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The economic impacts of the approximation of the Hungarian and the EU environmental regulation on packaging

1. INTRODUCTION

After the centuries of wasting, at the doorstep of the 21st century the realisation of the limited quantity and non-renewed nature of the earth's supply of raw materials together with the ever increasing amount of waste awoke the people to the importance of the environment and its protection. Since the largest proportion of consumption goods is put into circulation in various packaging, the increased production attributed to a growing demand led to a rising amount of waste and serious polluting effects, therefore its treatment became one of the most critical points of the states' policies.

Recognising the effectiveness of international co-operation, the EU gives priority to environmental protection and waste management, which should be the case of Hungary either to become a member of the Union. Accordingly, my work would target to reveal the progress the country already made in the way of legal harmonisation process on packaging and packaging waste. It aims to find out the most problematic areas in the field of legal divergence between the two legislation and the imperfections of the enforcing mechanism, of which operation is evaluated throughout the eye of the Fűzfő Paper Plc. and the Nikecell Ltd. Besides, it is also to

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define the possible economic impacts of the introduction of an EU-conform regulation on competitiveness and foreign trade relations with the member states.

2. REGULATION OF WASTE MANAGEMENT AND PACKAGING IN THE EU AND HUNGARY

The regulation of waste management in the EU reflects a complex system of consecutive directives.¹ The framework for waste management structures is built up on two distinct directives: on waste framework directive 75/442/EEC and on hazardous waste directive. Besides, this framework is elaborated by two types of daughter directives, one of which contains the requirements for permitting and operations of processing and disposal facilities including municipal waste incineration, hazardous waste incineration and proposal on landfill, while the other set of regulations deals with specific types of waste such as packaging waste (94/62/EC directive), batteries, sewage sludge or waste oils. As a supplementary one the shipment of waste makes the framework complete.

In Hungary, however, at present neither the Act on Waste Management nor a separate legal provision regulating packing materials and packaging waste exist, thus such other provisions controlling tangential the waste and packaging must be examined, as the Act LIII of 1995 on the General Rules of Environmental Protection and the 83/1997 (IX. 26.) Parliamentary Decision. With regard to the wastes, the former says that for its treatment involving disposal and recuperation the user of the environment shall provide for.² Further regulations have to be formulated in separate provisions, which, have not been elaborated yet till now. Concerning the packing materials, they are referred as sources of waste in the same section of chapter II of the act.

The National Environmental Programme found in the Annex of the 83/1997 Parliamentary Decision aims to prevent any further increase in the quantity of waste and to reduce the organic content of discharged waste to a minimum level, so not allowed to exceed 5%³ by the introduction of selective waste collection and waste disposal to a higher extent, by rising the proportion of reuse and recycling to 25-30% of the arising waste.

¹ Guide (1997).

² Act LIII (1995).

³ Parliament (1997).

2.1. Comparison of the Hungarian legal provisions and the EU directives

For the treatment of waste coming from packing materials several means are available, of which the 94/62/EC directive on packaging considers as first the prevention of production of packaging waste and, as additional fundamental principles, the reuse of packaging, recycling and other forms of recovery of packaging waste, hence the reduction of final disposal of such waste.⁴

According to the directive, *prevention* is „the reduction of the quantity of materials and substances and of packaging and packaging waste at production process level and at the marketing, distribution, utilisation and elimination stages.” However, in Hungary there is not any legal provision being in force applying this principle. It is only the bill on waste management submitted to the Parliament that primarily formulates the prevention of waste production as an objective. Nevertheless, among the fabricants' liabilities the choice of the product features and its packaging is also regulated in the bill as one of the producers' responsibility, in which case the producer is considered as the manufacturer of a product during his economic activities. Therefore, the producer is obliged to select in a way that ensures the most effective energy and material consumption.⁵

The directive defines as *reuse* „any operation by which packaging, which has been conceived and designed to accomplish within its life cycle a minimum number of trips or rotations, is refilled or used for the same purpose for which it was conceived ...”.⁶ In Hungary, though it is an EU regulation, the reuse and refilling systems are slowly pushed into the background, since by the development of market economy the production of packing materials became a totally new branch of the industry, of which interests recycling is opposing. To give a solution for the increase in one-way packaging the Act LVI of 1995 was introduced establishing the payment of product charges on fuels, on tyres, on cooling apparatuses, on batteries and on packing materials.

Exemption can be obtained from a part of product charges on packing materials if „the obligor collects, buys back and reuses, recycles or uses for energy recovery its packing material subject to product charges”.⁷ Full exemption may be obtained if the obligor has treated packing materials of a quantity corresponding to the obligatory proportion of treatment

⁴ European Parliament (1994), article 1 (2).

⁵ Bill (1998), section 6 (1).

⁶ European Parliament (1994), article 3 (5).

⁷ Act LVI (1995), section 11 (2).

specified in a separate legal rule. The more precise and detailed regulation of such conditions are established by the 113/1995 Government Decree.

The directive considers as *recycling* of packaging waste the recycling in a production process of waste materials for the original or for other purposes, which in the Hungarian bill appears as waste utilisation. The bill defines as the producer's liability the development of such a product that after its usage for the original purpose shall be reused or produces reutilisable waste or the waste of the product produced or used by it shall be utilisable. Exemption can be obtained from the liability if the fulfilment would entail excessive costs and a disproportionately high price.⁸

Recovery means any of the 13 applicable operations provided in Annex II.B to Directive 75/442/EEC involving energy recovery, restoration or processing. Conforming to the disposals of article 4 these recovery waste operations have to be carried out in a way that does not endanger human health and avoids the application of methods or processes posing hazard to the environment. As regards the Hungarian legal regulation it is another field where it has a lot to do, since it does not have any rules or at least references to the subject.

The above comparison of the Hungarian and the EU regulation on packaging reveals that the deficiencies of the former's provisions manifest themselves in the lack of rules concerning waste prevention and the total negligence of economical consumption of raw materials. Consequently, Hungary has to introduce the bill on waste management together with adequate EU-conform provisions controlling packaging and packaging waste as soon as possible, since without any rapid improvement in this area, the establishment of an EU-conform regulation and the construction of a modern collecting, storing and transport system would possibly be realisable only by 2010⁹, hindering the accession process.

3. OPERATION OF THE HUNGARIAN ENVIRONMENTAL REGULATION IN PRACTICE

In Hungary the respect of the acts concerning packaging is enforced by the system of product charges and deposits, of which efficiency in practice leaves much to be desired for being the sources of different controversies. Their functioning is evaluated throughout the eye of two companies, so the

⁸ Bill (1998), section (3)-(4)

⁹ Szabó (1999).

following few pages will be devoted to the contradictions of the existing Hungarian system, which while does not stimulate environmentally friendly innovations sometimes raises obstacles to the progressive innovative companies.

3.1. The case of the Fűzfő Paper Plc.¹⁰

The company established in 1928 during its 70 years in the industry has been one of the determinants of the Hungarian paper production and processing. Though the main profile of the firm is the manufacturing of offset and writing papers for various stationery like note books, envelops, sheets of paper it also produces three different types of packing materials, which are as follows:

- Constructed papers, which are for the middle part of corrugated cardboard and which are transported to the Petőfi Press and to the Cofinec Hungary to be corrugated.
- Fine and middle fine packpaper, which are mainly sold to the large supermarket chains of food industry and used by them as a base for the production of combined paper boxes.
- Packing materials manufactured for the storage of the factory's own products.

3.1.1. The suppliers and the acquisition of waste paper

The waste paper used for production is supplied by 32 suppliers, among which Budafoki Recycling, Arco, Dunántúli MÉH are the largest. The problems of the Hungarian system present themselves firstly in the field of waste paper acquisition. The landfills give more for the coloured paper, about 6-8 HUF/kg and in order to obtain profit keep the prices of black and white very low at 1.50-2 HUF/kg. However, as an anomaly, the former one cannot be recycled by the paper producing factories for having a hard, clingfilm covered front page and very thin, easily rendible pages. Since the price of the black and white the companies could use is so low it is not able to serve as an incentive for the inhabitants. Therefore, it usually appears that the factories have to import waste paper, especially from Germany.

3.1.2. The treatment and use of waste paper

Before recycling the 15,000 tonnes of waste paper, 10,000 tonnes of which are built into the manufacturing of packing materials, a selection process comes as a result of which three groups are formed: the group of woodfree, of semi-woodfree and of junk mail. It is another controversy of

¹⁰ All the information is from the interview by Ms. Andrea Ménesi, the sales manager of the Fűzfő Paper Plc.

the Hungarian system, that though all the packaging manufactured here is from 100% recycled waste meaning a 100% proportion of treatment of waste against the obligatory 48% determined by the 113/1995 Government Decree, the firm has to pay product charges after its goods, from which it gets back nothing. Its official reason is that the production of packing materials does not belong to the main profile of the company.

3.1.3. The competitiveness of recycled paper

The high ignorance of environmental protection of the population is another problem raising obstacles for the innovative companies with environmental commitment. It is the case with the Fűzfő Paper Plc., as its innovative product, a new exercise book family made of recycled paper cannot be sold, it lays in the storage because the consumers look for the ones with white paper causing huge financial loss to the factory.

Regarding the costs of the production of recycled and of white paper with cellulose content the only difference appears in the acquisition price of the basic materials: the waste paper is about HUF 50-60/kg while the cellulose is up to HUF 100/kg, thus the consumption price of recycled paper will be lower. Though in theory it could contribute to an increase in the competitiveness of the company in such a Hungarian market where the demand is quite elastic and sensitive to price changes, the sales manager said nothing had changed in the company's market shares and sales volume by the introduction of recycled paper: despite its more favourable price, the normal white paper is bought instead.

By examining the sales volumes of table 1. showing the sold quantities of packing materials made from 100% recycled waste, it can be seen that the amount of fine and middle fine packpaper is rapidly increasing. Its reason lays in the increasing demand of supermarket chains for the paper used as basic material for combined boxes of food. Therefore, it is covered externally by a thin layer of clingfilm and internally by aluminium, which combined boxes the paper factories cannot recycle. Accordingly, 95% of them finish in the landfills raising the amount of waste.

Table 1.
The sales volumes of the Fűzfő Paper Plc. in 1998 and 1999

Types of packpaper	1998	Till June 1999
	(in tonnes)	
Fine packpaper	15.4	67.5
Middle fine packpaper	104	300
Constructed paper	890	286

3.2. The case of the Nikecell Ltd.¹¹

The Nikecell Ltd., from certain points of view, could be considered as the opposite of the environmentally committed Fűzfő Paper Plc. The *company's profile* is divided among three groups of products:

- 60-65% of production consists of making large polystyrene boards used for sound and heat insulation in the construction industry;
- 35% is the manufacturing of different paint and lacquer for the treatment of surface;
- 5% is making expanded polystyrene for packaging.

The *production* of expanded polystyrene used for the protection of mainly electronic devices functions in the framework of the system of paid work, since the buyer, often large electronic companies, makes the forms for the polystyrene, by which the Nikecell Ltd. produces the expanded packing material. The basic material for the polystyrene being small balls is imported from Germany due to the lack of Hungarian production and among the customers there are mainly national firms like Videoton.

3.2.1. The nature of the expanded polystyrene

This sort of packing material loads the environment for being neutral, thus not dissolvable in the soil. Its only enemy is the solar radiation, to the effect of which its upper layer becomes brown and dust-like. Therefore, for its environmental loading nature the company has to pay product charges after its manufacturing, the amount of which is calculated into the costs of paid work the customer is charged for and which sum the electronic company with great possibility shifts to its buyers.

This expanded polystyrene is the product of our modern society, it is indifferent to nature. Its recycling seems nearly impossible since it requires special technology for selecting and cleaning the material from pollution, chemicals, paint and glue in order to make it usable for production. The recycling of the polystyrene is financially not economical for the company due to the lack of proper collecting network and because of the special nature of the material since only certain types can be made from a maximum of 10% of reused polystyrene, otherwise its physical features change.

Similarly to the problems with recycling, the different methods of treatment are ineffective too. One solution for its reuse is to mix it into concrete, thus creating light concrete used in construction industry. However, it is not remunerative due to the small demand. As another way incineration appears, which is again unacceptable for polluting the environment. As an experiment, it was utilised as a possible method to

¹¹ All the information is from the interview by Mr. Béla Borzák, the marketing director of the Nikecell Ltd.

improve bad soil by mixing into it in order to make more porous. Nevertheless, it remained only an experiment. In the interest of environmental protection the solution in long-term would be the reduction of its application, which is already the tendency in Germany, and the attempts to replace it with other materials like popcorn in the USA.

Consequently, the Hungarian system does not really stimulate the company to innovate a better, more environmentally friendly technology allowing to produce less environmentally loading product. The product charge for expanded polystyrene is 11.50 HUF/kg, quite low relatively to the sales figures of the company, thus it is unable to encourage new technology.

Since the defined proportion of treatment is not obligatory, only an offered possibility of obtaining exemption, the factory rather pays the amount, saying that by the payment it contributes to the disposal of its polystyrene. Otherwise, since the expanded plastic is produced by paid work, as the director said it is not the liability of the factory to deal with its future, it is of the electronic company. Accordingly, it has a great possibility that the firm will continue its manufacturing of this environmentally loading expanded polystyrene packing material till the introduction of obligatory treatment of produced waste.

4. THE POSSIBLE IMPACTS OF AN EU-CONFORM REGULATION

The most important positive effect of the establishment of a Hungarian EU-conform regulation on packaging would be the fact of making obligatory instead of being voluntary the selective recollection of waste and its treatment, keeping with the article 3 (1) of the Council Directive 75/442/EEC. Therefore, prevention of waste would be given priority by encouraging the development of such clean technologies that ensure a more efficient and economic usage of natural raw materials, and technical product improvements not increasing the amount of waste. It would also stimulate the recovery of waste and its use as a source of energy.

4.1. The impacts on nature and on human

One of the impacts of the EU-conform provisions focusing on prevention would manifest itself in the *better state of the environmental elements*, mainly of water, air, soil. In harmony with the law the usage of clean technologies, the recollection and recovery of waste would lead to the

reduction of refuse in the environment, so contribute to the improvement of its state making the natural capital more valuable than before.

The application of clean technologies producing much smaller amount of packaging waste and polluting materials would lead to the better quality of life and hygienic conditions. It could contribute to improve the inhabitants' health, so to an *increase in the value of human capital*, which would also mean less funds spent on medicines to cure hurt in health from environmental origin. Furthermore, a *rise in the aesthetic value of nature and of the environment* in the eye of the people could either be attributed to the structural change the new regulation would require.

4.2. The impacts on the economy

Another benefit of the environmental protection measures is the transformation of the structure of the economy in a way that it will be effective and efficient from not only economic but environmental aspects. They create such an economic form of using natural resources, energy and environmental quality economically that corresponds to the requirements of sustainable development.

The introduction of new provisions would have significant influence on the rentability and future operation of certain economic activities leading to a *structural change* of the economy. Due to the introduction of ecological taxes promoting a rise in environmental efficiency, which aims the maximisation of environmental benefits and the minimisation of economic expenditure, the costs of production would be higher, to which the companies react differently in function of the flexibility of their capital.

In case of certain firms the innovations enforced by these environmental measures could result in better profitability. These are mainly the enterprises operating in rapidly changing, flexible industrial branches producing to exports. On the other hand, the firms of traditional industry and of not so considerable means producing to national markets invested their capital into old technologies. For not being so flexible the environmental requirements would encourage only the application of end of pipe technologies instead of innovations, meaning financial costs. For not carrying on the necessary technical changes in the right time and manner, the products of such industrial branches heavily polluting the environment could be more expensive and would lose their markets.

The human economy depends on the natural capital as it provides raw materials and decomposes waste produced by the factories and the population, so the state of the latter is an essential determinant of the economic performance. Consequently, if the state of the natural capital improves due to the new regulation on packaging leading to a decrease in the quantity of waste, the *economic results* achieved would be better either.

The rise in the prices of natural resources due to their increased protection would lead to the narrowing amount of production factors, which could be a stimulating factor for innovation and economic rationalisation. The usage of new technologies in order to prevent and reduce packaging waste respectively keeping with the requirements of an EU-conform regulation would mean an *improvement in the efficiency* of energy and raw material consumption. It could result in the fact of a considerable fall in the quantity of used energy and exploited materials, thus in saving costs and in sparing nature and the limited amount of non-renewed resources, while in a national level a decrease in the imported materials would *improve the balance of trade and the balance of payments*.

The unemployment, inflation, technical development and exports do not necessarily mean impeding factors for environmental protection. The legal requirement of prevention and reduction of waste demands new modern technologies and the establishment of an environmental protection background industry, where the production and operation of environmental protection devices would need for workers, so could *create workplaces*.

Another important impact could be the increasing environmental awareness of the population, so a rising demand for products in environmentally friendly packaging encouraging the companies to innovate and to use protective technology, which would cause a *better international confidence towards the Hungarian products*.

4.3. The impacts on competitiveness in international markets

The *traditional economic policy* considers environmental protection as an expensive, cost increasing, thus unfavourable activity. However, it is true for the subsequent interventions, for the investments into end of pipe technologies since most of the companies allowing to the pressure of a more strict environmental regulation often decide the introduction of end of pipe environmental solutions, thus the application of technologies that only remove pollutants from waste streams such as filters and effluent treatment facilities. Accordingly, these are likely that an additional cost element but without saving potential, which arises as a consequence of the firms' negligent behaviour and way of thinking: their management hardly takes into account the possibility of preventing the production of packaging waste, it concentrates mainly on the post-treatment.

The view that an increased environmental protection is linked to worsening international competitiveness originates mostly from the fact that environmental costs are firstly private while environmental benefits are social. Consequently, social benefits of environmental protection are

scattered over the whole economy, though private financial costs tend to be focused in the companies, in a few sectors. Moreover, such benefits from environmental expenditure can usually be realised only in long term.

The cost increasing nature of environmental protection rises under the conditions of extensive environmental policy.¹² It means the introduction of an environmental system in order to eliminate or reduce the harmful effects of the polluting technology applied by the enterprise. As in this case the environmental protection expenditure is not part of the recovery process, it appears as extra costs. Therefore, in such systems the inevitable and necessary choice between economic increase and environmental protection comes up as a dilemma for the management creating that false hypothesis that the environmental protection prevents and means an obstacle for the firm's economic development.

Nevertheless, the relationship between the environment and the economy cannot be simply considered as a zero-sum game, in which one component must necessarily lose in favour of the other. This concept could mostly derive from two misconceptions.¹³ One says that any environmental improvement requires financial funds, so the larger the expected improvement the higher amount of money is demanded. It could be true in the case of end of pipe environmental protection while the application of clean production methods usually needs in the first place changes instead of funds and provides not only environmental but favourable economic impacts as well.

Consequently, an improvement in the state of the environment could be achieved by orienting the structure of production and consumption into an environmentally protective direction leading to cost savings. However, in many cases the largest difficulty to cope with is not the money but the difficulty found in that any change in the existing production and consumption structure could be realised by a significant transformation of the environmental awareness and by the development of values.

According to another common misconception the environmental expenditure deteriorates the economic increase and potentials of competitiveness, since it means extra costs for the factory and draws away the financial resources from investments and modernisation necessary to keep positions in international markets. However, in a middle-developed or underdeveloped economy such environmental measures enforcing extra costs have positive impacts since by narrowing and causing an increase in the price of production factors they encourage the polluting companies to innovate, which leads to a rise in their international competitiveness.

¹² Horváth (1995).

¹³ Glatz (1998) .

The foregoing just summarises the essence of PORTER's theory¹⁴ on environmental protection and competitiveness having totally opposite views than the representatives of the neo-classical economics. He says that the high levels of environmental protection may raise the competitiveness but in this case the environmental regulation must be perceived by the companies, instead of something necessarily bad demanding expensive investments, as challenges coming from the external environment, which similarly to any other external changes requires an innovative reaction.

Thus it appears as an objective condition of the companies' external environment, which needs for flexible adoption. So in his system pollution is considered as a form of waste and inefficiency and if the enterprises recognise this and instead of unproductive end of pipe environmental investments they apply integrated methods, clean technologies, recovery or recycling considerable cost savings could be achieved.

This theory of PORTER works perfectly under the conditions of intensive environmental policy,¹⁵ which by contrast to the extensive one means the application of clean technologies not reducing but preventing the production of waste. It integrates the environmental protection vertically instead of horizontally into the production process in order to prevent waste production.

Accordingly, the long-term environmental policy is an integrated system of environmental protection, which includes the perfection of extensive methods, the development of a background industry for environmental protection and the attempts to shift technological development towards an environmentally conform direction.

In Hungary the introduction of a new EU-conform regulation on packaging aiming prevention as first priority would lead to the improvement of long-term competitiveness and a shift from extensive to intensive environmental policy as it would encourage the better and more efficient usage of resources by increasing the prices of raw materials, thus stimulating innovations, the application of more economical technologies.

4.4. The impacts on foreign trade

In the EU the companies consider extremely important the respect of international trade agreements, one essential field of which has become recently the regulation on environmental protection. It is because in the international markets the very different environmental requirements and legal conditions could lead to malfunctions of the market, since the

¹⁴ Boda – Pataki (1997).

¹⁵ Horváth (1995).

divergence laying in the severity of regulations could engender unfavourable flows of capital, and so it erects various barriers. The new EU-conform regulation of Hungary would possess this economic aspect and could contribute to the improvement of trade relations with the member states in different ways.

Though the application of looser national environmental regulation has its „advantage” of attracting foreign capital and investors, it also means a kind of trade barrier for the companies exporting to west. Since in the EU much more strict rules are in force on packaging and packaging waste than in Hungary, they could function as *trade barriers*.

Market access in the Union can be denied in cases where the imported goods violate a member state's domestic product standards like prohibition of certain ingredients or requirements for a minimum amount of recycled material or in cases where foreign goods are manufactured through production processes environmentally unacceptable by the importing state. Germany, as an example, imposes a license fee of even 15 times higher in value on imported products less environmentally protective and uses an obligatory deposit ratio for drinks.¹⁶ By the introduction of more rigorous Hungarian provisions conforming to the EU's most of these trade barriers would be eliminated and avoided improving trade relations with the states of the Union.

The new regulation on packaging could eliminate to a certain extent the *Union's reservation* towards products coming from Central and Eastern Europe facilitating Hungary's accession as well. The Union feels to be threatened by the joining of countries with looser environmental regulations, since it could easily lead to a shift of certain industrial branches from west to east by increasing the unemployment rate of the west but by decreasing its local production. This reservation of the Community could be weakened or may be eliminated by the introduction of EU-conform provisions.

As another positive impact the elimination of the accusation of *ecological dumping* can be considered. Most of the countries of Central and Eastern Europe are often accused of ecological dumping¹⁷ during their foreign trade with the EU states, saying that the lower prices of their goods are due to the looser environment policy applied. Their governments are usually charged with lowering strategically the environmental standards of the country in order to expand exports and to attract foreign industrial investments. Nevertheless, such accusation of ecological dumping could be eliminated by introducing higher and more strict standards to achieve, which would also serve the boom of trade relations.

¹⁶ Érsek (1997).

¹⁷ Glatz (1998).

However, the EU states are willing to acquire goods produced by considerable environmental pollution from third countries while they likely to transport the environmentally polluting technologies to abroad,¹⁸ to the countries of Central and Eastern Europe, so to Hungary as well. In order to put an end to this harmful tendency the establishment of a new regulation could be the solution by aiming prevention and by introducing higher environmental standards conforming to the EU's. Therefore, the looser requirements would not be a motivating and *attractive factor for polluting foreign companies*, industries in the future.

Furthermore, the new environmental policy could increase the *awareness and responsibility of the population for the environment*, thus the consumers sensitive to environmental problems could put pressure on both national and foreign enterprises posing hazard to the environment. By a rise in demand for products in environmentally friendly packaging the demand for the disposable ones will decline resulting in a financial loss for the firms. The increasing national environmental awareness could also mean increasing foreign trade with companies of the EU producing merchandises in environmentally productive packaging.

5. CONCLUSION

The new legal provisions, though demand huge amounts of funds and a compromise among the various interest groups, would have favourable impacts on not only the environment but on the economy as well. They could influence positively the environmental elements by improving their state and the human living conditions meaning an increase in the value of human capital just like the economy by encouraging structural change, innovations leading to a shift from extensive to intensive environmental policy.

By causing a rise in the prices of natural resources the new regulation could mean an improvement in the efficiency of energy and raw material consumption, thus in a national level could result in a better balance of trade and balance of payments. It would either contribute to an increase in competitiveness in international markets and to the improvement of trade relations with the EU states and the possible elimination of trade barriers originating from looser national environmental requirements. Therefore, its earliest possible introduction is everyone's interests, from the government through the companies to the population.

¹⁸ Szász (1998).

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