# Batteries and accumulators and waste batteries and accumulators

2003/0282(COD) - 18/07/2005 - Council position

The Council argues that its Common Position incorporates most of the amendments tabled by Parliament at its first reading. In particular, the Common Position acknowledges modifications to the Commission's original proposal that would tighten current restrictions on the use of heavy metals in batteries and accumulators provide for a review of the need to extend these restrictions, remove the requirement for monitoring of municipal solid waste and base collection targets on past sale figures. On the question of subject-matter, scope and definitions, the Common Position is, for the most part, consistent with Parliamentary amendments. Similarly, the Council broadly agrees with the Parliament that military use batteries and accumulators as well as equipment used for space exploration should be exempted from the scope of this Directive.

- On the question of definitions, the Council states that it has tried to avoid an overlap between the definitions of the three types of batteries and accumulators – in other words relating to portable, industrial and automotive batteries. It has also sought to ensure that the definitions collectively cover all batteries and accumulators. However, in the Common Position, the 'portable' rather than the 'industrial' category is the default one. As far as the definition of 'producer' is concerned, the Common Position has simplified the definition so that each battery placed on the internal market can be easily identified. This, it is hoped, will make the principle of producer responsibility more effective. Importantly, the Common Position deletes references to the definition of a 'closed-loop' system. Other definitions that have been re-worded relate to the terms 'placing on the market', 'economic operators' and 'cordless power tool'.

- On the question of heavy metals, the Common Position provides for a cadmium ban, subject to exemptions and open to review. The ban would not, initially, apply to cordless power tools. Consequently, the review would apply only to those products. There would be no restrictions on the use of lead. Thus, the Common Position does not include any monitoring requirements for the Member Sates in relation to municipal solid waste.

- On the question of Collection, the Common Position establishes a principle to maximise the separate collection of batteries and accumulators and to minimise their disposal. Essentially, this principle replaces the original proposal of a closed-loop system. The changes also seek to introduce greater flexibility for the Member States in order to take account of existing national arrangements and schemes. The proposed revision excludes collection points from requiring permits. In addition, the Common Position sets collection targets and gives the power to lay down transitional arrangements through the comitology procedure. Collection targets are based on sales figures, there are no specific collection targets for nickel-cadmium batteries and the procedure for derogations has become more transparent. In addition, Member States have to achieve a collection rate equivalent to 25% of sales within four years of the Directive being transposed. The collection target would rise to 45% over five years after transposition. A common method for the calculation of sales figures would have to be established through comitology.

- On the question of treatment, recycling and disposal, the Common Position repackages the provisions relating to these issues to a new Annex III. This Annex requires the removal of cadmium and lead during recycling to the highest degree that is technically feasibly while avoiding excessive costs. There is an additional clarification that the ban on the disposal of automotive and industrial batteries and accumulators in landfill sites will apply to whole batteries only and not to residues.

- On the question of financing, the Common Position clarifies the exact financial responsibility of battery producers. There should, for example, be no double charging of producers that also contribute to schemes set up under the ELV and WEEE Directives. The Common Position makes no explicit provisions on historic waste.

- On the question of information for end-users, no major changes to the proposed provisions have been incorporated. Lastly, on other issues, the Common Position makes some changes to the transposition date as well as changes limiting the scope of voluntary agreements to collection schemes, exports and information for end-users

To conclude, the Council believes that the Common Position represents a balanced package of measures contributing to the protection of the environment without creating unjustified social or economic costs.