Batteries and accumulators and waste batteries and accumulators

2003/0282(COD) - 02/12/2010 - Follow-up document

In accordance with Directive 2006/66/EC, the Commission presents a report concerning the **exemption from the ban on cadmium granted for portable batteries and accumulators intended for use in cordless power tools (CPTs)**. Examples of CPTs include tools used by consumers and professionals for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, making holes, punching, hammering, riveting, screwing, polishing or similar processing of wood, metal and other materials or for mowing, cutting and other gardening activities.

In preparation for potential proposals for legislation concerning the exemption, the Commission gathered evidence on the advantages and disadvantages of possible policy options, including their economic, social and environmental impact, in line with its impact assessment guidelines.

According to the conclusions of a study undertaken for the Commission in 2003, at the time, there existed no viable solution to replace the product that was the subject of the exemption. In the meantime, new information has come to light, including a new risk analysis, a report from the Swedish Environmental Protection Agency and a study ordered by the Commission in order to synthesise and assess the information available which was published in March 2010.

Today Li-ion and nickel-metal hydride (NiMH) are fully competitive alternatives to NiCd battery technologies, in terms of both price and performance, although different types of battery technologies have their advantages and disadvantages. While withdrawal of the exemption could possibly yield substantial environmental and health benefits, estimation of the benefits is highly uncertain. **It cannot currently be demonstrated that the benefits of withdrawing the exemption would clearly outweigh the costs**.

The studies available and the discussion with and between stakeholders all suffer from the lack of substantive comparative data on the impact of the battery types available for cordless power tools. Only a comparative life-cycle assessment of the three main alternatives can lay the foundation for a sound impact assessment on the exemption and dispel the current uncertainty. On the whole, the consultation of interested parties organised by the Commission in 2010 also confirmed the need for a comparative life cycle assessment in order to have a solid base to undertake a cost-benefit analysis.

The Commission concludes that at this juncture it is **not appropriate to bring forward proposals** to withdraw the exemption for cordless power tools from the ban on cadmium in batteries and accumulators. Any proposal for legislation on this matter, based on an impact assessment in line with Commission policy, would require comparable technical and scientific information on the costs and benefits of cadmium and its substitutes in portable batteries and accumulators for CPTs.

The Commission will therefore **order a comparative life-cycle analysis**, generating this information beyond the existing scientific literature and including a peer review, as required by scientific quality standards. Based on that information and in line with Article 4(4) of the Batteries Directive (Directive 2006/66/EC), the Commission will, if appropriate, then proceed with proposals for legislation with a view to prohibiting cadmium in batteries and accumulators in CPTs by withdrawing the existing exemption.