Batteries and accumulators and waste batteries and accumulators

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he Commission presents a staff working document accompanies the Commission’s report on the evaluation of the Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators. The document confirms that although the Directive has provided a broad EU framework, it is too general on the nature and extent of the objectives to be achieved and on important measures that the Member States must implement. Key objectives, such as achieving a high level of material recovery - and obligations, such as ensuring that all collected waste batteries are recycled — are not sufficiently highlighted. A clearer description of the Directive's internal logic and links would have improved its transposition and implementation.

The evaluation considered five criteria, namely the Directive's relevance, effectiveness, efficiency, coherence, and EU added value.

Relevance

The environmental concerns addressed by the Directive are still relevant: batteries contain hazardous substances and present a risk to the environment when improperly disposed of. While mercury-containing batteries are being phased-out, old and ‘new’ batteries still contain other hazardous substances. The two main approaches to facing these risks (i.e. the reduction of hazardous components and the management of waste batteries) are suitable, even if stronger measures are needed to deal with the huge amount of waste batteries that will be generated in the coming years. Several important elements of the Directive's circular economy-related approaches correspond to the main elements of the circular economy policy, but there are no provisions on sorting or other pre-recycling stages of waste batteries. The evaluation also shows that the Directive cannot sufficiently incorporate easily technical novelties, such as lithium-based batteries and re-use of advanced batteries.

Effectiveness

The Batteries Directive has contributed to reducing the environmental impact of batteries: the content of mercury and cadmium in batteries has decreased, and the number of batteries that are not treated adequately at the end of life has gone down. However, only half of Member States have met the Directive’ s target on collection of waste portable batteries. An estimated 56.7 % of all waste portable batteries are not collected, of which around 35 000 tonnes enter municipal waste streams annually, resulting in environmental harm and loss of resources. The evaluation notes the following problems:

- provisions on the collection of different types of batteries are too diverse;

- there are targets only for the recycling efficiencies for lead and cadmium but not for other valuable components;

- there are no details on how to increase consumers' understanding of their role in ensuring the collection of spent batteries, and the Directive also lacks a proper system of informing end-users of the quality of the batteries placed on the market.

The report notes that implementing extended producer responsibility is considered a success of the Directive. Producers' contribution to financing any net costs arising from the management of all waste batteries collected has allowed the roll out of national schemes to collect portable waste batteries.

Efficiency

Whilst businesses consider that implementing the Directive has entailed significant costs, they consider that these costs are justified in light of the Directive's current and future benefits. The Directive's provision on recycling all collected batteries is key to ensuring the viability of recycling activities. If higher levels of supply, i.e. higher collection rates of all types of batteries were achieved, better results for recycling activities would have been expected. In addition to lowering the reliance on imports of particularly important raw materials, including critical ones, recycling may have economic benefits. However, the Directive unnecessarily limits these benefits, as it only establishes efficiency targets for lead and cadmium. The recovery of other valuable materials, such as cobalt, lithium or critical raw materials is not specifically promoted.

The report adds that extended producer responsibility obligations for industrial batteries are not well-defined. There are no detailed provisions for collection, setting up national schemes and financing aspects for industrial batteries, which will be increasingly relevant in future as using these batteries is considered vital for low carbon policies in the EU.

Coherence

The report considers that the Directive should strive for better coherence with the Waste Framework Directive, since there are discrepancies between the definition of terms in the two acts. Furthermore, it suggests that the REACH framework is more suitable for managing chemicals in batteries, since it has a substance-based approach, not article-based one.

With respect to the Directive on the management of Waste Electric and Electronic Equipment (WEEE), the report notes that definitions and concepts should be harmonized with the Batteries Directive. There are difficulties in differentiating the scope of the two directives. Devices like power banks could be considered both a battery and an electronic appliance depending on the Directive concerned.

Internal consistency

The report states that the Directive only sets targets for the separate collection of portable waste batteries and the recycling efficiencies of certain types of collected waste batteries. In particular:

- there is no target for reducing the disposal of batteries as municipal waste;

- there are no quantitative targets for the separate collection of automotive and industrial batteries; and

- the obligation to ensure the treatment and recycling of 'all' collected waste batteries is not explicitly spelled out.

Reporting obligations are only established when targets are set. The absence of quantified targets makes it very difficult to assess Member States' performance on these particular aspects.

There are cases where the lack of detail in the definition of the obligations may distort the internal market such as the classification of batteries, exemptions to obligations on removability or labelling, and the consideration of slag as a recycled product.

EU added value

There is significant support for the conditions for the sale, collection and recycling of batteries to continue being set at EU level. Most stakeholders are convinced that the Directive has significantly contributed to the good functioning of the single market for batteries and that trade barriers are lower than would be the case with national regulations. However, there are cases where the lack of detail or of detailed obligations may distort the single market for batteries (e.g. lack of classification of batteries, consideration of recycling slag, exemptions to removability or labelling).