

Batteries and accumulators and waste batteries and accumulators

2003/0282(COD) - 22/11/2005

The committee adopted the report by Hans BLOKLAND (IND/DEM, NL) amending the Council's common position under the 2nd reading of the codecision procedure. It reinstated a number of amendments adopted by Parliament at 1st reading which had not been taken up by the Council, and also tabled new amendments in response to changes made by the Council to the original proposal:

- **legal base:** Art. 175 of the EC Treaty (environment) should be the only legal base instead of the dual base proposed (Art. 175 and Art. 95, internal market);

- **Art. 1** should specify that the purpose of the directive is, "as a first priority, the prevention of the use of heavy metals (...) and in addition the collection, treatment, recycling and disposal of all waste (...) in order to avoid the disposal of batteries containing hazardous substances and to recycle the useful substances therein". The directive should also seek "to improve the environmental performance of batteries and accumulators and of the activities of all operators involved (...)";

- **Art. 3 (definitions):** battery packs and button cells should be explicitly included in the definition of portable batteries to ensure that they are covered by collection and treatment requirements. The difference between portable and industrial batteries should be clarified, and the definition of "recycling" should be fully consistent with that given in the WEEE directive;

- a **new Article 4a** provided for Member States to promote research and encourage producers to improve the overall **environmental performance** of batteries;

- **Art. 5 (placing on the market):** batteries and accumulators should not be incorporated in appliances "unless they can be readily removed, when spent, by the consumer". The committee also introduced a **new Annex IIa** defining appliances excluded from this prohibition (e.g. some applications in information technology, medical devices, etc.);

- **Art. 6 (overarching objective):** MEPs amended the wording in order to strengthen the obligations of Member States, who should "take the necessary measures" to maximise the separate collection of waste batteries and accumulators and to prevent their final disposal "in order to achieve maximum recycling";

- **Art. 7 (collection schemes):** individual producers may not refuse to take back waste industrial batteries and accumulators provided these have a similar chemical composition to those placed on the market by that producer. End-users should be obliged to return their waste industrial and automotive batteries and accumulators. Distributors should be obliged to take back spent portable batteries from end-users at no charge;

- **Art. 8 (economic instruments):** deposit schemes should not be used for batteries, as they would create a disproportionately high administrative burden. Differential tax rates may be adopted, provided that internal market rules are not infringed and there are consultations with all the parties concerned;

- **Art. 9 (collection targets):** more ambitious targets should be set for portable batteries and accumulators: 40 % after 6 years and 60 % after 10 years (rather than 25% and 45% as proposed by the Council). After 7 years the Commission should put forward proposals to increase collection targets;

- **Art. 13 (financing):** producers should finance any net costs arising from public information campaigns on collection and recycling. Responsibility for meeting the costs of collection, treatment, recycling and disposal of "historic waste" (batteries placed on the market before the entry into force of the Directive) should lie with producers. Member States must ensure that producers are allowed to recover their costs but that these costs are not shown separately at the time of sale to the end-user;

- **Art. 15 (small producers)** should be deleted to ensure that the possibility of a "de minimis" rule for small producers does not provide a loophole for free-riders;

- **Art. 17 (information to end-user):** distributors must "inform end-users about the possibility of discarding waste portable batteries and accumulators at their sales points";

- **Art. 18 (labelling):** Member States must ensure that the capacity of batteries is indicated on them "in a visible, legible and indelible form", in order to encourage informed choice by the consumer;

- **Annex III (treatment and recycling requirements):** there should be recycling of **55 %** by average weight for batteries and accumulators other than lead-acid and nickel-cadmium ones (rather than 50 % as laid down in the common position). The minimum recycling efficiencies proposed in the Annex should be evaluated regularly and adapted to the best available technology.