

Government Decree No 450/2023 of 4 October 2023 on
the detailed rules for the establishment and application of deposit fees and the
marketing of products with a deposit fee

Pursuant to the authorisation granted by Section 88(1)(9) as well as Section 88(1)(37), (38) and (39) of Act CLXXXV of 2012 on waste,
and with regard to Sections 43-45, on the basis of the authorisation granted by Section 88(1)(37) of Act CLXXXV of 2012 on waste,
acting within the scope of its duties as defined in Article 15(1) of the Fundamental Law, the Government hereby decrees the following:

1. Scope

Section 1 The scope of this decree covers products with a deposit fee which are placed on the domestic market and concerns the activities relating to these products under this decree.

2. Definitions

Section 2 (1) For the purposes of this Decree:

(a) *small emitter* is a producer whose number of marketed products (including ready-for-consumption or concentrated beverage products, with the exception of milk and milk-based beverage products) with packaging containing plastic, metal or glass, in the form of bottles or cans with a capacity of 0.1 to 3 litres, does not exceed 5000 items in the reference year;

(b) *businesses selling food* are businesses where the majority of the turnover is derived from the sale of food;

(c) *distribution* means marketing in accordance with the Government Decree on the restriction of the placing on the market of certain single-use plastic products and of certain other plastic products;

(d) *distributor* is a business entity which supplies and sells a product subject to a deposit fee to the consumer and operates a return site under this regulation;

(e) *products with a mandatory deposit fee* include the packaging of any beverage product ready-for-consumption or a concentrate, with the exception of milk and milk-based beverage products, where the packaging contains plastics, metals or glass and comes in the form of bottles or cans, either reusable or non-reusable, of a capacity of 0.1 to 3 litres, excluding the packaging of beverage products marketed by small emitters;

(f) *products with a voluntary deposit fee* are products which do not qualify as products with a mandatory deposit fee and which are manufactured or placed on the market voluntarily by the manufacturer with the marking 'returnable'

(fa) a reusable product or reusable packaging that becomes waste within the scope of the public waste management task of the State, and

(fb) a product that becomes waste outside the scope of the public waste management task of the State;

whose production and marketing with this marking has been notified to the national waste management authority;

(g) milk and milk-based beverage products are beverage products listed in Part XVI of Annex I to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007;

(h) products with a deposit fee include products with a mandatory deposit fee and products with a voluntary deposit fee.

(2) Terms not defined in this regulation shall have the meaning defined in Act CLXXXV of 2012 on waste (hereinafter: Waste Act), in the Government Decree on the detailed rules of operation of the extended producer responsibility scheme and in the Government Decree on packaging and packaging waste management activities.

3. Deposit fee

Section 3 (1) Non-reusable products with a mandatory deposit fee are subject to the payment of a deposit fee of HUF 50 per item. The deposit fee for a reusable product which is subject to a mandatory deposit fee shall be determined by the producer.

(2) When first placed on the domestic market, the producer will have the obligation to pay the deposit fee for a non-reusable product with a mandatory deposit fee as of the date indicated on the invoice or, in the absence of an invoice, as of the date specified on any other document certifying the completion of the transaction, or, in the absence of these, as of the day of completion of the transaction.

(3) The producer shall pay the deposit fee to the concession company, on a monthly basis, for any non-reusable product which is placed on the market in the reference month with a mandatory deposit fee, and it shall do this until the last day of the month following the reference month.

(4) A beverage product with a packaging that is subject to a mandatory deposit fee may be marketed or placed on the market at the purchase price increased by the deposit fee in accordance with paragraph 1, unless the beverage product is delivered to the consumer without the packaging when it is sold to the consumer.

(5) The producer shall inform the distributor of any change to the deposit fee of a reusable product which is subject to a mandatory deposit fee, indicating the date of the change, at least 30 days before the introduction of the change.

Section 4 (1) The amount of the voluntary deposit fee which is to be paid per item for products with a voluntary deposit fee shall be established by the producer.

(2) The producer shall inform the distributor of any change to the deposit fee of a product that is subject to a voluntary deposit fee, indicating the date of the change, at least 30 days prior to the introduction of the change.

Section 5 The amount of the deposit fee shall be shown separately from the price of the product on the invoice or receipt.

4. Rights and obligations of the producer

Section 6 (1) The producer initiates the registration of a product with a mandatory deposit fee at least 45 days before it is placed on the market via the electronic interface provided by the concession company. If there is any change to the characteristics specified during the registration,

the producer shall re-initiate the registration of the product. If the producer ceases to market the product with a mandatory deposit fee, it shall report this fact on the electronic interface.

(2) The producer shall send samples of the product to the concession company for registration, which shall check whether the samples comply with the parameters specified during the registration process and verify if the marking on the packaging can be read by a reverse vending machine. The concession company refuses to register if the marking on the product does not meet the requirements of Annex 1.

(3) The detailed registration requirements are laid down by the concession company and published on its website. The concession company shall inform about any change to the registration requirements on its website, indicating the date on which the change becomes applicable, at least 30 days before the change is introduced.

(4) If the producer fails to comply with the registration obligation under paragraph 1 or if the concession company refuses to register, the product may not be placed on the market.

(5) If, during the registration referred to in paragraph (1), the concession company finds that the product cannot be accepted by an automatic reverse vending machine due to its specific characteristics, the rules of this Decree for products subject to a mandatory deposit fee shall not apply, with the exception of this Section.

Section 7 (1) The producer shall ensure that the marking in accordance with Annex 1 is clearly visible, permanent and legible on the product which is subject to a mandatory deposit fee.

(2) A product with a mandatory deposit fee may only be marketed with the markings specified in paragraph 1.

(3) If there is a change to the deposit fee of a non-reusable product which is subject to a mandatory deposit fee, the marking of the product marketed after the change, as specified in point 1.1 of Annex 1, may not be the same as the marking of the product placed on the market before the change.

Section 8 (1) The producer agrees to receive and accept any reusable product with a mandatory deposit fee which is returned by the distributor or consumer for re-use and will refund the deposit fee to them.

(2) If the producer ceases to manufacture a specific reusable product with a mandatory deposit fee, they shall agree to enable the return of the product by the distributor or the consumer for at least four months from the date on which the production ended.

Section 9 The producer shall pay the concession company a connection and service fee for the placing on the market of a reusable product with a mandatory deposit fee, and in the case of a non-reusable product subject to a mandatory deposit fee, a connection, service and deposit fee shall be paid.

Section 10 (1) On the basis of an agreement concluded with the distributor, the producer may classify a product or packaging as a product with a voluntary deposit fee, even if the product does not qualify as a product with a mandatory deposit fee, in order to encourage its return to a specified location.

(2) The producer shall ensure that, in the case of a product with a voluntary deposit fee, the marking 'returnable' on the product is clearly visible, permanent and legible.

(3) The producer will agree to receive and accept, from the distributor or consumer, any product with a voluntary deposit fee for which the consumer has paid a deposit fee, and will refund the deposit fee to them.

(4) The producer shall specify, in an agreement with the distributor, the requirements for what conditions the product with a voluntarily deposit fee should be in when it is returned, which shall

not preclude the acceptance of the returned product if it shows changes resulting from normal use.

(5) The producer shall inform the distributor, at least three months before the introduction of the change, of the conditions under which a product subject to a voluntary deposit fee may be returned, excluding changes to the fee, and in doing so the producer shall specify the date when the change becomes applicable.

(6) If the producer ceases to manufacture a specific product with a voluntary deposit fee, it shall agree to enable the return of any such product by the distributor or the consumer for at least four months from the date on which the production ended.

5. Rights and obligations of the distributor

Section 11 (1) The distributor shall enable the return of a product which is subject to a mandatory deposit fee, in accordance with this decree.

(2) In order to enable the return, by the consumer, of any non-reusable product which is subject to a mandatory deposit fee, the distributor shall: conclude a contract with the concession company in accordance with Section 21(5).

(3) The distributor shall carry out the return procedure for the non-reusable product which is subject to a mandatory deposit fee on the basis of the contract referred to in paragraph (2).

(4) The distributor shall enable the return of any reusable product which is subject to a mandatory deposit fee on the basis of the agreement concluded with the producer, in accordance with the provisions thereof.

Section 12 When a product with a mandatory deposit fee is returned - if the deposit fee is not directly refunded by the reverse vending machine - the distributor shall refund the amount of the deposit fee to the entity which returned the product or its waste or, at the request of the consumer, it shall credit it in the form of a voucher, in case a new product is being purchased.

Section 13 (1) The distributor shall make it possible for the consumer to return any product which is subject to a mandatory deposit fee to the return site at any time during the opening hours.

(2) In a grocery store with a sales area greater than 400 m², the distributor enables the return of a non-reusable product which is subject to a mandatory deposit fee by means of a reverse vending machine, in addition to manual receipt of any such product, which shall be ensured in case the reverse vending machine is out of order.

Section 14 (1) In order to enable the return of a product which is subject to a mandatory deposit fee, the distributor shall operate reverse vending machines and provide for the necessary technical conditions for their operation. It is the responsibility of the distributor to obtain the necessary authorisations for the installation of a reverse vending machine.

(2) The concession company shall pay a management fee to the distributor to cover the reasonable costs incurred in carrying out the tasks referred to in paragraph (1) in connection with the return of a non-reusable product with a mandatory deposit fee.

(3) The distributor shall provide, for the concession company, the conditions necessary for carrying out the maintenance tasks of the reverse vending machine at a time agreed in advance.

Section 15 (1) The provisions relating to the distributor in Section 11, Section 12, Section 13(1), Section 14 and Section 17 shall also apply to the operator of the return site referred to in Section 21.

(2) For operators that are not distributors and operate a return site under Section 21 with a reverse vending machine, the provisions of Section 12 shall apply with the exception that the deposit fee shall be directly refunded by the automated reverse vending machine.

Section 16 (1) The distributor shall, on the basis of an agreement with the producer, receive and accept any returned product which is subject to a voluntary deposit fee in exchange of a deposit fee, if this product has the same characteristics as the ones marketed by the distributor, and it has the same intended purpose and belongs to the same product type.

(2) The distributor shall enable the return, by the consumer, of a product which is subject to a voluntarily deposit fee in the same way as the conditions under which the product is marketed, and shall provide this service continuously and throughout the opening hours at the product's place of distribution or at a designated place. A distributor with a business area of at least 200 m² shall provide for the return of the product with a voluntarily deposit fee at the place of distribution.

(3) If the place designated for the return of the product with a voluntary deposit fee is not identical with the place of distribution, on working days a minimum of 6 hours shall be allocated for the return procedure

(a) in the case of a place designated by a distributor, according to the opening hours of the shop selling products with a voluntary deposit fee,

(b) in the case of a place designated by several distributors, within the opening hours of the shops selling products with a voluntary deposit fee, ensuring that getting to the location does not cause significant difficulties for the consumers.

(4) As part of the return procedure for a product with a voluntary deposit fee, the distributor shall refund the amount of the deposit fee to the entity which is returning the product or, at the request of the consumer, it shall include it in the purchase price in the case of a new product purchase.

Section 17 (1) As part of consumer information, the distributor shall, at the place where the product with a deposit fee is sold and, with the exception of point (b), at the place designated for product return, publish the following:

(a) the requirements necessary for the refund of a deposit fee, with due regard to the state of the product,

(aa) the requirements specified by the concession company for non-reusable products with a mandatory deposit fee,

(ab) the requirements specified by the producer for reusable products with a mandatory deposit fee or for products with a voluntary deposit fee,

with such requirements also being communicated to the distributor, or

(b) if the product is returned at a location other than the place of distribution, the name, address and opening hours of the place(s) designated for product return.

(2) The distributor shall immediately publish any information that concerns changes to the conditions of the return procedure, at the place specified in paragraph (1), and this information shall be provided by the concession company for non-reusable products with a mandatory deposit fee, and by the producer for reusable products with a mandatory deposit fee or for products with a voluntary deposit fee.

6. Rights and obligations of the consumer

Section 18 (1) When buying a product with a deposit fee, the consumer is entitled to a refund of the deposit fee paid to the distributor, if they hand over the product on the site where the return takes place.

(2) In the case of a product with a mandatory deposit fee, product return shall be subject to the condition that the product must be handed over with a marking that is readable and not damaged and which thus makes it possible to identify the product in accordance with this decree.

(3) In the case of a product with a voluntary deposit fee, product return is subject to the condition that the product is suitable for return based on the information provided by the producer and is handed over with a recognizable marking to identify it.

7. Rights and obligations of the concession company

Section 19 (1) The concession company provides and operates the IT surface required for the registration of the producer, as specified in Section 6(1).

(2) Within 45 days of the initiation of the registration by the manufacturer, the concession company shall carry out the registration of the product subject to a mandatory deposit fee and its related data (name of manufacturer, name of the beverage product, Global Trade Item Number (hereinafter referred to as: GTIN number), packaging material, its colour, capacity, weight, physical dimensions, the method of labelling, rate of the deposit fee in the case of reusable products) by recording these data in an IT database.

Section 20 As regards products with a mandatory deposit fee, the concession company shall:

(a) acquire, install, maintain and, if necessary, upgrade and develop the reverse vending machine to ensure the reception of waste,

(b) ensure the receipt, disposal, pre-treatment and transfer of waste for recovery,

(c) ensure the maintenance and operation of waste management facilities within the scope of its responsibility, and

(d) ensure the proper operation of automatic reverse vending machines which receive reusable packaging.

Section 21 (1) In order to enable the return of the product with a mandatory deposit fee, the concession company shall develop a network of return sites with national coverage.

(2) The concession company provides for the possibility of product return through reverse vending machines or manual receipt.

(3) In order to enable the return of a non-reusable product with a mandatory deposit fee, the concession company shall

(a) provide the distributor with a reverse vending machine in every grocery store with a sales area greater than 400 m², and

(b) in each settlement with a population of more than 1000 people it shall allow the distributor to establish a return site or, in the absence thereof, provide for another return site if no such site is established pursuant to point (a).

(4) In addition to the provisions set out in paragraph (3), in order to enable the return of a non-reusable product with a mandatory deposit fee, the concession company shall issue a tender for the voluntary establishment of a return site subject to the requirements of equal treatment and the conditions necessary for the establishment of a return site. In the invitation to tender, the concession company may determine the number of return site operators who may be included in the mandatory deposit refund scheme, taking into account the number of reverse vending machines available and the balanced location and justified establishment of the return sites across the country.

(5) The concession company concludes a contract with the return site operator with at least the content specified in Annex 2. The concession company is entitled to lay down the statutory return requirements in the contract.

Section 22 (1) The requirements as for what state a non-reusable product with a mandatory deposit fee should be in at the time of its return shall be published on the concession company's website.

(2) The concession company shall inform of any change that is applicable to the conditions of the return of a non-reusable product with a mandatory deposit fee, excluding changes to the fee, and it shall publish any such information on its website, indicating the date of the introduction of the change, at least three months before the introduction of the change.

Section 23 The concession company shall be responsible for the removal of any waste which is derived from non-reusable products that are subject to a mandatory deposit fee and are collected at the return site, and it shall manage the disposal on a regular basis and in a way that does not impede the operations of the return site operator and the fulfilment of its obligations. The concession company shall organise the removal efficiently and safely, taking into account the quantity received from the consumer. The concession company shall determine the collection frequency, taking into account public health requirements and the technical aspects necessary for the storage of waste, in such a way as to ensure the regular removal of the waste generated by the returned product and the smooth and continuous operation of the mandatory deposit refund scheme.

Section 24 (1) The concession company shall refund, to the consumer, the deposit fee of the non-reusable product which is subject to a mandatory deposit fee, once it is handed over by the consumer for collection purposes.

(2) The concession company shall comply with its obligation under paragraph 1 by directly refunding the deposit fee to the consumer through reverse vending machines or by paying the deposit fee to the return site operator who refunds the deposit fee to the consumer.

(3) The concession company establishes and operates a deposit refund scheme in which, in addition to a voucher issued by the reverse vending machine at the distributor's place, which can be turned into cash or used as store credit, at least one more additional way is provided to ensure the reimbursement of the deposit fee to the consumer.

(4) The concession company shall record and pay to the return site operator, on a monthly basis (by the last day of the month following the month in question), the deposit fee which was paid to the consumer at the time of the manual receipt of the returned non-reusable product (subject to a mandatory deposit fee) and the consideration as per the voucher issued by the reverse vending machine in the current month, as well as a handling fee to compensate for the reasonable costs of providing the return service.

Section 25 (1) The concession company operates an IT system that is able to manage the payment of the deposit fee on the producer's side and its refund to the consumer or, in the event of manual receipt, to the return site operator, in a reliable and traceable manner.

(2) The concession company operates an IT system that is able to accurately monitor the turnover generated by the reverse vending machine and the turnover from manual receipt, as well as the quantity of the returned and stored products subject to a mandatory deposit fee, at least by type and packaging.

(3) The concession company shall, on the basis of the scheme specified in paragraph 1, provide for

(a) the availability of a reporting system for the quantity, collection and treatment of products subject to a mandatory deposit fee and for the waste derived therefrom, and

(b) on the basis of the data available in the IT system, the availability of data on return methods and habits to underpin analytical, corrective and further policy measures.

Section 26 (1) The concession company operates a financial accounting records system that allows the cost-effective and transparent operation of the mandatory deposit refund scheme, and which makes sure that the costs incurred in operating the mandatory deposit refund scheme and the producer's payments can be verified on the basis of real, transparent, traceable and validated data, just like the settlement of financial transactions with producers and distributors.

(2) The concession company carries out the installation and operation of the IT systems necessary for the operation of the mandatory deposit refund scheme.

(3) The concession company shall use the service fee paid by the producer as well as the non-reimbursed deposit fee (which has not been refunded due to the fact that the consumer has not returned the product which is subject to a mandatory deposit fee) for the concession company's activities relating to products with a mandatory deposit fee and for the operation of the mandatory deposit refund scheme.

Section 27 The concession company operates an internal self-audit system audited by an independent auditor in order to control financial management and the data collected in the course of its activities.

Section 28 (1) The concession company will

(a) ensure that consumers and waste holders are informed about waste prevention measures, return options and solutions with regard to waste discard prevention,

(b) conduct awareness-raising and education activities in order to strengthen consumer and waste holder commitment to return the highest possible amount of products subject to a mandatory deposit fee,

(c) inform consumers about return sites, and

(d) make available to the public the connection fees and service fees which are paid by producers on the basis of the quantity of the marketed products (which are placed on the market by the producers), as well as the selection procedure for waste management entities with regard to the waste which is derived from products subject to a mandatory deposit fee.

(2) Pursuant to point (d) of paragraph 1, the concession company must not make available to the public any data that constitutes business secret or which concerns sales volumes, either at producer or product level. The information disclosed shall not be such as to lead to a conclusion on the producers' business secrets.

8. Connection Fee and Service Fee

Section 29 The producer's obligation to pay the connection and service fee arises from the producer's placing on the market of the product with a mandatory deposit fee. The producer's obligation to pay the connection fee expires at the end of the 5th year following the national introduction of the mandatory deposit refund scheme.

Section 30 (1) The rate of the connection fee and service fee per unit, broken down according to the fee code set out in Annex 3, for products with a mandatory deposit fee, shall be determined by the Minister responsible for waste management (hereinafter: Minister) by means of a decree, taking into account the recommendations of the Hungarian Energy and Public Utility Regulatory Authority (hereinafter: Authority). If the regulation relating to the reference year is not published by 30 November of the year preceding the reference year, the applicable rate is the indexed rate of the connection fee and service fee specified for the year preceding the reference year (whereby

the rate shall be indexed based on the forecast of the consumer price index published by the National Bank of Hungary for the year in which the fee is set).

(2) Unit rates for the connection and service fees shall be proposed by the Authority by the fee code as set out in Annex 3, by 15 September of the year preceding the year in question, taking into account the provisions of the Waste Act.

(3) The connection fee shall be set in such a way that, in accordance with the provisions of the Waste Act, it covers the reasonable costs incurred by the concession company in connection with the investments needed to introduce a mandatory deposit refund scheme.

(4) The service fee shall be set in such a way as to cover, in accordance with the provisions of the Waste Act, the justified costs incurred by the concession company in relation to the waste of products subject to a mandatory deposit fee and the operation of the mandatory deposit refund scheme, in particular its maintenance, improvement and, if necessary, its extension.

Section 31 (1) The amount of the connection fee, which is to be paid by the producer, shall be defined by the quantity of the mandatory-deposit-fee products which the producer placed on the market according to its data reporting for the quarter concerned, multiplied with the unit rate for the product type as defined in Section 30(1).

(2) The amount of the service fee, which is to be paid by the producer, shall be defined by the number of products which the producer has placed on market and which are mentioned in the producer's data report for products with a mandatory deposit fee for the quarter concerned, multiplied with the unit rate for the product type as defined in Section 30(1).

(3) The producer shall pay, to the concession company, the connection fee determined in accordance with paragraph 1 and the service fee determined pursuant to paragraph 2, on a quarterly basis, on the basis of an invoice issued by the concession company, within 15 days of receipt of the invoice.

(4) The connection and service fees are collected from the producer by the concession company, which also manages any outstanding amounts arising in connection with these fees.

9. Registration

Section 32 (1) The producer of a product with a voluntary deposit fee shall request its registration before placing on the market, in the form of an application submitted to the national waste management authority.

(2) The application referred to in paragraph 1 shall contain the following information:

(a) name, registered office, VAT number of the producer,

(b) name of the product subject to a deposit fee,

(c) if the product subject to a deposit fee has a product identification number or GTIN number, the product identification number or GTIN number,

(d) except for packaging, the heading in the Combined Nomenclature which is applicable to the product with a deposit fee on the first day of the reference year, and

(e) the amount of the deposit fee.

(3) The national waste management authority shall register the data provided by the producer pursuant to paragraph 2 within 15 days of receipt of the application if the application complies with paragraph 2.

Section 33 (1) The national waste management authority shall keep a register of the data referred to in Section 2(2).

(2) The producer shall notify the national waste management authority of any change to the data in the register within 15 days of the change, and for this it shall simultaneously attach an

electronic document to certify the data change, and request the administration of the change. Based on the notification, the national waste management authority shall record the change in the register within 8 days of receipt of the notification.

(3) The producer shall notify the national waste management authority of the termination of the production of a voluntary-deposit-fee product within 15 days from the date of termination and request the deletion of the data from the register. Following the notification, the national waste management authority shall delete the data from the register.

(4) The national waste management authority shall publish the register referred to in paragraph 1 on its website, publicly and in a manner accessible to all, up-to-date.

10. Consultation bodies of the mandatory deposit refund scheme

Section 34 The national consultative bodies responsible for regular dialogue between the parties pursuant to Section 30/B(6) of the Waste Act shall be the Forum of the Mandatory Deposit Refund Scheme (hereinafter referred to as Return Forum) and the Fee Advisory Council of the Mandatory Deposit Refund Scheme (hereinafter: Return Fee Council).

Section 35 (1) Members of the Return Forum comprise

(a) a representative of the producers who are registered by the national waste management authority and manufacture products which are subject to a mandatory deposit fee, or a representative of the professional associations of producers, who must have been chosen by the associations in a manner determined by them,

(b) a representative of distributors of products subject to a mandatory deposit fee or of professional associations representing distributors, who must have been chosen in a manner determined by them,

(c) a representative of recyclers or of professional associations representing waste recovery organisations, who must have been chosen by them in a manner determined by them,

(d) a representative of the concession company,

(e) a representative of the Authority,

(f) a representative of the national waste management authority, and

(g) a person appointed by the Minister.

(2) The Return Forum is a body of seven persons, chaired by the person appointed by the Minister pursuant to paragraph (1) (g).

(3) The meetings of the Return Forum may also be attended by those invited by the Chair of the Return Forum, who shall have the right of deliberation.

(4) The Return Forum addresses issues related to the operation of the mandatory deposit refund scheme.

Section 36 (1) Members of the Return Fee Council comprise

(a) a representative of the producers who are registered by the national waste management authority and manufacture products which are subject to a deposit fee, or a representative of the professional associations of producers, who must have been chosen by the associations in a manner determined by them,

(b) a representative of recyclers or of professional associations representing waste recovery organisations, who must have been chosen by them in a manner determined by them,

(c) a representative of the concession company,

(d) the President of the Authority or a person appointed by him, and

(e) a person appointed by the Minister.

(2) The Return Fee Council is a five-member body chaired by the President of the Authority or by a person appointed by him.

(3) The Return Fee Council gives professional support to the Authority in its fee arrangement activities related to the connection and service fee.

Section 37 (1) The Return Forum and the Return Fee Council are the consultative bodies of the Minister, which do not have independent decision-making powers.

(2) The Return Forum and the Return Fee Council may, by a simple majority of the members present, make non-binding recommendations to the Authority and the Minister. Where votes are tied, the President shall vote.

(3) The Return Forum and the Return Fee Council shall meet at least once a year. The meeting of the Return Fee Council shall be held at such time as to enable the Authority to take into account the recommendations of the Return Fee Council according to paragraph (2) in the arrangement of the connection and service fee.

(4) The meeting of the Return Forum and the Return Fee Council shall be convened by the Minister. Organisational tasks shall be carried out through the minister's official organisation.

(5) Meetings of the Return Forum and the Return Fee Council shall be convened by the Minister within 15 days at the initiative of one third of the members.

(6) The rules of procedure for the Return Forum and the Return Fee Council shall be established by themselves, which shall be approved by the Minister.

11. Acting authorities

Section 38 (1) If there is a breach of this Decree in terms of the labelling of products subject to a deposit fee, the collection of returned products from the consumer or consumer information, the consumer protection authority shall take action if the infringement affects a consumer within the meaning of Act CLV of 1997 on consumer protection (hereinafter: Consumer Protection Act), in particular pursuant to Section 2(10) thereof.

(2) Provisions set out in paragraph 1 constitute consumer protection provisions within the meaning of the Consumer Protection Act.

(3) The national waste management authority shall verify compliance with the producer's obligations under heading 9, whereas other activities of the producer, the concession company and the concessionaire's subcontractors under this decree, which are not covered by paragraphs 1 and 2, shall be subject to the control of the waste management authority with jurisdiction and competence for this activity.

12. Legal consequences

Section 39 (1) As regards the sanctioning of infringements of provisions outside the scope of Section 38(1) and (2) of this Decree, this regulation shall be regarded as a legislation relating to waste prevention.

(2) If the producer fails to fulfil their obligations according to Section 7, the national waste management authority will order the recall of the product.

13. Closing provisions

Section 40 (1) This Decree shall enter into force on 1 November 2023, with the exception of paragraph 2.

(2) Heading 3, Section 6(4), Section 7–9, Section 10(2)–(6), heading 5, heading 6, Section 20–28, heading 8, heading 11, Section 39(2), Section 43–46, and Annexes 2 to 5 shall enter into force on 1 January 2024.

Section 41 (1) In order to place a product with a mandatory deposit fee on the market after 1 January 2024, the producer shall initiate the registration of the product in accordance with Section 6(1) until 15 November 2023.

(2) A product which would qualify as a product with a mandatory deposit fee under this Decree may be placed on the market until 30 June 2024 according to the provisions in effect before the entry into force of this Decree. A product placed on the market up to 30 June 2024 which would qualify as a product with a mandatory deposit fee under this Decree may be marketed according to the provisions in effect before the entry into force of this Decree.

(3) A product with a deposit fee placed on the market before 1 January 2024 may be marketed in accordance with the provisions in force before the entry into force of this Decree.

(4) Prior to the introduction of the mandatory deposit refund scheme nationwide, the concession company performs a closed-system test operation for the application of the mandatory deposit fee for non-reusable products which are subject to a mandatory deposit fee and will prepare for the live start of the system based on this experience.

Section 42 (1) This Decree serves the purpose of compliance with

(a) Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste;

(b) Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment; and

(c) Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

(2) This Decree has been

(a) notified pursuant to Article 15(7) of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market,

(b) notified in advance pursuant to Article 16(1) and (2) of European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste, and

(c) subject to prior notification in accordance with Article 5(1) of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

Section 43 (1) In Government Decree No 80/2023 of 14 March 2023 on the detailed rules of operation of the extended producer responsibility scheme, the following point 8 is added to Section 2(2):

(The terms in this Decree shall have the meaning defined

‘8. in the Government Decree on the detailed rules for the establishment and application of deposit fees and the marketing of products with a deposit fee’

(together with points 2 to 7 hereinafter referred to as: Government Decrees on product flows).)

(2) Section 15 of Government Decree No 80/2023 of 14 March 2023 on the detailed rules of operation of the extended producer responsibility scheme shall be replaced by the following:

‘Section 15 (1) In the context of circular products, the producer of the product shall pay financial contribution for the performance, by the concession company, of the tasks of the organisation that fulfils the extended producer responsibility obligation for the producer, and this

financial contribution (hereinafter: extended producer responsibility fee) constitutes part of the fee payable in connection with secondary institutional waste management activities in accordance with Section 53/E(2) of the Waste Act.

(2) The producer shall not be required to pay an extended producer responsibility fee for those products with a mandatory deposit fee for which there is a payment obligation in effect according to the Decree on the detailed rules for the establishment and application of deposit fees and the marketing of products with a deposit fee.'

Section 44 (1) Annex 1 of Government Decree No 80/2023 of 14 March 2023 on the detailed rules of operation of the extended producer responsibility scheme is amended in accordance with Annex 4 hereto.

(2) Annex 4 of Government Decree No 80/2023 of 14 March 2023 on the detailed rules of operation of the extended producer responsibility scheme is amended in accordance with Annex 5 hereto.

Section 45 In Section 34(3)(b) of Government Decree No 80/2023 of 14 March 2023 on the detailed rules of operation of the extended producer responsibility scheme, the words 'until payment of the fee' shall be replaced by the words 'until payment of the fee, or for products subject to a deposit fee, until payment of the connection and service fee as specified in the Government Decree on the detailed rules for the establishment and application of deposit fees and the marketing of products with a deposit fee'.

Section 46 In Section 7 of Government Decree No 80/2023 of 14 March 2023 on the detailed rules of operation of the extended producer responsibility scheme, the phrase 'The producer of a product subject to a deposit fee may fulfil its extended producer responsibility obligations individually' shall be repealed.

Section 47 Government Decree No 209/2005 of 5 October 2005 on the rules for applying a deposit fee shall be repealed.

Annex 1 to Government Decree No 450/2023 of 4 October 2023

Marking of a product subject to a mandatory deposit fee

In the case of a product with a mandatory deposit fee, the following marking shall be affixed to the product or its label:

1. Marking to be used in the case of a non-reusable product with a mandatory deposit fee:

1.1. The GTIN number and bar code of the product, which cannot be the same as the ones of any product placed on the market before 1 January 2024.

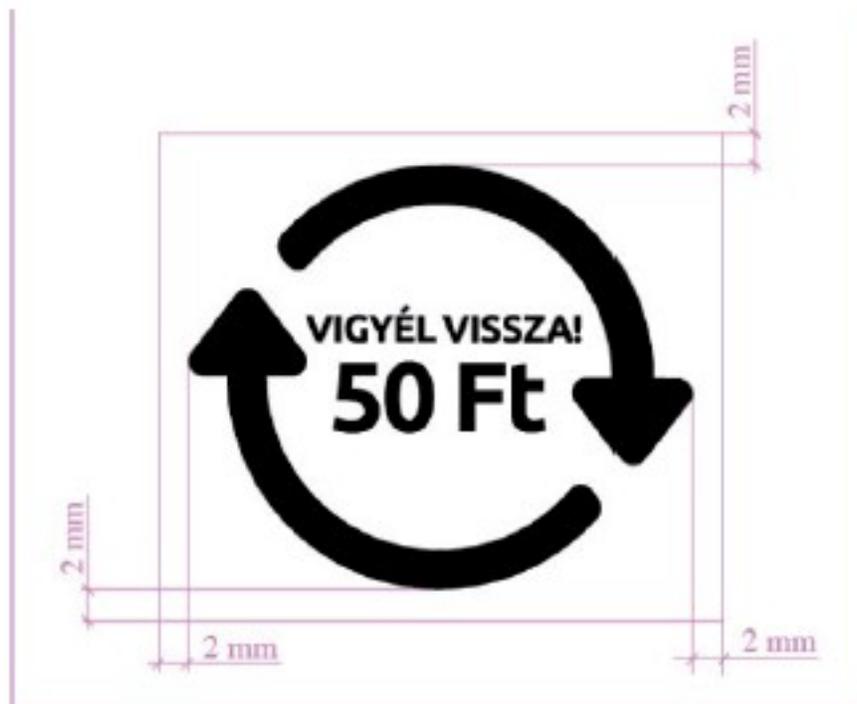
1.2. The picture below (indicated with the smallest possible dimensions):



VIGYÉL VISSZA!	TAKE ME BACK! ('VIGYÉL VISSZA!')
50 Ft	HUF 50

The picture is used in positive or negative form (the black background is for illustrative purposes, and is not part of the picture), in the highest possible contrast with the background colour.

Minimum protection space:

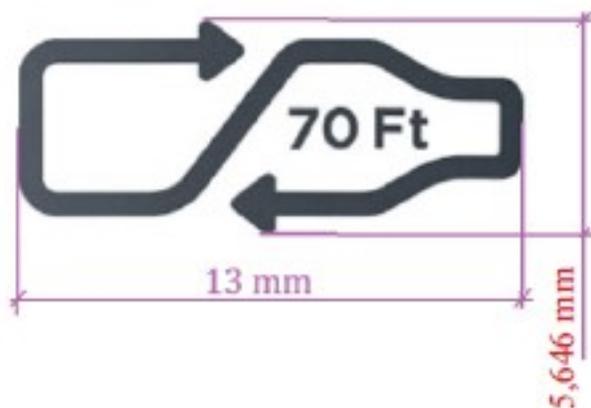


VIGYÉL VISSZA!	TAKE ME BACK! ('VIGYÉL VISSZA!')
50 Ft	HUF 50

2. Marking to be used in the case of a reusable product with a mandatory deposit fee:

2.1. Product GTIN number and bar code.

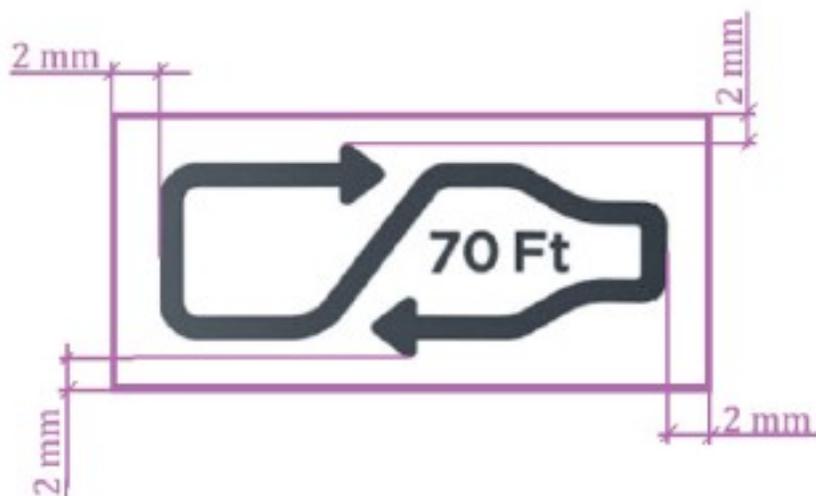
2.2. The picture below (indicated with the smallest possible dimensions):



70 Ft	HUF 70
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The picture is used in positive or negative form (the black background is for illustrative purposes, and is not part of the picture), in the highest possible contrast with the background colour. The amount shown in the picture is used only as a sample and the amount of the deposit fee specified by the producer for the given product is applicable.

Minimum protection space:



70 Ft	HUF 70
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The pictures in sub-points 1.2 and 2.2 can be downloaded in eps format from the official website of the concession company.

Annex 2 to Government Decree No 450/2023 of 4 October 2023

Detailed content of the concession company's contract with the return site operator

1. the name, registered office, tax number, business registration number of the return site operator, and in the case of self-employed persons their registration number,
2. tasks related to the installation, operation and maintenance of the reverse vending machine,
3. the removal procedure of any accepted product which is subject to a deposit fee or its waste,
4. tasks related to the installation, operation and use of the IT system,
5. the procedure of the financial settlement between the concession company and the return site operator,
6. rights and obligations relating to breach of contract and the termination of the contract.

Annex 3 to Government Decree No 450/2023 of 4 October 2023

Fee codes for products with a mandatory deposit fee

	A	B
1	Material flow	Fee code
2	non-reusable plastic	M51
3	non-reusable metal	V51
4	non-reusable glass	U51
5	reusable	X71

Annex 4 to Government Decree No 450/2023 of 4 October 2023

In Government Decree No 80/2023 of 14 March 2023 on the detailed rules of operation of the extended producer responsibility scheme, sub-point 2.4.1 in Annex 1, point 2 of the Government Decree is replaced by the following:

‘2.4.1. Packaging and its waste, other than packaging from products falling under sub-point 2.4.2

	A	B
1	Cod e	Name
2	non-reusable	
3	consumer packaging	
4	10	product with no deposit fee (excluding packaging in direct contact with a plant protection product)
5	11	packaging in direct contact with a plant protection product, not subject to deposit fee
6	12	product with a mandatory deposit fee
7	13	product with a voluntary deposit fee
8	grouped or transport packaging	
9	20	product with no deposit fee
10	22	product with a voluntary deposit fee
11	reusable	
12	consumer packaging	
13	40	product with no deposit fee (excluding packaging in direct contact with a plant protection product)
14	41	packaging in direct contact with a plant protection product, not subject to deposit fee

15	42	product with a mandatory deposit fee
16	43	product with a voluntary deposit fee (excluding packaging in direct contact with a plant protection product)
17	44	packaging in direct contact with a plant protection product, subject to voluntary deposit fee
18		grouped or transport packaging
19	50	product with no deposit fee
20	52	product with a voluntary deposit fee
21		mixed packaging waste
22	90	mixed packaging waste

Annex 5 to Government Decree No 450/2023 of 4 October 2023

1. In Government Decree No 80/2023 of 14 March 2023 on the detailed rules of operation of the extended producer responsibility scheme, the following sub-point 1.4 is added to Annex 4, point 1:

(In case of the producer)

‘1.4. In the case of products with a deposit fee, in addition to the provisions of sub-point 1.1,

1.4.1. the material type, volume, colour, number (of items) and date of placing on the market of products subject to a deposit fee which the producer places on the market in Hungary,

1.4.2. the type, volume and number (of items) of products returned and accepted in the deposit refund scheme and the material type, volume and quantity (of pieces) of their waste, the re-use and number (pieces) of reusable packaging and their becoming waste.’

2. In Government Decree No 80/2023 of 14 March 2023 on the detailed rules of operation of the extended producer responsibility scheme, the following sub-point 2.2 is added to Annex 4, point 2:

(In case of a concession company and the subcontractor of the concessionaire)

‘2.2 in the case of products with a deposit fee, in addition to those referred to in sub-point 1.1, the material type, volume and number (of items) of products returned and accepted in the deposit refund scheme and the material type, volume and quantity (of pieces) of their waste, the quantity (of pieces) of reusable packaging and their becoming waste.’