Batteries and accumulators and waste batteries and accumulators

2003/0282(COD) - 23/08/2005 - Commission communication on Council's position

The main objective of the Directive initially proposed by the Commission is to restrict and reduce the disposal of waste batteries and accumulators and to increase the level of their collection and recycling. In its initial proposal the Commission suggested that the optimum method for achieving such an ambitious target would be through the ‘closed-loop’ system. Thanks in large part to the high cost for the Member States of such a system and in light of new information, the Council has opted for other policy measures to achieve the Directive’s objectives. The Commission accepts this reasoning, acknowledging that the policy preferred by the Council is at least equivalent to the Commission’s original proposal. The Commission therefore can support the overall package. In detail, the changes to the initial proposal following the Council’s Common Position are as follows:

Parliamentary amendments accepted by the Commission and incorporated in full, in part or in principle.

- The Commission accepts changing the word ‘consumer’ into ‘end-user’.
- An amendment clarifying the scope of the Directive.
- Useful clarifications of the definitions for battery, accumulator and battery pack.
- Clarification of terminology relating to button cells, which can be used as back-up power.
- Clarification of the term ‘responsible producers’, to prevent any anomalies with the internal market.
- Including a definition of ‘distributor’.
- Providing for a cadmium ban, subject to exemption, and subject to regular reviews.
- Obliging producers to increase the environmental performance of batteries and accumulators and the promotion of RT&D in this field
- Incorporating a scheme whereby batteries and accumulators can be collected together with electrical and electronic schemes.
- The incorporation of a new paragraph stipulating that the minimum recycling efficiencies could be adapted through comitology taking into account scientific and technical progress.
- New provisions that the battery producers whose products are still incorporated in other products (such as cars or electrical equipment at the moment of waste) will only become responsible for the further treatment of the batteries once they have been removed from the other products.
- Clarification that participation in such schemes should be open to all economic operators in a non-discriminatory manner.
- Obliging Member States to take appropriate measures to encourage end-users to participate in collection schemes.

- The removal of a number of detailed labelling requirements from Annex II to an article within the Directive. Exemptions from the labelling requirements could be done so on the basis of a comitology procedure.

- Partially accepting the deletion of the 10% derogation from the recycling requirement and the possibility of making technical adaptations.

- Clarification that automotive batteries should be collected from the end-user or from an accessible place in their vicinity.

- Clarification that the use of visible fees is prohibited fro the sale of new products.

Parliamentary amendments accepted in full, in part or in principle by the Commission but NOT incorporated into the Common Position include, inter alia,:

- Amendments stipulating that end-users should be informed about the capacity of the batteries and that the capacity should be indicated on the battery pack.

- Although the Commission welcomed clarification on the terminology of a 'closed-loop' system, the Council rejected any reference to the system since they considered it a theoretical concept, which would be difficult to achieve in practice.

- Amendments obliging end users to return their spent batteries and accumulators to collection points. The Council considers such an obligation to difficult to enforce.

- In order to avoid a gap in financing, the Council decided the principle of producer responsibility should apply both to producers of individual batteries and appliance and car producers who place batteries on the market, while avoiding double charging.

- Amendments clarifying the cost of the management of historic portable batteries and accumulators. The Council wants to allow for greater flexibility for national systems on this issue.

Parliamentary amendments rejected by the Commission and the Council and not incorporated in the Common Position include, inter alia,:

- In cases where recitals have been changed, they have been done so to reflect the various changes made throughout the articles. So, for example, recital 8 and 9 give a non-exhaustive list of industrial and portable batteries and cordless power tools.

- The main changes made to the articles by the Council relates to the introduction of a limited ban on the use cadmium in portable batteries, instead of the proposed 80% collection target for portable cadmium batteries – which would require monitoring the waste stream. Such an approach, the Council reasons, will contribute to the achievement of a closed-loop system.

- On the question of collection targets the Council prefers to express the collection targets in percentages rather than in grams per inhabitant – as was initially proposed by the Commission. Under this scheme the Common Position proposes targets of 25% and 45% to be achieved respectively four and eight years after the transposition date.

- The Council has also adopted a new definition of 'producer'. To allow Member States to identify a producer on their national territory for the implementation of financial producer responsibility.

The term ‘producer’ will also apply to appliances/cars, appliance manufacturers and car producers, in cases where the appliance or car incorporates a battery at the moment when it is placed on the market.

- Member States are to avoid double charging, whilst the producers have to finance the net costs related to the waste management of batteries.

- Producers are no longer required to provide a guarantee when placing a battery on the market.

- A Commission proposal establishing rules on the financing of historic waste has been deleted

- In the annexes, Annex I of the Common Position contains a table for monitoring compliance with the collection targets.

- The prescriptive labelling requirements of Annex II have moved to Article 18 of the Common Position. Thus Annex II only contains the labelling symbol.

The detailed treatment and recycling requirements have moved to Annex III of the Common Position.