Environment: batteries and accumulators, placing on the market and waste minimisation

2008/0081(COD) - 16/04/2008 - Legislative proposal

PURPOSE: to clarify Directive 2006/66/EC so that batteries and accumulators that were legally placed on the market anywhere in the Community before 26 September 2008 and which do not comply with the Directive can remain on the Community market after this date.

PROPOSED ACT: Directive of the European Parliament and of the Council.

BACKGROUND: article 6(2) of Directive 2006/66/EC sets out that batteries and accumulators that do not meet the requirements of the Directive should not be placed on the market or should be withdrawn from it. This provision could be understood to require that batteries lawfully placed on the market before 26 September 2008, still on the market after this date, and not meeting the requirements of this Directive, also need to be withdrawn from the market.

If the provision of the Directive is read as above, it would mean that a considerable amount of batteries that were legally placed on the market become waste prematurely. This would be contrary to the principle of waste minimisation. This could also result in appliances becoming waste prematurely. Withdrawing these batteries from the market or making them compliant with the Directive would also cause increased administrative burden both for the Member States and for industry.

CONTENT: this proposal aims at modifying Article 6(2) of Directive 2006/66/EC. It makes it clear that batteries must not be placed on the Community market after 26 September 2008 if they do not comply with Directive 2006/66/EC. If they happened to be placed on the market after this date, they need to be withdrawn from the market. The proposal thus clarifies that batteries lawfully placed on the market before 26 September 2008 and which are on the market after this date and yet do not comply with Directive 2006 /66/EC, do not have to be withdrawn from the market or relabelled after this date. By clarifying this provision the proposal provides legal certainty on this matter.