in the paragraph 1 should be submitted within 7 days from the date of persistent cease of activity.

3. The Minister proper for the matters of environment shall define, issuing a decree, model report mentioned in the paragraph 1 and ways of submitting it, driven by

necessity of providing uniform form of the report, facilitating its submission and identification of a producer.

Article 25.

1. Producer of equipment designed for private households may transmit information concerning amount of waste management costs, including costs of collection, treatment, recycling or recovery process other than recycling, and disposal of waste equipment to retailers and wholesalers.
2. Waste management costs mentioned in the paragraph 1 may be visible as a separate element of price of introduced equipment.

Article 26.

1. A producer is obliged to develop, within 12 months from the day of new equipment introduction, an information for persons maintaining treatment plants concerning reuse and treatment of waste equipment.
2. The information mentioned in paragraph 1 should include namely:
 - 1) definition of constituents of the equipment that may be reused;
 - 2) indication of location of dangerous materials and parts defined in the Annex no. 2 to the Act in the equipment, that should be removed from this equipment.
3. A producer is obliged to transmit the information mentioned in the paragraph 1 to the person maintaining a treatment plant within 7 days from the day of application for granting information.
4. The information mentioned in paragraph 1 is prepared in written form or in electronic form on data carrier under the Act of 17 February 2005 on computerisation of subjects realising public tasks, and is assigned only for a person maintaining a treatment plant.
5. Making the information mentioned in paragraph 1 available to third persons by the person maintaining a treatment plant is forbidden.

Article 27.

A producer of equipment designed for private households is obliged to organise and finance operations of collection of waste equipment from persons running collection points, treatment, recovery, including recycling, and disposal of waste equipment from private households.

Article 28.

A producer of equipment designed for private households is obliged to ensure collection of waste equipment from private households, if this waste equipment was formed from the equipment introduced in the territory of the Country:

- 1) later than on 13 August 2005 – the obligation regards a producer in relation to equipment that was introduced by him;
- 2) to the day of 13 August 2005 – the obligation regards a producer introducing equipment belonging to the same group defined in the Annex no. 1 to the Act, in proportion to his share in weight of introduced equipment.

Article 29.

A producer of equipment other than designed for private households is obliged to organise and finance operations of collecting, treatment, recovery, including recycling, and disposal of waste equipment originating from users other than private households.

- 1) formed from the equipment introduced by him in the territory of the Country after 13 August 2005;
- 2) formed from the equipment introduced by him in the territory of the Country up to the day 13 August 2005, if waste equipment is being replaced by equipment of the same kind that equipment supplied by this producer; and financing of collection, treatment, recovery, including recycling, and disposal of this equipment may be also provided by user of the equipment in the scope defined in the agreement concluded between the producer and the user.

Article 30.

1. A producer is obliged to reach the following levels:

1) for waste equipment formed from the equipment belonging to groups 1 and 10, defined in the Annex no. 1 to the Act:

- a) recovery – 80% weight of waste equipment, and
- b) recycling of parts, materials and substances coming from the waste equipment – 75% weight of the waste equipment;

2) for waste equipment formed from the equipment belonging to groups 3 and 4, defined in the Annex no. 1 to the Act:

- a) recovery – 75% weight of waste equipment, and
- b) recycling of parts, materials and substances coming from the waste equipment – 65% weight of the waste equipment;

3) for waste equipment formed from the equipment belonging to groups 2, 5-7 and 9, defined in the Annex no. 1 to the Act:

- a) recovery – 70% weight of waste equipment, and
- b) recycling of parts, materials and substances coming from the waste equipment – 50% weight of the waste equipment;

4) for waste discharge lamps – recycling of parts, materials and substances coming from waste discharge lamps in amount of 80% weight of those waste lamps.

2. Weight of reused and recycled waste includes:

1) weight of waste equipment passed for reuse;

2) weight of parts coming from the waste equipment passed for reuse.

3. By the weight of waste equipment mentioned in the paragraph 1 one should understand weight of waste equipment collected and passed to the person maintaining a treatment plant entered to the register mentioned in the Article 6.

4. Calculating waste equipment recovery levels the recovery includes processes of recovery defined as R1 – R9 in the Annex no. 5 to the Act of 27 April 2001 on waste.

5. Calculating waste equipment recycling levels the recycling includes processes of recycling defined as R2 – R9 in the Annex no. 5 to the Act of 27 April 2001 on waste.

6. The minister proper for the matters of environment may define, by issuing a decree, the ways of calculation of waste equipment recovery and recycling levels mentioned in the paragraph , driven by necessity of making those calculations easier.

Article 31.

1. A producer is obliged to prepare and submit to The Chief Inspector for Environment Protection:

1) not later than to the 30th day of the month following the quarter – a report on weight of collected, treated, recovered, including recycled, and disposed waste equipment;

2) not later than on 31 March of the year following the year of collection or recovery, including recycling of waste equipment – a report on achieved levels of waste equipment collection, recovery and recycling.

2. The Minister proper for the matters of environment shall define, issuing a decree, model reports mentioned in the paragraph 1 and ways of submitting them, driven by necessity of providing uniform form of the report, facilitating its submission and identification of a producer.

Article 32.

1. A producer is obliged to maintain an additional record including information concerning quantity and weight of introduced equipment.

2. A producer calculates achieved levels of waste equipment recovery and recycling basing on this additional record mentioned in the paragraph 1 and on certificates of waste equipment mentioned in the Article 50, paragraph . 1.

3. A producer is obliged to keep the additional record mentioned in the paragraph 1 and certificates of waste equipment mentioned in the Article 50, paragraph . 1 for the period of 5 years, starting from the end of the respective calendar year.

Article 33.

1. A producer is obliged to ensure existence of a network of treatment plants having treatment capacities enabling them treatment of waste equipment, and covering the whole area of the Country.

2. A producer shall ensure existence of a network of treatment plants mentioned in the paragraph 1, basing on contracts with persons operating treatment plants entered to the register mentioned in the Article 6.

3. A producer, in case of:

1) withdrawal of a decision in scope of waste management concerning an entrepreneur operating a treatment plant,

2) dissolution or expiry of a contract mentioned in the paragraph 2

- is obliged, within 3 months from the day of the decision withdrawal or day of dissolution or expiry of the contract, to ensure realisation of the obligation mentioned in the paragraph 1.

4. A producer is obliged to prepare and submit to The Chief Inspector for Environment Protection, not later than on 31 March of each year, a list of treatment plants forming his network of treatment plants. The list should include:

1) entrepreneur's company and definition of its seat as well as address,

2) tax identification number (NIP), if it possesses one;

- 3) statistical number (REGON), if it possesses one;
 - 4) addresses of treatment plants,
 - 5) number and name of a group and number and name of kind of equipment, defined in the Annex no. 1 to the Act, of which the waste equipment accepted by the person operating a treatment plant originated,
 - 6) information on treatment capacities of a treatment plants;
 - 7) identification of the period for which contracts has been concluded with persons operating treatment plants.
5. The Minister proper for the matters of environment shall define, issuing a decree, model list mentioned in the paragraph 4 and ways of submitting them, driven by necessity of providing uniform form of the list, facilitating its submission and identification of a producer.

Article 34.

A producer of equipment belonging to the group 5, kinds 2-5, in the Annex no. 1 to the Act is obliged to transfer, basing on contracts, obligations defined in the Act to the organisation dealing with recovery of electric and electronic equipment, except obligations defined in the Article 7, paragraph . 1 and 2, Article 8, paragraph . 4, 7 and 8, Article 9, paragraph . 2 and 3, Article 13, paragraph . 1, Article 21-23, Articles 25 and 26.

Section 5

Equipment user's obligations

Article 35.

Users of equipment designed for private households are obliged to return waste equipment to a person collecting waste equipment.

Article 36.

It is forbidden to place waste equipment together with other waste.

Section 6

Obligations of collectors of waste equipment

Article 37.

A person collecting waste equipment is obliged to:

- 1) selectively collect waste equipment;
- 2) accept waste equipment from private households free of charge, with reservation of the Article 42, paragraph . 1.

Article 38.

A person collecting waste equipment is obliged to transfer the collected waste equipment to a person operating a treatment plant entered to the register mentioned in the Article 6.

Article 39.

1. A person collecting waste equipment is obliged to transmit to a chief officer of a group of villages, major, or president of a city where he operates, within 30 days from the day of commencement of operation, the information containing:

- 1) company, definition of its seat, address or name, surname and address of a person collecting waste equipment;
- 2) addresses of waste equipment collection points, including equipment sale points.

2. In case of a change of data mentioned in the paragraph 1, a person collecting waste equipment is obliged to inform a chief officer of a group of villages, major, or president of a city where he operates about the fact within 30 days from the day of change.

3. A person collecting waste equipment is obliged to inform a chief officer of a group of villages, major, or president of a city where he operates about the end of his operation within 30 days from the day of persistent cease of operation..

Article 40.

1. A person collecting waste equipment is obliged to prepare and submit to The Chief Inspector for Environment Protection, not later than on 30th day of the month following the quarter in which waste equipment was collected, a report on weight of waste equipment collected and passed to the person operating a waste equipment treatment plant.

2. The Minister proper for the matters of environment shall define, issuing a decree, model report mentioned in the paragraph 1 and ways of submitting it, driven by necessity of providing uniform form of the report, facilitating its submission and identification of a person collecting waste equipment.

Article 41.

Retailer and wholesaler of equipment designed for private households are obliged to:

- 1) inform purchasers of the equipment in the way defined in the Article 25, paragraph . 2 about amount of costs mentioned in the Article 25, paragraph . 1, if they obtained this information from a producer;
- 2) making information concerning waste equipment collection points available in the point of sale;
- 3) sale the equipment designed for private households along with attached information mentioned in the Article 22, paragraph . 1 and marked according to the Article 23.

Article 42.

1. Retailer and wholesaler are obliged to accept free of charge waste equipment in the quantity not exceeding the quantity of sold new equipment, if the waste equipment is of the same kind.

2. Retailer is obliged to pass the accepted waste equipment mentioned in the paragraph 1 free of charge to person operating a treatment plant or to wholesaler.

3. Wholesaler is obliged to pass the accepted waste equipment mentioned in the paragraph 1 free of charge to a person operating a treatment plant.

Section 7
Obligations of a person operating a treatment plant

Article 43.

A person operating a treatment plant should ensure treatment of waste equipment and resulting waste in a way safe for environment and human health.

Article 44.

A person operating a treatment plant is obliged to remove dangerous materials and parts mentioned in the Annex no. 2 to the Act immediately after accepting the waste equipment.

Article 45.

A place where waste equipment is stored by a person operating a treatment plant should be equipped with:

- 1) impermeable foundation along with devices for removal of spills, fluid separator and decanter and oil trap, if spill is possible during storage;
- 2) roofing preventing influence of atmospheric factors;
- 3) protection against access of any unauthorised persons.

Article 46.

A treatment plant should be equipped with:

- 1) weighing device for determination of waste weight;
- 2) storehouse for disassembled parts for reuse;
- 3) containers for batteries, condensers containing PCB under the Article 3, paragraph . 3, point 12 of the Act of 27 April 2001 on waste and other waste containing dangerous elements, if this kind of waste become generated during treatment process;
- 4) impermeable foundation along with devices for removal of spills, fluid separator and decanter and oil trap, if spill is possible during treatment;
- 5) devices ensuring atmospheric and snow-melting water treatment to the level defined in the Article 41, 45 and 45a of the Act of 18 July 1994 – Water Act (Journal of Laws No. 115 position 1229, with subsequent changes⁷);

Article 47.

A person operating a treatment plant is obliged to pass waste formed in the process of waste equipment treatment to a person providing recycling or providing recovery processes other than recycling that is entered to the register mentioned in the Article 6.

⁷ Changes to the mentioned Act have been announced in the Journal of Laws of the year 2001, No. 154, position 1803, of the year 2002 No. 113, position 984, No. 130, position 1112, No. 233, position 1957 and No. 238, position 2022, of the year 2003, No 80, position 717, No. 165, position 1592, No. 190, position 1865 and No. 228, position 2259, of the year 2004, No 92, position 880, No. 96, position 959, No. 116, position 1206 and No. 273, position 2703, and of the year 2005, No 85, position 729, No. 130, position 1087, No. 163, position 1362, No. 169, position 1420 and No. 175, position 1462.

Article 48.

1. A person operating a treatment plant is obliged to state the following information in his application for decision on waste management or in information about produced waste and about ways of produced waste management, mentioned in the Act of 27 April 2001 on waste: number and name of a group and number and name of kind of equipment, defined in the Annex no. 1 to the Act, of which the waste equipment treated by him is formed.

2. In decisions mentioned in paragraph 1 the following are stated: number and name of a group and number and name of kind of equipment, defined in the Annex no. 1 to the Act.

Article 49.

A person operating a treatment plant, in documents prepared for the record of waste and in collective data statements mentioned in the Article 36 and 37 of the Act of 27 April 2001 on waste, is obliged to state the number and the name of a group and name of the kind of equipment defined in the Annex no. 1 to the Act, of which the waste equipment was formed.

Article 50.

1. A person operating a treatment plant is obliged, within 20 days after the end of quarter, to issue a certificate for a producer with which he had concluded a contract concerning waste treatment. The certificate should contain the following information:

- 1) registration number of a person operating a treatment plant;
- 2) registration number of a person carrying activity within the scope of recycling;
- 3) registration number of a person carrying activity within the scope of recovery processes other than recycling;
- 4) company, definition of its seat and address of a person operating a treatment plant;
- 5) company, definition of its seat and address of a person carrying activity in scope of recycling;
- 6) company, definition of its seat and address of a person carrying activity in scope of recovery processes other than recycling;
- 7) company, definition of its seat and address of a person carrying activity in scope of disposal;
- 8) tax identification number (NIP) of a person operating a treatment plant, if he possesses one;
- 9) statistical number (REGON) of a person operating a treatment plant, if he possesses one;
- 10) tax identification number (NIP) of a person carrying activity in scope of recycling, if he possesses one;
- 11) statistical number (REGON) of a person carrying activity in scope of recycling, if he possesses one;
- 12) tax identification number (NIP) of a person carrying activity in scope of recovery processes other than recycling, if he possesses one;
- 13) statistical number (REGON) of a person carrying activity in scope of recovery processes other than recycling, if he possesses one;

- 14) number and name of a group and number and name of kind of equipment, defined in the Annex no. 1 to the Act, of which the treated waste equipment originated,
- f) recycling process marking, including information on the type of a process defined in the Annex no. 5 to the Act of 27 April 2001 on waste,
- f) recovery process other than recycling marking, including information on the type of a process defined in the Annex no. 5 to the Act of 27 April 2001 on waste,
- 17) disposal process marking, including information on the type of a process defined in the Annex no. 6 to the Act of 27 April 2001 on waste,
- 18) weight of waste equipment received by the treatment plant;
- 19) weight of waste equipment passed for reuse;
 - 20) weight of parts coming from the waste equipment passed for reuse;
- 21) weight of treated waste equipment;
 - 22) weight of waste exported in order to be recovered, including recycling, and to be disposed;
 - 23) weight of waste subordinated to intra-Community supply in order to be recovered, including recycling, and to be disposed;
 - 24) weight of waste coming from the waste equipment that were recycled or recovered in a way other than recycling;
 - 25) weight of disposed waste coming from the waste equipment.

2. A person operating a treatment plant issues a certificate on waste equipment. First copy of the certificate is for a producer, second is passed to The Chief Inspector for Environment Protection, and the third one remains with the person operating a treatment plant.

3. Weight of waste equipment accepted by a treatment plant is determined basing on waste transfer cards.

4. Weight of recycled and recovered in the way other than recycling waste coming from waste equipment is determined basing on a certificate confirming recycling and on certificate confirming recovery process other than recycling, respectively.

5. Weight of disposed waste coming from the waste equipment is determined basing on waste transfer cards prepared by a person operating a treatment plant, confirmed by a person carrying activity in scope of waste disposal.

6. In case of waste exported in order to be recovered or recycled an entrepreneur operating a treatment plant is obliged to pass to a producer a written statement that recovery or recycling is carried in installations meeting the same criteria as those for installations exploited in the territory of the Country.

7. Certificates on waste equipment and statements mentioned in the paragraph 6 may be issued only by a person operating a treatment plant who is entered in the register mentioned in the Article 6.

8. The minister proper for the matters of environment, in agreement with the minister proper for the matters of public finance, will, in form of a decree, define a model certificate on waste equipment and the way of submitting it, driven by necessity of unification of data contained in the certificate and form of the certificate and facilitation of submitting it.

Article 51.

1. A person operating a treatment plant is obliged to prepare and submit to The Chief Inspector for Environment Protection not later than on 30 day of the month following the quarter in which treatment of waste equipment took place, a report containing the following information:

- 1) weight of equipment received by a person operating a treatment plant, of which waste equipment was formed, along with number and name of the group and number and name of the kind of equipment defined in the Annex no. 1 to the Act;
- 2) kind and weight of waste resulting from treatment of waste equipment that was transferred to a person carrying activity in scope of recycling, carrying activity in scope of recovery processes other than recycling and who carries activity in scope of waste disposal.

2. The Minister proper for the matters of environment shall define, issuing a decree, model report mentioned in the paragraph 1 and ways of submitting it, driven by necessity of providing uniform form of the report, facilitating its submission and identification of a person operating a treatment plant.

Article 52.

A person operating a treatment plant is obliged to keep certificates on waste equipment, certificates confirming recycling, certificates confirming recovery processes other than recycling and reports mentioned in the Article 51, paragraph . 1 for the period of 5 years, starting from the end of the calendar year to which those certificates and reports apply to.

Section 8

Obligations of a person carrying activity in scope of recycling and of a person carrying activity in scope of recovery processes other than recycling

Article 53.

1. A person carrying activity in scope of recycling is obliged to issue a certificate confirming recycling against an application of a person operating a treatment plant who transfers waste for recycling, not later than to the 10th day of the month following the quarter in which he had done the recycling.

2. The certificate confirming recycling contains the following elements:

- 1) registration number of a person operating a treatment plant;
- 2) registration number of a person carrying activity within the scope of recycling;
- 3) company, definition of its seat and address of a person operating a treatment plant;
- 4) company, definition of its seat and address of a person carrying activity in scope of recycling;
- 5) tax identification number (NIP) of a person operating a treatment plant, if he possesses one;
- 6) statistical number (REGON) of a person operating a treatment plant, if he possesses one;
- 7) tax identification number (NIP) of a person carrying activity in scope of recycling, if he possesses one;

- 8) statistical number (REGON) of a person carrying activity in scope of recycling, if he possesses one;
 - 9) code and name of a kind and weight of waste received for recycling;
 - 10) recycling process marking, including information on the type of a process defined in the Annex no. 5 to the Act of 27 April 2001 on waste.
3. A person carrying activity in scope of recycling issues the certificate confirming recycling in three copies. First copy is for the person operating a treatment plant who transferred waste for recycling; the second one is transmitted to The Chief Inspector for Environment Protection; and the third one remains with the person carrying activity in scope of recycling.
 4. The certificates confirming recycling may be issued only by a person carrying activity in scope of recycling who is entered in the register mentioned in the Article 6.
 5. A person carrying activity in scope of recycling is obliged to keep certificates confirming recycling and reports mentioned in the Article 56, paragraph . 1 for the period of 5 years, starting from the end of the calendar year to which those certificates and reports apply to.

Article 54.

1. A person carrying activity in scope recovery processes other than recycling is obliged to issue a certificate confirming recovery process other than recycling against an application of a person operating a treatment plant who transfers waste for recycling, not later than to the 10th day of the month following the quarter in which he had done the recovery process other than recycling.
2. The certificate confirming recovery processes other than recycling contains the following elements:
 - 1) registration number of a person operating a treatment plant;
 - 2) registration number of a person carrying activity within the scope of recovery processes other than recycling;
 - 3) company, definition of its seat and address of a person operating a treatment plant;
 - 4) company, definition of its seat and address of a person carrying activity in scope of recovery processes other than recycling;
 - 5) tax identification number (NIP) of a person operating a treatment plant, if he possesses one;
 - 6) statistical number (REGON) of a person operating a treatment plant, if he possesses one;
 - 7) tax identification number (NIP) of a person carrying activity in scope of recovery processes other than recycling, if he possesses one;
 - 8) statistical number (REGON) of a person carrying activity in scope of recovery processes other than recycling, if he possesses one;
 - 9) code and name of a kind and weight of waste received for recovery process other than recycling;
 - 10) recovery process other than recycling marking, including information on the type of a process defined in the Annex no. 5 to the Act of 27 April 2001 on waste.
3. A person carrying activity in scope of recovery processes other than recycling

issues the certificate confirming recovery processes other than recycling in three copies. First copy is for the person operating a treatment plant who transferred waste for recovery process other recycling; the second one is transmitted to The Chief Inspector for Environment Protection; and the third one remains with the person carrying activity in scope of recovery processes other than recycling.

4. The certificates confirming recovery processes other than recycling may be issued only by a person carrying activity in scope of recovery processes other than recycling who is entered in the register mentioned in the Article 6.

5. A person carrying activity in scope of recovery processes other than recycling is obliged to keep certificates confirming recovery processes other than recycling and reports mentioned in the Article 56, paragraph . 1 for the period of 5 years, starting from the end of the calendar year to which those certificates and reports apply to.

Article 55.

The minister proper for the matters of environment, in agreement with the minister proper for the matters of public finance, will, in form of a decree, define a model certificate on recycling and model certificate confirming recovery process other than recycling and the way of submitting it, driven by necessity of unification of data contained in the certificate and form of the certificate and facilitation of submitting it.

Article 56.

1. A person carrying activity in scope of recycling and a person carrying activity in scope of recovery processes other than recycling are obliged to prepare and submit to The Chief Inspector for Environment Protection, not later than on 30th day of the month following the quarter in which waste equipment was recycled or recovered in the way other than recycling, respectively, a report on weight of received and recycled or recovered in the way other than recycling, respectively, waste coming from waste equipment.

2. The Minister proper for the matters of environment shall define, issuing a decree, model reports mentioned in the paragraph 1 and the method of their submitting, driven by necessity of unification of form of reports, of facilitation of their submitting and identification of a person carrying activity in scope of recycling and of a person carrying activity in scope of recovery processes other than recycling.

Section 9

Organisation of recovery of electric and electronic equipment

Article 57.

1. Organisation of recovery of electric and electronic equipment is a stock company created by producers or representing them unions of employers or commercial chambers, in order to realise obligations defined in the Act, adopted basing on contracts from producers, with exception of the paragraph 3.

2. Stockholders of the organisation of recovery of electric and electronic equipment may be only persons mentioned in the paragraph 1.

3. Organisation of recovery of electric and electronic equipment can not take over obligations mentioned in the Article 7, paragraph . 1 and 2, Article 8, paragraph . 4, 7 and 8, Article 9, paragraph . 2 and 3, Article 13, paragraph . 1, Article 21-23, Articles 25 and 26.

Article 58.

1. Subject of operation of the organisation of recovery of electric and electronic equipment is solely activity connected with organisation, management or carrying enterprises connected with collecting, treatment, recycling and recovery processes other than recycling and disposal of waste equipment, including ecological education.
2. Company of organisation of electric and electronic equipment recovery contains marking “organisation of recovery of electric and electronic equipment”.

Article 59.

1. Initial capital of the organisation of electric and electronic equipment recovery should be not less than 5 000 000 PLN and can not be collected with open subscription method.
2. Initial capital of the organisation of recovery of electric and electronic equipment should be totally covered by money inputs before application for registration of the organisation of electric and electronic equipment in the National Court Register is filed.
3. Initial capital of the organisation of electric and electronic equipment recovery can not come from a loan or a credit, nor be charged in any other way.
4. Organisation of electric and electronic equipment recovery is obliged to maintain its own capital in the amount of at least half of the minimal initial capital mentioned in the paragraph 1.
5. Shares of the organisation of electric and electronic equipment recovery may be only inscribed shares and can not be exchanged into bearer shares.
6. Organisation of electric and electronic equipment recovery can not issue priority shares.

Article 60.

Organisation of electric and electronic equipment recovery is obliged to submit to The Chief Inspector for Environment Protection, within 14 days from the day of its registration, a copy of a statute and excerpt from the National Court Register.

Article 61.

1. Organisation of electric and electronic equipment recovery is obliged to preserve confidentiality of all data transmitted to it by entrepreneurs.
2. Confidentiality obligation mentioned in paragraph 1 shall not apply to information obligations of the organisation of electric and electronic equipment recovery resulting from this Act.

Article 62.

If a producer ended his commercial activity, the organisation of electric and electronic equipment recovery that had taken over his obligations basing on a contract is obliged to cover the costs of collecting, treatment, recycling and recovery processes other than recycling and disposal of waste equipment.

Article 63.

1. In case of liquidation process opening or declaration of bankruptcy of the organisation of electric and electronic equipment recovery, obligations concerning the weight of introduced equipment fall again on producers, starting from the first day of the month following the day of liquidation opening or bankruptcy declaration. From the first day of the month following the day of bankruptcy declaration contracts mentioned in the Article 57, paragraph 1 concluded with this organisation expire.

2. A producer mentioned in paragraph 1 is obliged to submit reports mentioned in the Article 24, paragraph 1 and Article 31, paragraph 1, for the period from the day of expiry of the contract with organisation mentioned in the paragraph 1 to the end of calendar year or to the day of taking obligations over by other organisation of electric and electronic equipment recovery.

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Section 10

Product fee

Article 64.

1. Settlement of obligations realisation mentioned in the paragraph 30, paragraph 1 occurs in the end of calendar year.

2. A producer and organisation of electric and electronic equipment recovery mentioned in the Article 57, paragraph 1 who did not fulfilled their obligation mentioned in the Article 30, paragraph 1 are obliged to pay a product fee, calculated separately in case the following had not been achieved:

1) recovery level,

2) recycling level,

- for each group of equipment defined in the Annex no. 1 to the Act.

Article 65.

1. Weight of waste equipment expressed in kilograms is a basis for calculation of the product fee.

2. Due product fee is calculated as a product of a product fee rate and a difference between required and the achieved level of waste equipment recovery or recycling, respectively.

Article 66.

1. Product fee rate is:

1) for the group 5, kinds 2-5 of equipment defined in the Annex no. 1 to the Act - from 4 to 20 PLN per kg;

2) for other groups of equipment defined in the Annex no. 1 to the Act - from 0 to 2 PLN per kg;

2. The minister proper for the matters of environment, in agreement with the minister proper for the matters of public finance, defines in form of a decree, detailed product fee rates depending on costs of waste equipment collection, recovery and recycling for separate kinds of equipment.

Article 67.

1. A producer and organisation of electric and electronic equipment recovery are obliged to prepare and submit to The Chief Inspector for Environment Protection an annual report containing information on amount of due product fee separately for each kind of equipment defined in the Annex no. 1 to the Act. The report is to be submitted not later than on 31 March of the calendar year following the year of the report.

2. The Minister proper for the matters of environment shall define, issuing a decree, model annual report mentioned in the paragraph 1 and ways of submitting it, driven by necessity of providing uniform form of the report, facilitating its submission and identification of a producer and of the organisation of electric and electronic equipment recovery..

Article 68.

1. Obligation of due product fee calculation is created in the end of each calendar year.

2. Due product fee is payable on a separate bank account of the District Fund of Environment Protection and Water Management until 31 March of the calendar year following the year for which the fee is due.

3. If total amount of the product fee for a separate group of equipment defined in the Annex no. 1 to the Act does not exceed 50 PLN, due product fee should not be paid.

Article 69.

1. In case it is found that a producer or the organisation of electric and electronic equipment recovery did not make payment of the product fee, or made payment in amount less than due, The Chief Inspector for Environment Protection issues a decision in which he sets amount of due product fee.

2. In case decision mentioned in the paragraph 1 is not followed within 14 days from the day when this decision had become final, The Chief Inspector for Environment Protection will define, in form of a decision, an additional product fee in amount of 50% of not paid due product fee.

3. To liabilities connected with product fees provisions of part III of the Act of 29 August 1997 - Tax Law (Journal of Laws of the year 2005, No. 8, position 60, No. 85, position 727 and No. 86, position 732), excluding the Article 67 shall apply. But authority of tax organs is assigned to The Chief Inspector for Environment Protection.

Section 11

Penal provisions and fines

Article 70.

Who, breaking the provision of the Article 5 carries disassembly of waste equipment outside a treatment plant – is amenable to a fine.

Article 71.

Who, breaking the provision of the Article 7, Article 8, paragraphs 4 and 5, or Article 13, paragraphs 1 and 2 does not file an application for entry to the register, application for change of entry to the register or application for deletion from the register or files unreliable applications – is amendable to a fine.

Article 72.

Who, carrying activity in scope of production:

- 1) breaking the provision of the Article 21 does not place the registration number in invoice,
- 2) breaking the provision of the Article 22, paragraph 1 does not attach required information to equipment designed for private households,
- 3) breaking the provisions of the Article 23 does not mark equipment with marking, model of which has been defined in the Annex no. 3 to the Act,
- 4) breaking the provisions of the Article 24, paragraph 1 and 2 does not submit a report on weight and quantity of introduced equipment or submits unreliable report,
- 5) breaking the provision of the Article 26, paragraph 3 does not submit information regarding reuse and treatment of waste equipment to the person operating a treatment plant,
- 6) breaking the provision of the Article 27 does not organise or does not provide finance for collection, treatment, recovery or disposal of waste equipment coming from private households,
- 7) breaking the provision of the Article 31, paragraph 1 does not submit a report on weight of waste equipment collected, treated, recovered, including recycling, and disposal or a report on achieved levels of collection, recovery and recycling, or submits unreliable reports

- is amendable to a fine.

Article 73.

Who, breaking the provision of the Article 35 does not return waste equipment coming from private households to a person collecting waste equipment – is amendable to a fine.

Article 74.

Who, in spite of the ban defined in the Article 36 places waste equipment together with other waste – is amendable to a fine.

Article 75.

Who, carrying activity in scope of waste equipment collection:

- 1) breaking the provision of the Article 37, point 1 does not carry selective collection of waste equipment,
- 2) breaking the provision of the Article 37, point 2 does not accept waste equipment coming from private households or accepts this equipment against payment,
- 3) breaking the provision of the Article 40, paragraph 1 does not submit a report on weight of waste equipment collected and transferred to a treatment plant, or submits a unreliable report – is amendable to a fine.

Article 76.

Who, carrying sale of equipment:

- 1) breaking the provision of the Article 41, point 2 does not place information on waste equipment collection points in the point of sale,
 - 2) breaking the provision of the Article 41, point 3 sells equipment designed for private households without attached information mentioned in the Article 22, paragraph 1 or unmarked according to the Article 23,
 - 3) breaking the provision of the Article 42, paragraph 1 does not accept waste equipment while selling a new one, or accepts waste equipment against payment,
 - 4) breaking the provision of the Article 42, paragraph 2 does not transfer waste equipment to a person operating a treatment plant or to a wholesaler,
 - 5) breaking the provision of the Article 42, paragraph 3 does not transfer waste equipment to a person operating a treatment plant
- is amendable to a fine.

Article 77.

Who, operating a treatment plant:

- 1) breaking the provision of the Article 44 does not remove dangerous components, materials or parts defined in the Annex 2 to the Act,
 - 2) breaking the provision of the Article 47 does not transfer waste resulting from treatment of waste equipment to a person carrying activity in scope of recycling, to a person carrying activity in scope of recovery processes other than recycling or to a person carrying activity in scope of waste disposal,
 - 3) breaking the provision of the Article 50, paragraph 2 does not submit certificates on waste equipment or prepares unreliable certificates,
 - 4) breaking the provision of the Article 51, paragraph 1 does not submit a report on weight of waste equipment and on weight of waste resulting from treatment of waste equipment or submits an unreliable report
- is amendable to a fine.

Article 78.

Who, carrying activity in scope of recycling or carrying activity in scope of recovery processes other than recycling

- 1) breaking the provision of the Article 53, paragraph 3 does not submit a certificate confirming recycling or prepares unreliable certificate,
 - 2) breaking the provision of the Article 54, paragraph 3 does not submit a certificate confirming recovery process other than recycling or prepares unreliable certificate,
 - 3) breaking the provision of the Article 56, paragraph 1 does not submit a report on weight of received and recycled waste coming from waste equipment or a report on weight of received and recovered in the way other than recycling waste coming from waste equipment or submits unreliable report
- is amendable to a fine.

Article 79.

Judgement in cases concerning acts mentioned in Articles 70-78 is carried according to principles and within a procedure defined in the Code of proceeding in cases of misconduct.

Article 80.

1. Who introduces equipment without being entered to the register mentioned in the Article 6 is amendable to a fine amounting from 5000 PLN to 500000 PLN.
2. Organisation of recovery of electric and electronic equipment that basing on a contract has taken over obligations mentioned in the Article 24, paragraph 1 and 2, and Article 31, paragraph 1 and has not realised its obligations,
is amendable to a fine amounting from 5000 PLN to 500000 PLN.
3. Fines mentioned in paragraphs 1 and 2 are administered, basing on a decision, by the District Inspector for Environment Protection.
4. Fines mentioned in paragraphs 1 and 2 are payable to a separate bank account of the District Inspector for Environment Protection.
5. In cases regarding fines mentioned in paragraphs 1 and 2 provisions of part III of the Act of 29 August 1997 – Tax Law are applicable, excluding the Article 67. But authority of tax organs is assigned to the District Inspector for Environment Protection.

Section 12

Changes in provisions in force

Article 81.

In the Act of 20 July, 1991 on Inspection for Environment Protection (Journal of Laws of the year 2002, No. 112, position 982, with subsequent changes⁸), in Article 2 in paragraph 1, after point 15a point 15b is added in the following wording:

“15b) control of observation of the provisions of the Act of 29 July 2005 on waste electric and electronic equipment (Journal of Laws No. 180, position 1495), excluding the Article 41, points 2 and 3,”

Article 82.

In the Act of 26 July, 1991 on income tax from natural persons (Journal of Laws of the year 2000, No. 14, position 176, with subsequent changes⁹), in Article 23 in paragraph 1,

⁸ Changes to the unified text of the mentioned Act have been announced in the Journal of Laws of the year 2002, No. 113, position 984 and No. 153, position 1271, of the year 2003, No 170, position 1652, No. 190, position 1865 and No. 217, position 2124, of the year 2004, No 121, position 1263, No. 191, position 1956, No. 273, position 2703 and No. 281, position 2784, and of the year 2005, No 25, position 202, No. 113, position 954 and No. 163, position 1362.

⁹ Changes to the mentioned Act have been announced in the Journal of Laws of the year 2000, No. 22, position 270, No. 60, position 703, No. 70, position 816, No. 104, position 1104, No. 117, position 1228 and No. 122, position 1324, of the year 2001, No 4, position 27, No. 8, position 64, No. 52, position 539, No. 73, position 764, No. 74, position 784, No. 88, position 961, No. 89, position 968, No. 102, position 1117, No. 106, position 1150, No. 110, position 1190, No. 125, position 1363 and 1370, and No. 134, position 1509, of the year 2002, No 19, position 199, No. 25, position 253, No. 74, position 676, No. 78, position 715, No. 89, position 804, No. 135, position 1146, No. 141, position 1182, No. 169, position 1384, No. 181, position 1515, No. 200, position 1679 and No. 240, position 2058, of the year 2003, No 7, position 79, No. 45, position 391, No. 65, position 595, No. 84, position 774, No. 90, position 844, No. 96, position 874, No. 122, position 1143, No. 135, position 1268, No. 137, position 1302, No. 166, position 1608, No.

after point 16b point 16c is added in the following wording:

“16c) additional product fee mentioned in the Article 69, paragraph 2 of the Act of 29 July 2005 on waste electric and electronic equipment (Journal of Laws No. 180 position 1495) but cost of income acquisition are incurred fees mentioned in the Article 9, paragraph 1 and 3, and Article 64, paragraph 2 of this Act,”

Article 83.

In the Act of 15 February 1992 on income tax from legal persons (Journal of Laws of the year 2000, No. 54, position 654, with subsequent changes¹⁰), in the Article 16 in paragraph 1, after point 19b point 19c is added in the following wording:

“19c) additional product fee mentioned in the Article 69, paragraph 2 of the Act of 29 July 2005 on waste electric and electronic equipment (Journal of Laws No. 180 position 1495) but cost of income acquisition are incurred fees mentioned in the Article 9, paragraph 1 and 3, and Article 64, paragraph 2 of this Act,”

Article 84.

In the Act of 13 September 1996 on ensuring cleanness and order in communities (Journal of Laws No. 132, position 622, with subsequent changes¹¹), in the Article 3 in paragraph 2, after point 6 point 6a is added in the following wording:

“6a) make available at the website and in any generally accepted way information about points of collection of waste electric and electronic equipment coming from private households, mentioned in the Act of 29 July 2005 on waste electric and electronic equipment (Journal of Laws No. 180, position 1495) located in the territory of the community. The information includes:

- a) company, definition of its seat, address or name, surname and address of a person collecting waste electric and electronic equipment;

202, position 1956, No. 222, position 2201, No. 223, position 2217 and No. 228, position 2255, of the year 2004, No 29, position 257, No. 54, position 535, No. 93, position 894, No. 99, position 1001, No. 109, position 1163, No. 116, position 1203, 1205 and 1207, No. 120, position 1252, No. 123, position 1291, No. 162, position 1691, No. 210, position 2135, No. 263, position 2619 and No. 281, position 2779 and 2781 and of the year 2005, No. 25, position 202, No. 30, position 262, No. 85, position 725, No. 86, position 732, No. 90, position 757, No. 102, position 852, No. 143, position 1199 and 1202, no. 155, position 1298, No. 164, position 1365 and 1366, no. 169, position 1418 and 1420, no. 177, position 1468 and No. 179, position 1484.

¹⁰ Changes to the mentioned Act have been announced in the Journal of Laws of the year 2000, No. 60, position 700 and 703, no. 86, position 958, No. 103, position 1100, No. 117, position 1228 and No. 122, position 1315 and 1324 of the year 2001, No. 106, position 1150, No. 110, position 1190 and No. 125, position 1363, of the year 2002, No 25, position 253, No. 74, position 676, No. 93, position 820, No. 141, position 1179, No. 169, position 1384, No. 199, position 1672, No. 200, position 1684 and No. 230, position 1922, of the year 2003, No 45, position 391, No. 96, position 874, No. 137, position 1302, No. 180, position 1759, No. 202, position 1957, No. 217, position 2124, No. 223, position 2218, of the year 2004, No 6, position 39, No. 29, position 257, No. 54, position 535, No. 93, position 894, No. 116, position 1203, No. 121, position 1262, No. 123, position 1291, No. 146, position 1546, No. 171, position 1800, No. 210, position 2135 and No. 254, position 2533, and of the year 2005, No 25, position 202, No. 57, position 491, No. 78, position 684, No. 143, position 1199, No. 155, position 1298, No. 169, position 1419 and 1420, and No. 179, position 1484.

¹¹ Changes to the mentioned Act have been announced in the Journal of Laws of the year 1997, No. 60, position 369 and No. 121, position 770, of the year 2000, No 22, position 272, of the year 2001, No 100, position 1085 and No. 154, position 1800, of the year 2002, No 113, position 984, of the year 2003, No 7, position 78, and of the year 2004, No 96, position 959 and No. 173, position 1808, and of the year 2005, No 85, position 729 and No. 175, position 1458.

b) addresses of waste electric and electronic equipment collection points, including points of sale of electric and electronic equipment.”.

Article 85.

In the Act of 26 November 1998 on public finance (Journal of Laws of the year 2003, No. 15, position 148, with subsequent changes¹²), in the Article 18a:

a) in paragraph 2, in point 13 a full stop is replaced by a semicolon and point 14 is added in the following wording:

“14) of fees mentioned in the Article 9, paragraph 1 and 3 of the Act of 29 July 2005 on waste electric and electronic equipment (Journal of Laws No. 180 position 1495).”;

b) in paragraph 6, in point 3 a full stop is replaced by a semicolon and point 4 is added in the following wording:

“4) financing current and investment expenditures connected with maintenance of the register mentioned in the Article 6 of the Act of 29 July 2005 on waste electric and electronic equipment, and a database of equipment and waste equipment mentioned in the Article 15, paragraph 3 of this Act.”.

Article 86.

In the Act of 15 December 2000 on Trade Inspection (Journal of Laws of the year 2001, No. 4, position 25, with subsequent changes¹³), in the Article 3 in paragraph 1, after point 2 point 2a is added in the following wording:

“2a) control of observance by retailers and wholesalers of provisions of the Article 41, points 2 and 3 of the Act of 29 July 2005 on waste electric and electronic equipment (Journal of Laws No. 180 position 1495).”.

Article 87.

In the Act of 27th April, 2001 – Environment Protection Law (Journal of Laws No. 62 position 627, with subsequent changes¹⁴) the following changes are being introduced:

1) in the Article 401 after paragraph 12 paragraphs 12a and 12b are added in the following wording:

“12a. Income of the National Fund and of districts funds are also inflows from fees mentioned in the Article 64, paragraph 2 and Article 69, paragraph 2 of the Act of 29 July 2005 on waste electric and electronic equipment (Journal of Laws No. 180 position 1495) and also inflows from fines administered basing on the Article 80, paragraph 1 and 2 of this Act.

¹² Changes to the unified text of the mentioned Act have been announced in the Journal of Laws No. 45, position 391, No. 65, position 594, No. 96, position 874, No. 166, position 1611, No. 189, position 1851, of the year 2004, No. 19, position 177, No. 93, position 890, No. 121, position 1264, No. 123, position 1291, No. 210, position 2135, No. 273, position 2703, of the year 2005, No. 14, position 114, No. 64, position 565.

¹³ Changes to the mentioned Act have been announced in the Journal of Laws No. 110, position 1189, of the year 2002, No. 135, position 1145 and No. 166, position 1360, of the year 2003, No. 223, position 2220 and No. 229, position 2275, and of the year 2004, No. 34, position 293.

¹⁴ Changes to the mentioned Act have been announced in the Journal of Laws of the year 2001, No. 115, position 1229, of the year 2002, No. 74, position 676, No. 113, position 984, No. 153, position 1271 and No. 233, position 1957, of the year 2003, No. 46, position 392, No. 80, position 717 and 721, no. 162, position 1568, No. 175, position 1693, No. 190, position 1865 and No. 217, position 2124, of the year 2004, No. 19, position 177, No. 49, position 464, No. 70, position 631, No. 91, position 875, No. 92, position 880, No. 96, position 959, No. 121, position 1263, No. 273, position 2703 and No. 281, position 2784, and of the year 2005, No. 25, position 202, No. 62, position 552, No. 113, position 954, No. 130, position 1087, No. 132, position 1110, No. 163, position 1362, No. 167, position 1399, No. 169, position 1420 and No. 175, position 1458 and 1462.

12b. Income mentioned in the paragraph 12a are assigned by the National Fund on financing activities in the following scopes:

- 1) recovery, including treatment and recycling,
 - 2) ecological education regarding management,
 - 3) development of new recycling technologies,
 - 4) collection,
 - 5) disposal
- of waste electric and electronic equipment.”;

2) in the Article 402:

a) in paragraph 1 the first sentence receives the following wording:

“District management and the District Inspector for Environment Protection maintain separate bank accounts in order to collect and redistribute inflows mentioned in the Article 401, paragraph 1 and 12a.”.

b) paragraphs 8 and 9 are added in the following wording:

8. Inflows due to fees mentioned in the Article 64, paragraph 2 and Article 69, paragraph 2 and from fines mentioned in the Article 80, paragraph 1 and 2 of the Act of 29 July 2005 on waste electric and electronic equipment are transferred to the separate bank account of the National Fund by The Chief Inspector for Environment Protection and District Inspector for Environment Protections, respectively, until the end of the month following each quarter of the year.

9. The Chief Inspector for Environment Protection before transferring income from fees mentioned in the Article 69, paragraph 2 of the Act of 29 July 2005 on waste electric and electronic equipment to the bank account of the National Fund reduces them by 10%, and the sum obtained in this process is assigned for execution costs of the due product fee and verification costs of amount of this fee.”;

3) in the Article 415, after the paragraph 6a paragraphs 6b and 6c are added in the following wording:

“6b. Tasks of the management of the district fund include also preparation and submitting to The Chief Inspector for Environment Protection quarterly information on entrepreneurs making payments mentioned in the Article 64, paragraph 2 of the Act of 29 July 2005 on waste electric and electronic equipment, mentioning the company, definition of seats and addresses of those entrepreneurs and amount of sum paid in connection with a given fee, not later than until the end of the month following the end of a quarter which those information regard to.

6c. Tasks of the National Fund Management include also preparation and submitting to the minister proper for the matters of environment the following collective information concerning:

1) collected inflows due to fees mentioned in the Article 64, paragraph 2 and Article 69, paragraph 2 of the Act of 29 July 2005 on waste electric and electronic equipment and from fines mentioned in the Article 80, paragraph 1 and 2 of this Act.

2) the way of assignation of fees mentioned in the Article 64, paragraph 2 and Article 69, paragraph 2 of the Act of 29 July 2005 on waste electric and electronic equipment and from fines mentioned in the Article 80, paragraph

1 and 2 of this Act.

- not later than until 30 June of the following next for the previous calendar year.”.

Article 88.

In the Act of 27 April 2001 on waste (Journal of Laws No. 62 position 628, with subsequent changes¹⁵), in Article 37 after paragraph 2 paragraph 2a is added in the following wording:

“2a. Owner of waste operating a treatment plant mentioned in the Act of 29 July 2005 on waste electric and electronic equipment (Journal of Laws No. 180 position 1495) in a collective data statement mentioned in the paragraph 1 is obliged to include the following information:

- 1) registration number;
- 2) entrepreneur’s company and definition of its seat as well as address,
- 3) tax identification number (NIP), if it possesses one;
- 4) addresses of treatment plants,
- 5) number and name of a group and number and name of a kind of electric and electronic equipment defined in the Annex no. 1 to the Act of 29 July 2005 on waste electric and electronic equipment that an entrepreneur operating a treatment plants is going to treat.”.

Article 89.

In the Act of 11 May 2001 on obligations of entrepreneurs in scope of management of selected waste and on a product fee and deposit fee (Journal of Laws No. 63, position 639, with subsequent changes¹⁶) the following changes are being introduced:

- 1) in the Article 14 in paragraph 1 point 5 is cancelled;
- 2) Article 34 is cancelled; 34;
- 3) in the Annex no. 3 position 2 is cancelled; 2;
- 4) in the Annex no. 4 position 15 is cancelled. 15.

Section 13

Transitional and concluding provisions

Article 90.

1. An entrepreneur carrying economic activity mentioned in the Article 7, paragraph 1 is obliged to file an application for entering to the register mentioned in the Article 6, not later than on 30 September 2006.

2. A producer mentioned in paragraph 1 is obliged to attach to the application an information on quantity and weight of equipment introduced between 1 January

¹⁵ Changes to the mentioned Act have been announced in the Journal of Laws of the year 2002, No. 41, position 365, No. 113, position 984 and No. 199, position 1671, of the year 2003, No 7, position 78, of the year 2004, No 96, position 959, No. 116, position 1208 and No. 191, position 1956, and of the year 2005, No 25, position 202, No. 90, position 758, No. 130, position 1087 and No. 175, position 1458 and 1462.

¹⁶ Changes to the mentioned Act have been announced in the Journal of Laws of the year 2002, No. 113, position 984, of the year 2003, No 7, position 78, of the year 2004, No 96, position 959 and No. 121, position 1263, and of the year 2005, No 33, position 291 and No. 175, position 1458.

2006 to 30 June 2006, with division into groups and kinds of equipment defined in the Annex no. 1 to the Act.

Article 91.

Persons collecting waste equipment will submit to a chief of a group of villages, major or president of their city information mentioned in the Article 39, paragraph 1, not later than on 30 September 2006.

Article 92.

1. A person operating a treatment plant is obliged to adapt this plant to the technical requirements mentioned in the Article 45 and 46, and to apply for change of possessed decision connected with waste management, within 6 months from the day of this Act coming into force.

2. If a person operating a treatment plant does not file an application mentioned in the paragraph 1, organ which issued a decision in scope of waste management may, by virtue of its office, without any indemnity, state expiry of this decision.

Article 93.

Inflows resulting from a product fee from introduction of discharge lamps into domestic market gathered in the account of the National Fund for Environmental Protection and Water Management are assigned for financing activities defined in the Article 401, paragraph 12b of the Act, mentioned in the Article 87.

Article 94.

Provisions of the Article 23, paragraph 1 and 2, and Article 41, points 1 and 3 are not applicable to equipment introduced before 14 August 2005.

Article 95.

Provisions of the Articles 25 are applicable:

- 1) in case of equipment defined in the group 1 in the Annex no. 1 to the Act - until 13 February 2013;
- 2) in case of equipment defined in groups 2-10 in the Annex no. 1 to the Act – until 13 February 2011.

Article 96.

The Act becomes effective within 30 days after its announcement, except for.

- 1) Article 18-20, that come into force on 1 January 2006;
- 2) Article 6-14, Articles 24, Article 31, Article 39, Article 40, Article 42, Article 51, Article 56, Article 71, Article 72, points 4 and 7,” 75, point 3, Article 76, points 3-5, Article 77, point 4, Article 78, point 3, Article 80, Article 85 and Article 88-20, that come into force on 1 July 2006;
- 3) Article 21, Article 33, Article 72, point 1, and Article 84, that come into force on 1 October 2006;
- 4) Article 28, Article 30, paragraph 1 paragraph 2, point 2, and paragraph 3-6, Articles 64-69, Articles 82, Article 83, Article 87, Article 89 and Article 93, that come into force on 1 January 2008;
- 5) Article 30, paragraph 2, point 1, that come into force on 1 January 2009;

8. Grinders, coffee machines and equipment for opening or sealing containers or packages
9. Electric knives
 10. Appliances for hair-cutting, hair drying, tooth brushing, shaving, massage and other body care appliances
11. Clocks, watches and equipment for the purpose of measuring, indicating or registering time
12. Scales
13. Other small household appliances
- 3. IT and telecommunications equipment**

Centralised data processing:

 1. Mainframes
 2. Minicomputers
 3. Printer units

Personal computing:

 1. Personal computers (CPU, mouse, screen and keyboard included)
 2. Laptop computers (CPU, mouse, screen and keyboard included)
 3. Notebook computers
 4. Notepad computers
 5. Printers
 6. Copying equipment
 7. Electrical and electronic typewriters
 8. Pocket and desk calculators
 9. Other products and equipment for the collection, storage, processing, presentation or communication of information by electronic means
 10. User terminals and systems
 11. Facsimile
 12. Telex
 13. Telephones
 14. Pay telephones
 15. Cordless telephones
 16. Cellular telephones
 17. Answering systems

Other products or equipment of transmitting sounds, images or other information by telecommunications
- 4. Consumer equipment**

1. Radio sets
 2. Television sets
 3. Videocameras
 4. Video recorders
 5. Hi-fi recorders
 6. Audio amplifiers
 7. Musical instruments
 8. Other products or equipment for the purpose of recording or reproducing sound or images, including signals or other technologies for the distribution of sound and images than by telecommunications
5. Lighting equipment
1. Luminaires for fluorescent lamps with the exception of luminaires in households
 2. Straight fluorescent lamps
 3. Compact fluorescent lamps
 4. High intensity discharge lamps, including pressure sodium lamps and metal halide lamps
 5. Low pressure sodium lamps
 6. Other lighting or equipment for the purpose of spreading or controlling light with the exception of filament bulbs
6. **Electrical and electronic tools (with the exception of large-scale stationary industrial tools)**
1. Drills
 2. Saws
 3. Sewing machines
 4. Equipment for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, making holes, punching, folding, bending or similar processing of wood, metal and other materials
 5. Tools for riveting, nailing or screwing or removing rivets, nails, screws or similar uses
 6. Tools for welding, soldering or similar use
 7. Equipment for spraying, spreading, dispersing or other treatment of liquid or gaseous substances by other means
 8. Tools for mowing or other gardening activities
 9. Other electric and electronic tools
7. Toys, leisure and sports equipment
1. Electric trains or car racing sets
 2. Hand-held video game consoles
 3. Video consoles

4. Computers for biking, diving, running, rowing etc.
5. Sports equipment with electric or electronic components
6. Coin slot machines or started with a note, chip or similar product
7. Other toys, leisure and sports equipment

8. Medical devices, with exception of all implanted and infected products

1. Radiotherapy equipment
2. Cardiology
3. Dialysis
4. Pulmonary ventilators
5. Nuclear medicine
6. laboratory equipment for in-vitro diagnosis
7. Analysers
8. Laboratory freezers
9. Fertilization tests
10. Other appliances for detecting, preventing, monitoring, treating, alleviating illness, injury or disability

9. Monitoring and control instruments

1. Smoke detector
2. Heating regulators
3. Thermostats
4. Measuring, weighing or adjusting appliances for household or as laboratory equipment
5. Other monitoring and control instruments used in industrial installations (e.g. in control panels)

10. Automatic dispensers

1. Automatic dispensers for hot drinks
2. Automatic dispensers for hot or cold bottles or cans
3. Automatic dispensers for solid products
4. Automatic dispensers for money – ATMs
5. All appliances which deliver automatically all kind of products

Dangerous components, materials or parts that should be removed from waste electric and electronic equipment

1. As a minimum the following elements have to be removed first from collected waste electric and electronic equipment:
 - 1) polychlorinated biphenyls (PCB),
 - 2) mercury containing components, including switches or backlighting lamps,
 - 3) batteries,
 - 4) printed circuit boards of mobile phones, and of other devices if the surface of the printed circuit board is greater than 10 square centimetres,
 - 5) toner cartridges, liquid and pasty, as well as colour toner,
 - 6) plastic containing brominated flame retardants,
 - 7) asbestos waste and components which contain asbestos,
 - 8) cathode ray tubes,
 - 9) hydrochlorofluorocarbons (HCFC), chlorofluorocarbons (CFC), hydrofluorocarbons (HFC) or hydrocarbons (HC),
 - 10) gas discharge lamps,
 - 11) liquid crystal displays (together with their casing where appropriate) of surface greater than 100 square centimetres and all those back-lighted with gas discharge lamps,
 - 12) external electric cables,
 - 13) components containing refractory ceramic fibres as described in provisions issued basing on the Article 4, paragraph 3 of the Act of 11 January 2001 on chemical substances and preparations,
 - 14) components containing radioactive substances with the exception of components which total activity and radiation concentration of radioactive isotopes are below the exemption thresholds set basing on the Article 6, point 1 of the Act of 29 November 2000 – Nuclear Act;
 - 15) electrolyte capacitors (height > 25 mm, diameter > 25 mm or proportionately similar volume)
2. Collected waste electric and electronic equipment from which substances and preparation and parts mentioned in the paragraph 1 have been removed should be treated as indicated:
 - 1) cathode ray tubes – the fluorescent coating has to be removed,
 - 2) equipment containing gases that are ozone depleting or have a global warming potential (GWP) above 15, such as those contained in foams and refrigeration circuits – the gases must be properly extracted and properly treated according to the Act of 20 April 2004 on ozone layer depleting substances (Journal of Laws No. 121, position 1263),
 - 3) gas discharge lamps – the mercury shall be removed.

Model marking of electric and electronic equipment

The symbol indicating separate collection for electrical and electronic equipment consists of the crossed-out wheeled bin, as shown below. The symbol must be printed visibly, legibly and indelibly.

