

Placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools, and of button cells with low mercury content

2012/0066(COD) - 26/03/2012 - Legislative proposal

PURPOSE: to amend Directive 2006/66/EC by limiting the exemption for the use of cadmium in portable batteries and accumulators intended for use in cordless power tools to 1 January 2016.

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

BACKGROUND: Directive 2006/66/EC of the European Parliament and of the Council

on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC prohibits the placing on the market of portable batteries and accumulators, including those incorporated into appliances, that contain more than 0.002% of cadmium by weight therein. However, **the portable batteries and accumulators intended for use in cordless power tools have been exempt from that ban.**

The Commission has reviewed that exemption with a view to the prohibition of cadmium in batteries and accumulators. That review led to the conclusion that, in order to gradually diminish the amount of cadmium released to the environment, the prohibition of the use of cadmium should be extended to portable batteries and accumulators intended for use in cordless power tools as suitable cadmium-free substitutes for these applications are available on the market, namely nickel-metal hydride and lithium-ion battery technologies

IMPACT ASSESSMENT: the Commission's impact assessment concludes that compared to the baseline scenario the other policy options related to a withdrawal of the exemption (immediate withdrawal or withdrawal in 2016) would lead to a lower overall environmental impact, both in terms of avoiding releases of cadmium to the environment and in terms of aggregated environmental impacts based on six environmental indicators.

The impact assessment concludes that if the exemption is withdrawn in 2016, the environmental benefits would be slightly lower than in the case of immediate withdrawal but the **costs would be much lower** compared to an immediate withdrawal. Over the period 2013-2025, a cordless power tools with alternative battery chemistry will, depending on the alternative battery chemistry chosen (nickel metal hydride or lithium-ion), cost EUR 0.8 and EUR 2.1 more respectively if the exemption is immediately withdrawn and an additional EUR 0.4 and EUR 0.9 respectively in the case of withdrawal in 2016.

As **withdrawal of the exemption in 2016** would have almost the same level of effectiveness at a higher efficiency compared to an immediate withdrawal, this option is the preferred one.

LEGAL BASIS: Article 192 (1) of the Treaty on the Functioning of the European Union.

CONTENT: the proposal amends Directive 2006/66/EC by **limiting the exemption for the use of cadmium in portable batteries and accumulators intended for use in cordless power tools to 1 January 2016.** This means that as from this date, the use of cadmium in portable batteries and

accumulators intended for use in cordless power tools, included those incorporated into appliances, is restricted to 0.002% of cadmium by weight in line with Directive 2006/66/EC.

The proposal identifies the delegated and implementing powers of the Commission in Directive 2006/66/EC and establishes the corresponding procedures for adoption of these acts **in accordance with Articles 290 (delegated acts) and 291 (implementing acts)** of the Treaty on the Functioning of the European Union.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.