

# HUNGARY

## 1. Provisions in place in the Member States on REACH penalties

The table below has been compiled on the basis of the information provided in the legislation sent by Hungary in its notification to the European Commission. This table indicates briefly which REACH articles are covered in the national legislation.

When there is a star (\*) next to the country name, it means that the country applies what is called a “catch-all” provision, meaning that there is a provision in the law indicating that any infringement of the REACH Regulation can be sanctioned under national law.

Country	HU*
Article	
5	X
6(1)	X
6(2)	X
6(3)	X
7(1)	X
7(2)	X
7(3)	X
7(5)	
8(1 and 2)	X
9(2)	X
9(6)	X
10	X
11(1 and 3)	X
12(1)	X
12(2)	X
13(1-5)	
14(1)	X
14(6)	X
14(7)	X
17(1 and 2)	X
18(1 to 3)	
19(1 and 2)	X
20(2)	
21(1)	X
21(2)	X
21(3)	X
22(1)	X
22(2)	X
24(2)	X
25(1)	
26(1)	
27(1 to 3)	X
27(4)	
27(6)	
28(1)	
28(6)	
29(3)	X
30(2)	X
30(6)	
31(1)	X
31(2-9)	X
32(1)	X
32(2-3)	X
33(1 and 2)	X
34	X
35	X
36(1)	X
36(2)	X
37(2)	X
37(3)	X
37(4)	X

Country	HU*
Article	
37(5)	X
37(6)	X
37(7)	X
38(1)	X
38(2)	X
38(3)	X
38(4)	X
40(4)	
41(4)	X
46(2)	X
49(a)	X
50(2-3)	
50(4)	X
53(1) to (3)	
53(4)	
55	
56(1)	X
56(2)	X
60(8)	
60(10)	X
61(1)	
61(3)	
62 (4 and 5)	
63(3)	
65	X
66(1)	X
67(1)	X

## 2. Types of offences related to REACH in Hungary

This section gathers information on the REACH offences (administrative and/or criminal ones) pointed by the law in Hungary. We divided the offences in four groups:

- Offences related to the registration requirements;
- Offences related to authorisation and restrictions requirements;
- Offences related to the supply chain requirements;
- Offences related to the downstream user requirements;

	Administrative offences	Criminal offences
<b>Offences related to the registration requirements</b>	<p><i>Major offences:</i></p> <ul style="list-style-type: none"> <li>- Failure to register before the placing on the market of substances, in preparation, articles. (Article 5)</li> <li>- Failure to submit a registration to the Agency (Article 6 Article 7(1))</li> <li>- Failure to provide the relevant information and in a correct way for registration. (Article 10, Article 11, Article 12, Article 17, Article 18, Article 19)</li> <li>- Failure to submit a pre-registration for phase-in substances in quantities of one tonne or more per year until December 2008.(Article 28 (1))</li> <li>- Failure to stop the manufacture or import of a substance as indicated by the Agency (Article 21)</li> <li>- Failure to notify toward the European Chemical Agency and to provide them information and data (Art 7(2), 9(2) and 6, 22, 24, 26(2), 27(1), 29(3), 30(3))</li> </ul> <p><i>Minor offences:</i></p> <ul style="list-style-type: none"> <li>- Infringement of all other provisions under Title II</li> </ul>	N/A

<b>Offences related to authorisation and restrictions requirements</b>	<p><i>Major offences:</i></p> <ul style="list-style-type: none"> <li>- Failure to ask for an authorisation before the placing on the market of substances subject to authorisation (Article 56 (1) and (2))</li> <li>- Failure to comply with the conditions of the restrictions on the manufacturing, placing on the market and use of certain dangerous substances, preparations and articles (Article 67 (1))</li> <li>- Failure by downstream users to notify ECHA within three months of the first supply (Article 66(1))</li> <li>- Failure to ensure that the exposure is reduced to as low as the level technically and practically possible (Article 60)</li> </ul> <p><i>Minor offences:</i></p> <ul style="list-style-type: none"> <li>- Infringement of all other provisions under Title VII</li> </ul>	N/A
<b>Offences related to the supply chain requirements</b>	<p><i>Major offences</i></p> <ul style="list-style-type: none"> <li>- Failure by the supplier to provide safety data sheet (article 31)</li> <li>- Failure to indicate true information on the safety data sheet (article 31)</li> <li>- Failure to respect the provisions relating to the obligation of the members of the supply chain to communicate information, (Articles 7 (3), 8 (2), 14 (7), 31, 32, 33, 34, 35, 36)</li> </ul> <p><i>Minor offences</i></p> <p>Infringement of all other provisions under Title IV</p>	N/A
<b>Offences related to the downstream user requirements</b>	<p><i>Major Offences</i></p> <ul style="list-style-type: none"> <li>- Failure to comply with the provisions relating to the obligation of the members of the supply chain to communicate information, (Articles 37 (7), 38 (1), (3), and (4))</li> <li>- Failure to comply with the provisions relating to the duty to perform a chemical safety assessment and complete a chemical safety report as well as to identify, apply and recommend risk reduction and risk assessment measures (Article 14, 37,60(10))</li> </ul> <p><i>Minor offences</i></p> <p>Infringement of all other provisions under Title VI</p>	N/A

### 3. Sanctions applicable to legal persons in Hungary

This table mentions whether or not Hungary applies administrative or/and criminal sanctions to legal persons when REACH provisions are infringed and of a specific regime applies for legal persons in comparison to the regime applicable to natural persons.

	<b>Sanctions applicable to legal persons</b>	<b>Criteria</b>	<b>Sanctions applicable to other groups</b>
<b>Hungary</b>	Y	Identical to natural persons	Y (Organisation without legal personality)

### 4. REACH related administrative and criminal penalties in Hungary

This section gathers information regarding administrative and/or criminal penalties applicable for the infringement of REACH in Hungary. We divided the penalties in four groups:

- Penalties related to infringement of registration requirements;

- Penalties related to infringement of authorisation requirements;
- Penalties related to infringement of the supply chain requirements;
- Penalties related to infringement of the downstream users requirements;

	Administrative penalties	Criminal penalties
<b>Penalties related to infringement of registration requirements</b>	<ul style="list-style-type: none"> <li>• A penalty of 2 000 000 to 20 000 000 HUF<sup>1</sup> (7042 to 70427 EUR)</li> <li>or</li> <li>• A penalty of 10000 to 10 000 000 HUF ( 352-35213 EUR)</li> <li>or</li> <li>• A penalty of 50 000 to 5000 000 HUF(176 to 17606 EUR) for infringements of the provisions not subject to the penalties mentioned above</li> </ul>	N/A
<b>Penalties related to infringement of authorisation requirements</b>	<ul style="list-style-type: none"> <li>• A penalty from 2 000 000 to 20 000 000 HUF<sup>2</sup> may be issued.(7042 to 70427 EUR)</li> <li>or</li> <li>• A penalty from 10000 to 10 000 000 HUF ( 352-35213 EUR)</li> <li>or</li> <li>• A penalty from 50 000 to 5000 000 HUF(176 to 17606 EUR) for infringements of the provisions not subject to the penalties mentioned above</li> </ul>	N/A
<b>Penalties related to infringement of the supply chain requirements</b>	<ul style="list-style-type: none"> <li>• A penalty of 100 000 to 10 000 000 HUF (352 to 35213 EUR) for major offences listed above in table 4.1.</li> <li>• A penalty of 50 000 to 5000 000 HUF(176 to 17606 EUR) for infringement of the other provisions</li> </ul>	N/A
<b>Penalties related to infringement of the downstream users requirements</b>	<ul style="list-style-type: none"> <li>• A penalty of 100 000 to 10 000 000 HUF (352 to 35213 EUR) for major offences listed above in table 4.1.</li> <li>• A penalty of 50 000 to 5000 000 HUF(176 to 17606 EUR) for infringement of the other provisions</li> </ul>	N/A

<sup>1</sup> Approx. 7 042 to 70 427 EUR (calculated on the basis of the change rate as on 27 January, 2009)

<sup>2</sup> Approx. 7 042 to 70 427 EUR (calculated on the basis of the change rate as on 27 January, 2009)

## **5. Short description of REACH sanctions and related issues in Hungary**

Hungary does not provide criminal sanctions when REACH obligations are infringed. Thus, no imprisonment sanctions for the infringement of REACH in Hungary can be imposed.

Administrative sanctions are determined taking into account the level of dangerousness and quantity of dangerous substance or dangerous mixture, the duration, gravity, and repetition of the infringement, the time and costs involved to eliminate the danger, the size of the undertaking.

The penalty may be imposed again if the person that infringes REACH obligations does not execute or does not properly execute the administrative decision.

The Minister responsible for health shall issue a normative order which will explain how REACH infringement penalties shall be specifically determined. This normative order shall be first prepared in consultation with the professional unions of the chemical industry.