Batteries and accumulators and waste batteries and accumulators

2003/0282(COD) - 06/09/2006 - Final act

PURPOSE: to protect the environment, to ensure the proper functioning of the internal market and to repeal Directive 91/157/EEC.

LEGISLATIVE ACT: Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC.

CONTENT: the primary objective of this Directive is to minimise the impact of a) batteries and accumulators and b) waste batteries and accumulators on the environment. Such policies help protect and preserve the quality of the environment. A second objective of the Directive is to introduce harmonised requirements concerning the heavy metal content and labelling of batteries and accumulators in order to ensure the smooth functioning of the internal market and to avoid a distortion of competition within the Community. Until now, EU legislation on batteries has centred on Directive 91/157/EEC. However, the objectives of that Directive have not been fully attained. Directive 91/157/EEC is, therefore, repealed and replaced by this new batteries Directive.

To achieve its environmental objectives, this Directive prohibits the placing on the market of certain batteries and accumulators containing mercury or cadmium. It also promotes a high level of collection and recycling of waste batteries and accumulators and includes provisions on improved environmental performance of all operators involved in the life cycle of batteries and accumulators. More specifically, the Directive establishes:

- rules regarding the placing on the market of batteries and accumulators;

- a prohibition on the placing on the market of batteries and accumulators containing hazardous substances;

- specific rules for the collection, treatment, recycling and disposal of waste batteries and accumulators to supplement relevant Community legislation on waste;

- the promotion of a high level of collection and recycling of waste batteries and accumulators.

The Directive applies to all batteries and accumulators placed on the market within the Community and to producers, distributors and end-users. In particular, it applies to those operators directly involved in the treatment and recycling of waste batteries and accumulators.

The Directive distinguishes between portable batteries and accumulators on the one and hand and industrial and automotive batteries and accumulators on the other. The disposal of industrial and automotive batteries and accumulators in landfill sites or by incineration is prohibited. Also prohibited are all batteries that contain more than 0.0005% of mercury by weight and portable batteries containing more than 0.002% of cadmium by weight. Exempted, for the moment, are cadmium portable batteries and accumulators intended for use in cordless power tools – such as those used for sanding, screwing or polishing. The Commission will, however, review this exemption by September 2010.

Examples of portable batteries and accumulators, (all-sealed batteries and accumulators that an average person could carry by hand without difficulty) include: AA and AAA batteries, batteries used in mobile

telephones, portable computers, cordless power tools, toys and household appliances such as electric toothbrushes etc.

Examples of industrial batteries and accumulators include: batteries and accumulators used for emergency or back-up power supply in hospitals, airports or offices, those used in trains or aircraft, off-shore oil rigs or lighthouses. Examples also include batteries designed exclusively for hand-held payment terminals in shops and restaurants, bar code readers in shops, professional video equipment for TV channels, miners' lamps and diving lamps etc.

Member States may not impede prohibit or restrict the placing on the market of batteries and accumulators that meet the requirements of this Directive. By the same token, they have to take the necessary measures to ensure that batteries or accumulators that do not meet the requirements of this Directive are not placed on the market or are withdrawn from it.

The Directive states that waste batteries and accumulators should be collected. For portable batteries and accumulators, collection schemes achieving a high collection rate are established. This means setting up collection schemes so that end-users can discard all waste portable batteries and accumulators conveniently and free of charge. Member States are, therefore, given a minimum set of collection and recycling targets based on average annual sales in preceding years. The exact minimum collection rates set out in the Directive are as follows:

- 25% by 26 September 2012;

- 45% by 26 September 2016.

Similarly, specific recycling requirement have been established for cadmium and lead batteries and accumulators in order to attain a high level of material recovery. The Directive allows batteries and accumulators to be collected individually, by way of national battery collection schemes or together with waste electrical and electronic equipment, also by way of national collection schemes.

The basic principles for financing the management of waste batteries and accumulators will be set at the Community level. These schemes help achieve high collection and recycling rates as well as giving effect to the principle of producer responsibility. In other provisions, all producers of batteries need to be registered. They are responsible for financing the costs of collecting, treating and recycling all collected batteries and accumulators minus the profit made by selling the materials recovered.

The Directive sets out rules on information to end-users and detailed provisions concerning labelling systems of batteries and accumulators.

ENTRY INTO FORCE: 26 September 2006.

TRANSPOSITION: 26 September 2008.