Batteries and accumulators and waste batteries and accumulators

2003/0282(COD) - 17/01/2006 - Commission opinion on Parliament's position at 2nd reading

The Commission can accept, out of the 23 amendments adopted, 12 amendments in full and 1 amendment in part. 10 amendments are not acceptable to the Commission.

Main amendments accepted by the Commission:

- Parliament deleted the possibility to establish a “de minimis” rule on the basis of a comitology procedure and provides that all producers should be registered. The Commission can accept the deletion of the possibility of adopting a “de minimis” rule through comitology, since such a “de minimis” rule could lead to free riders on the market and could jeopardise the credibility of each national collection system. The required registration of producers is in line with the proposed Directive and thus also accepted by Commission;

- the addition of button cells and battery packs to the definition of portable batteries is a useful clarification;

- replacing the wording ‘sold to end-users’ by ‘placed on the market’ in the definition of collection rate is also useful clarification which seems easier to monitor for the Member States;

- the introduction of the obligation for Member States to promote research to increase the environmental performance of batteries is in line with the Commission’s initial proposal and can thus be accepted;

- theobligation for Member States to take the necessary measures to maximise collection and prevent disposal is accepted;

- the Commission also considers the requirement for Member States to start calculating the collection rate 4 years after entry into force of the proposed Directive a useful clarification as this would allow

Member States and the Commission to gain experience with the calculation method of the collection target, 2 years before the target itself becomes legally binding;

- the battery capacity will be indicated on a label. This amendment is in line with the Communication on IPP as well as in line with the Commission’s initial Proposal.

Amendment accepted in part:

- thechange of the word ‘target’ into ‘efficiency’, clarifies that Member States should achieve the recycling efficiencies, requires a ‘closed-loop’ of the recycled heavy metal content, increases the recycling efficiency target for non-hazardous batteries from 50% to 55% and provides that the efficiencies can be amended on the basis of a comitology procedure. This amendment is partly acceptable. The reference to closed-loop system is not acceptable, since the Commission feels that it may create impracticalities from an implementation and cost point of view. The other parts of this amendment are accepted by the Commission. The reference to ‘efficiencies’ and the recycling efficiency for non-hazardous batteries of 55% target are in line with the Commission’s initial proposal.

Main amendments rejected by the Commission:

- the amendment changing the subject matter into specifying the environmental objectives of the proposed Directive is not acceptable since it is not in line with the interinstitutional drafting guidelines;

- the clarification of what is meant by “energy recovery” is not accepted by the Commission. The proposed Directive focuses on recycling as the treatment operation for batteries, not on energy recovery. Moreover, the term ‘energy recovery’ could be reviewed within the framework of the

Thematic Strategy on Waste Prevention and Recycling;

- Parliamentintroduced the requirement that batteries should be readily removable by consumers with a list of exemptions. These amendments are not acceptable. From an environmental point of view this requirement is redundant now that the WEEE Directive requires the collection of batteries incorporated into appliances. From a technical point of view, it may hamper technological developments of applications which require a battery soldered into the appliance.

- Parliamentdeleted the reference to population density for the setting up of national collection schemes for portable batteries. Furthermore, it specified that collection points do not need a licence under Directive 75/442/EEC or 91/689/EEC. The first part was already rejected after first reading. The specification that collection points do not need a licence under Directive 75/442/EEC is unnecessary since this is already covered;

- the amendment obliging distributors to take-back portable batteries is not accepted by the Commission since this is already covered by the proposed Directive, which leave the role of distributors in the collection of portable batteries to the discretion of the Member States, in line with the subsidiarity principle;

- Parliamentdeleted the possibility for Member States to adopt deposit schemes and introduced specific conditions for adopting economic instruments. This is rejected since the adoption of economic instruments should be left to the discretion of the Member States. The conditions for adopting national economic instruments are already governed by primary EC law;

- the Commission does not accept the amendment making producers financially responsible for information campaigns for the public, since this should be left to the discretion of the Member States, in line with the subsidiarity principle;

- regulating financial producer responsibility for historic waste, is not accepted since the Commission prefers to leave this issue to the discretion of the Member States, in line with the subsidiarity principle;

- finally, the Commission rejected the amendment obliging distributors to inform end-users about the possibility of discarding waste portable batteries at their sales points, because this issue should be left to the discretion of the Member States, in line with the subsidiarity principle.