Basic information

2003/0282(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Batteries and accumulators and waste batteries and accumulators Repealed by 2020/0353(COD) Amended by 2007/0036(COD) Amended by 2008/0081(COD) Amended by 2012/0066(COD) Amended by 2015/0272(COD) **Subject** 3.70.12 Waste management, domestic waste, packaging, light industrial waste 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport)	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CODE EP Delegation to Conciliation Committee	BLOKLAND Johannes (IND/DEM)	15/12/2005

Former committee responsible	Former rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	BLOKLAND Johannes (IND/DEM)	14/09/2005
ENVI Environment, Public Health, Consumer Policy	BLOKLAND Johannes (EDD)	27/11/2003

Former committee for opinion	Former rapporteur for opinion	Appointed
JURI Legal Affairs and Internal Market	WALLIS Diana (ELDR)	18/02/2004
ITRE Industry, External Trade, Research, Energy	LINKOHR Rolf (PSE)	04/02/2004

Council of the European Union

Council configuration	Meetings	Date
Agriculture and Fisheries	2676	2005-07-18
Agriculture and Fisheries	2724	2006-04-25

	Agriculture and Fisheries	2745	2006-07-18
	Environment	2632	2004-12-20

European Commission	Commission DG	Commissioner
	Environment	

Key events

Date	Event	Reference	Summary
21/11/2003	Legislative proposal published	COM(2003)0723	Summary
15/12/2003	Committee referral announced in Parliament, 1st reading		
06/04/2004	Vote in committee, 1st reading		Summary
06/04/2004	Committee report tabled for plenary, 1st reading	A5-0265/2004	
19/04/2004	Debate in Parliament		
20/04/2004	Decision by Parliament, 1st reading	T5-0304/2004	Summary
18/07/2005	Council position published	05694/5/2005	Summary
08/09/2005	Committee referral announced in Parliament, 2nd reading		
22/11/2005	Vote in committee, 2nd reading		Summary
24/11/2005	Committee recommendation tabled for plenary, 2nd reading	A6-0335/2005	
12/12/2005	Debate in Parliament		
13/12/2005	Decision by Parliament, 2nd reading	T6-0495/2005	Summary
13/12/2005	Results of vote in Parliament		
25/04/2006	Parliament's amendments rejected by Council		Summary
02/05/2006	Formal meeting of Conciliation Committee		
02/05/2006	Final decision by Conciliation Committee		Summary
19/06/2006	Joint text approved by Conciliation Committee co-chairs	03615/2006	
27/06/2006	Report tabled for plenary, 3rd reading	A6-0231/2006	
03/07/2006	Debate in Parliament		
04/07/2006	Decision by Parliament, 3rd reading	T6-0284/2006	Summary
04/07/2006	Results of vote in Parliament		
18/07/2006	Decision by Council, 3rd reading		
06/09/2006	Final act signed		
06/09/2006	End of procedure in Parliament		
26/09/2006	Final act published in Official Journal		

Technical information	
Procedure reference	2003/0282(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealed by 2020/0353(COD) Amended by 2007/0036(COD) Amended by 2008/0081(COD) Amended by 2012/0066(COD) Amended by 2015/0272(COD)
Legal basis	EC Treaty (after Amsterdam) EC 095-p1
Stage reached in procedure	Procedure completed
Committee dossier	CODE/6/32860

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0265/2004	06/04/2004	
Text adopted by Parliament, 1st reading/single reading		T5-0304/2004 OJ C 104 30.04.2004, p. 0037-0354 E	20/04/2004	Summary
Amendments tabled in committee		PE364.731	20/10/2005	
Committee recommendation tabled for plenary, 2nd reading		A6-0335/2005	24/11/2005	
Text adopted by Parliament, 2nd reading		T6-0495/2005	13/12/2005	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A6-0231/2006	27/06/2006	
Text adopted by Parliament, 3rd reading		T6-0284/2006	04/07/2006	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	10844/2005	11/07/2005	
Council position	05694/5/2005 OJ C 264 25.10.2005, p. 0001-0017 E	18/07/2005	Summary
Draft final act	03615/5/2006	06/09/2006	

European Commission

Document type	Reference	Date	Summary
	COM(2003)0723		

Legislative proposal		21/11/2003	Summary
Document attached to the procedure	SEC(2003)1343	24/11/2003	Summary
Commission communication on Council's position	COM(2005)0378	23/08/2005	Summary
Commission response to text adopted in plenary	SP(2006)0053	12/01/2006	
Commission opinion on Parliament's position at 2nd reading	COM(2006)0017	17/01/2006	Summary
Follow-up document	COM(2010)0698	02/12/2010	Summary
Follow-up document	COM(2014)0632	15/10/2014	
Follow-up document	COM(2017)0088	27/02/2017	Summary
Follow-up document	COM(2018)0266	14/05/2018	
Follow-up document	COM(2019)0166	09/04/2019	Summary
Follow-up document	SWD(2019)1300	09/04/2019	Summary
Follow-up document	COM(2024)0454	15/10/2024	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2010)0698	11/04/2011	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR0012/2004 OJ C 121 30.04.2004, p. 0035-0044	21/04/2004	
EESC	Economic and Social Committee: opinion, report	CES0655/2004 OJ C 117 30.04.2004, p. 0005-0009	28/04/2004	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	03615/2006	19/06/2006	

Additional information

Source	Document	Date

National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Directive 2006/0066 OJ L 266 26.09.2006, p. 0001-0014	Summary

Batteries and accumulators and waste batteries and accumulators

2003/0282(COD) - 09/04/2019 - Follow-up document

The Commission presents its second report on the implementation and the impact on the environment and the functioning of the internal market of Directive 2006/66/EC on batteries and accumulators (the Batteries Directive). The Directive aims to minimise the negative impact of batteries and waste batteries on the environment, to help protect, preserve and improve the quality of the environment. It also aims to ensure the smooth functioning of the internal market. The evaluation is part of a process that could lead to the Directive's revision to take account of social and policy developments such as the shift towards a circular economy and low carbon policies, which involve an increased use of batteries for electric mobility and for decentralised power storage. The related strategic action plan on batteries includes the commitment to design innovative and future-proof regulation, of which the Directive will be a key component.

Impact on the environment

The report states that the Directive contributed to reducing the use of hazardous substances in batteries and to preventing waste portable batteries from being landfilled or incinerated, but not up to the level envisaged. Risks for the environment therefore persist.

- Chemicals: whilst the Directive has reduced the amount of mercury and cadmium in batteries, it has not led to a reduction in the other hazardous substances. 'Old' types of batteries containing mercury and cadmium are still in use and the 'new' batteries contain harmful substances such as cobalt and some organic electrolytes. The Batteires Directive does not specify the criteria to identify the substances concerned (including heavy metals) or the type of management measures that could be adopted. Consequently, the evaluation suggests that these issues could be more appropriately addressed by other legal instruments.

- Collection and recycling of waste batteries: most Member States have met or exceeded the 2012 target for the collection of waste portable batteries (set at 25 %), but only 14 Member States have met the 2016 target (set at 45 %). The evaluation points out that these targets are generally insufficient to ensure a high level of collection of waste portable batteries.

The management of used batteries remains a concern within the EU. An estimated 56.7 % of all waste portable batteries are not collected, annually. This has led to around 35 000 tonnes of waste portable batteries entering municipal waste streams, causing negative environmental impacts and a loss of resources. This amount is significant enough to jeopardise the achievement of the directive's environmental protection objectives.

On the level of recycling, the vast majority of waste batteries collected in the EU are recycled in line with the directive's requirements. However, the Directive's overall objective to achieve a high level of material recovery is not being met. The Directive only targets two substances — lead and cadmium — and does not consider other valuable components, as cobalt or lithium. In the light of technical progress and practical experience gained, the report states that the current minimum collection targets for waste portable batteries and the minimum recycling requirements are not appropriate. Further targets for collection and recycling should therefore be considered.

Impact on the internal market

The Commission considers that the Directive has contributed significantly to the smooth functioning of the single market for batteries when compared with the previous situation of individual requirements at national level. The Batteries Directive has had a positive economic impact on the sectors linked to the manufacturing and recycling of batteries. While it has entailed significant costs for industrial operators, stakeholders generally agree that these are outweighed by present and future benefits.

The evaluation underlines how the Directive's requirement that all collected batteries undergo treatment and recycling, is key to ensuring the viability of recycling activities. In addition to lowering the EU's reliance on imports of particularly important raw materials, recycling may have economic benefits. The Directive, however, limits these positive effects as it only establishes efficiency targets for lead and cadmium.

The report adds that certain aspects of the Directive need further clarification including; (i) differences in the classification of spent batteries according to the List of Waste; (ii) the criteria for granting exemptions to removability or labelling obligations,(iii) the obligations for collecting waste industrial batteries; (iv) the consideration of slag as a finished recycled product.

The report goes on to evaluate the Directive in terms of its relevance, its coherence and internal consistency and the EU added value. It also stresses that whilst the Directive has been effective in ensuring that portable and automotive batteries are labelled, improvements are needed to ensure that information reaches end-users. The difficulties in meeting the collection targets for waste portable batteries illustrate the need to strengthen the provisions aiming to ensure that end-users are properly informed.

The report concludes that further work should particularly aim to identify and assess the feasibility of measures to improve the Directive's impact on environmental protection, the proper functioning of the internal market, the promotion of circular economy and low carbon policies and the ability to adapt to technological and economic developments.

Batteries and accumulators and waste batteries and accumulators

2003/0282(COD) - 09/04/2019 - Follow-up document

he Commission presents a staff working document accompanies the Commission's report on the evaluation of the Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators. The document confirms that although the Directive has provided a broad EU framework, it is too general on the nature and extent of the objectives to be achieved and on important measures that the Member States must implement. Key objectives, such as achieving a high level of material recovery - and obligations, such as ensuring that all collected waste batteries are recycled — are not sufficiently highlighted. A clearer description of the Directive's internal logic and links would have improved its transposition and implementation.

The evaluation considered five criteria, namely the Directive's relevance, effectiveness, efficiency, coherence, and EU added value.

Relevance

The environmental concerns addressed by the Directive are still relevant: batteries contain hazardous substances and present a risk to the environment when improperly disposed of. While mercury-containing batteries are being phased-out, old and 'new' batteries still contain other hazardous substances. The two main approaches to facing these risks (i.e. the reduction of hazardous components and the management of waste batteries) are suitable, even if stronger measures are needed to deal with the huge amount of waste batteries that will be generated in the coming years. Several important elements of the Directive's circular economy-related approaches correspond to the main elements of the circular economy policy, but there are no provisions on sorting or other pre-recycling stages of waste batteries. The evaluation also shows that the Directive cannot sufficiently incorporate easily technical novelties, such as lithium-based batteries and re-use of advanced batteries.

Effectiveness

The Batteries Directive has contributed to reducing the environmental impact of batteries: the content of mercury and cadmium in batteries has decreased, and the number of batteries that are not treated adequately at the end of life has gone down. However, only half of Member States have met the Directive's target on collection of waste portable batteries. An estimated 56.7 % of all waste portable batteries are not collected, of which around 35 000 tonnes enter municipal waste streams annually, resulting in environmental harm and loss of resources. The evaluation notes the following problems:

- provisions on the collection of different types of batteries are too diverse;

- there are targets only for the recycling efficiencies for lead and cadmium but not for other valuable components;

- there are no details on how to increase consumers' understanding of their role in ensuring the collection of spent batteries, and the Directive also lacks a proper system of informing end-users of the quality of the batteries placed on the market.

The report notes that implementing extended producer responsibility is considered a success of the Directive. Producers' contribution to financing any net costs arising from the management of all waste batteries collected has allowed the roll out of national schemes to collect portable waste batteries.

Efficiency

Whilst businesses consider that implementing the Directive has entailed significant costs, they consider that these costs are justified in light of the Directive's current and future benefits. The Directive's provision on recycling all collected batteries is key to ensuring the viability of recycling activities. If higher levels of supply, i.e. higher collection rates of all types of batteries were achieved, better results for recycling activities would have been expected. In addition to lowering the reliance on imports of particularly important raw materials, including critical ones, recycling may have economic benefits. However, the Directive unnecessarily limits these benefits, as it only establishes efficiency targets for lead and cadmium. The recovery of other valuable materials, such as cobalt, lithium or critical raw materials is not specifically promoted.

The report adds that extended producer responsibility obligations for industrial batteries are not well-defined. There are no detailed provisions for collection, setting up national schemes and financing aspects for industrial batteries, which will be increasingly relevant in future as using these batteries is considered vital for low carbon policies in the EU.

Coherence

The report considers that the Directive should strive for better coherence with the Waste Framework Directive, since there are discrepancies between the definition of terms in the two acts. Furthermore, it suggests that the REACH framework is more suitable for managing chemicals in batteries, since it has a substance-based approach, not article-based one.

With respect to the Directive on the management of Waste Electric and Electronic Equipment (WEEE), the report notes that definitions and concepts should be harmonized with the Batteries Directive. There are difficulties in differentiating the scope of the two directives. Devices like power banks could be considered both a battery and an electronic appliance depending on the Directive concerned.

Internal consistency

The report states that the Directive only sets targets for the separate collection of portable waste batteries and the recycling efficiencies of certain types of collected waste batteries. In particular:

- there is no target for reducing the disposal of batteries as municipal waste;

- there are no quantitative targets for the separate collection of automotive and industrial batteries; and

- the obligation to ensure the treatment and recycling of 'all' collected waste batteries is not explicitly spelled out.

Reporting obligations are only established when targets are set. The absence of quantified targets makes it very difficult to assess Member States' performance on these particular aspects.

There are cases where the lack of detail in the definition of the obligations may distort the internal market such as the classification of batteries, exemptions to obligations on removability or labelling, and the consideration of slag as a recycled product.

EU added value

There is significant support for the conditions for the sale, collection and recycling of batteries to continue being set at EU level. Most stakeholders are convinced that the Directive has significantly contributed to the good functioning of the single market for batteries and that trade barriers are lower than would be the case with national regulations. However, there are cases where the lack of detail or of detailed obligations may distort the single market for batteries (e.g. lack of classification of batteries, consideration of recycling slag, exemptions to removability or labelling).

Batteries and accumulators and waste batteries and accumulators

2003/0282(COD) - 27/02/2017

The Commission presented a report on the implementation of EU waste legislation for the period 2010-2012.

Of the 27 Member States under the obligation to report, most have submitted replies to the implementation questionnaires for the directives this report covers, namely:

- Directive 2008/98/EC on waste,
- Directive 86/278/EEC on sewage sludge,
- Directive 1999/31/EC on landfilling,
- Directive 94/62/EC on packaging and packaging waste,
- Directive 2002/96/EC on waste electrical and electronic equipment (WEEE),
- **Directive 2006/66/EC** on batteries and accumulators.

Quality of reporting: not all Member States have fulfilled the obligation laid down in the Directives to report to the Commission on their implementation every three years. Some did not submit replies to the Implementation Questionnaire 2010-2012.

The Commission noted the **highly variable nature of the quality and accuracy of the reports** and information provided. Answers frequently only referred to national legislation or to answers given in previous reporting periods, without providing further information on the implementation of the directives on the ground, even when this was explicitly requested.

The Commission considered that the triennial implementation reports prepared by the Member States have **not proven effective** for verifying compliance with the directives, their implementation and their impact.

Directive 2006/66/EC on batteries and accumulators: all Member States have transposed the requirements of the Directive.

The main findings are as follows:

- most Member States have set up **collection systems** and **measures for the treatment and recycling** of waste batteries and accumulators: by September 2012, 20 Member States had achieved the minimum collection target of 25%; 4 Member States had achieved 100% recycling while 8 Member States notified rates of between 50% and 99%;
- Member States have introduced measures to prevent waste batteries and accumulators from being landfilled. 11 Member States have implemented measures which **go beyond the obligations of the Directive**, such as minimising waste from industrial and automotive batteries and accumulators as unsorted municipal waste, awareness campaigns in schools and the provision of collection points for free pick-up;

- 19 Member States have achieved and / or exceeded recycling rates of recycling of lead-acid battery and accumulator waste, nickel-cadmium battery and accumulator waste and other waste batteries and accumulators;

- 2 Member States have **exported** waste batteries and accumulators to third countries. A number of Member States have exported them to other Member States;

- Member States without treatment or recycling facilities have exported all the batteries and accumulators collected. However, some Member States with processing facilities have exported waste batteries and accumulators for processing elsewhere in the EU.

General conclusions: the Commission considered that Member States should make greater efforts to **improve the quality, reliability and comparability of data** for assessing waste management performance. They could do this by benchmarking reporting methodologies and introducing a data quality check report, so that when reporting on the achievement of the targets set out in the legislation, Member States use the most recent and harmonised methodology.

The Commission recalled that in the **recent review of waste policy and legislation**, it proposed to repeal provisions obliging Member States to produce triennial implementation reports and to base compliance monitoring exclusively on quality statistical data that Member States must provide the Commission with annually.

Batteries and accumulators and waste batteries and accumulators

2003/0282(COD) - 24/11/2003 - Document attached to the procedure

COMMISSION'S IMPACT ASSESSMENT

For further information regarding the context of this issue, please refer to the summary of the Commission's initial proposal (COM(2003)0723) for a Directive on batteries and accumulators.

1– POLICY OPTIONS AND IMPACTS : There are three possible policy and regulatory options to reach the objectives pursued by this proposal.

1.1- Option 1 - No policy change scenario: Here, the current Battery Directives would remain in place without any change. This would mean that Member States would be required to organise efficient collection schemes for batteries and accumulators containing more than 0.0005% of mercury, more than 0.025% of cadmium and more than 0.4% of lead by weight. Moreover, batteries and accumulators used in vehicles (automotive batteries and industrial batteries used in electrical vehicles), which fall under the scope of Directive 2000/53/EC, would have to meet the obligations of this Directive. Batteries and accumulators in end-of life vehicles would be collected together with the end-of life vehicle on the basis of the collection systems set up in accordance with this Directive.

1.2- Option 2 - Policy change - policy instruments: Policy instruments range from legislative instruments to voluntary instruments.

- Legislative instruments: the various policy instruments in the form of binding legislative acts at Community level are provided for in Article 249 of the EC Treaty. These are namely a Regulation (which has a general application and is binding in its entirety and directly applicable in all Member States); a Directive (which is binding as to the result to be achieved and Member States are free to choose the form and methods to achieve this result) and a Decision (which is binding in its entirety upon those to whom it is addressed). The option of a Regulation or a Decision was discarded because neither was considered appropriate for reaching the policy objective in mind. The option chosen by the Commission was that of a Directive.

- Voluntary agreements: these could be concluded either at national level to implement a piece of Community legislation or at Community level. The conclusion of voluntary agreements with industry at Community level was discarded at an early stage since such agreements would not be appropriate in order to reach the policy objectives.

1.3- Option 3 - Policy change - prescriptive measures:

- Collection requirements for all spent batteries and accumulators: Directive 91/157/EEC requires Member States to set up efficient collection schemes for batteries with a certain mercury, cadmium and lead content. As experience with the current Directive has shown that consumers have difficulties distinguishing between portable batteries containing cadmium, mercury and lead covered by this Directive and other portable batteries (e.g. alkaline manganese and zinc-carbon batteries), it is considered necessary to extend the scope of the proposed policy/proposal to all portable batteries.

- Recycling requirements for all spent batteries and accumulators: in order to meet the environmental objective of avoiding batteries ending up in the waste stream, all the batteries collected should in principle enter recycling processes. In other words, the collection requirements should be complemented with recycling requirements.

- Phase-out of the use of cadmium in batteries where substitutes are available: a specific policy option related to cadmium in batteries would be to restrict the use of cadmium in batteries and require a phase-out of the use of this substance if substitutes are available. This specific policy option should avoid that cadmium from batteries ends up in the environment.

- Complementary policy options including: the introduction of the producer responsibility principle; a ban on landfill and incineration of spent industrial and automotive batteries and accumulators; monitoring the amount of spent portable NiCd batteries in the waste stream; and market-based instruments (deposits).

The options of setting voluntary targets and a deposit scheme at Community level were analysed and discarded at an early stage. Voluntary targets would not create any additional incentives for Member States to set up efficient collections systems compared to the current Community legislation, since voluntary targets would not be enforceable. As regards recycling, the current Battery Directive does not have any specific recycling requirements.

The policy option of a deposit scheme at Community level was analysed and discarded at an early stage. Even though the setting up of an EU-wide deposit system could guarantee the return of spent batteries, this policy option was discarded mainly for economic reasons.

Both the policy option of a phase out of the use of cadmium in batteries where substitutes are available and the policy option of establishing collection and recycling requirements for cadmium batteries have the advantage that no or less virgin cadmium will be used in the batteries' production.

CONCLUSION: the chosen option (a new Directive) sets minimum key elements and provides the legal obligations to introduce a Community-harmonised strategy for batteries and accumulators while leaving the Member States free to choose the most appropriate national measures to reach those objectives.

IMPACTS

Economic: The proposed Community legislation establishes principles at the Community level to avoid distortions of the internal market. Due to economies of scale, battery recycling becomes more efficient if large volumes of batteries and accumulators are processed. The main economic benefits of collecting and recycling all types of spent batteries and accumulators are:

- production and energy costs savings for the virgin materials used in batteries, which can be replaced by recycled materials;

- disposal cost savings due to higher levels of recycling, in particular costs related to landfill;

- lower recycling costs because of higher collection rates and economies of scale; and

- avoidance of costs for retrieving the damage caused by landfilled batteries containing hazardous substances disposed by mistake with other types of batteries.

Social: As regards the social effects, new collection and recycling companies are likely to appear. Bearing in mind that the current rate of collection and recycling of spent portable batteries is low, the potential, as regards job creation and competitiveness in this sector, could be considerable.

Environmental: From an environmental point of view, collection and recycling of spent batteries generates environmental benefits of various types:

- fewer batteries (used, hoarded and new ones) are sent to landfill and incineration.

- the reduction in the use of virgin metals in the battery production and the increased used of recycled metals also have positive environmental impacts, e.g. less energy consumption, and help to close the material loop.

- emissions to the environment at early stages of the batteries' life cycle occur through water contamination and air emissions. These emissions are avoided when materials are recycled.

The introduction of the producer responsibility principle, in line with Article 174 of the EC Treaty, would encourage producers to design and manufacture their products in an improved way thereby ensuring the longest possible product life, and if it is scrapped, the best methods for recovery and disposal. Negative environmental impacts could be related to the transportation involved in the collection and recycling of batteries. The transportation involved in the collection depends mainly on the collection system chosen.

2- FOLLOW-UP: An implementation report will have to be submitted by member States to the Commission every three years. The Commission will publish a final report on implementation of the Directive, as well as the collection and recycling targets in the Official Journal.

To monitor the specific environmental concerns related to the portable NiCd batteries, which risk of ending up in the municipal solid waste stream, Member States will monitor the municipal solid waste stream on the amount of spent portable NiCd batteries found. To avoid free riders on the market, Member States will set up a register of producers who put their products on the Community market.

The Commission will evaluate the impacts of the Directive on the basis of the Member States' reports and may propose amendments to the Directive particularly to adjust the collection and recycling requirements and the use of hazardous substances in batteries and accumulators.

Batteries and accumulators and waste batteries and accumulators

2003/0282(COD) - 02/12/2010 - Follow-up document

In accordance with Directive 2006/66/EC, the Commission presents a report concerning the **exemption from the ban on cadmium granted for portable batteries and accumulators intended for use in cordless power tools (CPTs)**. Examples of CPTs include tools used by consumers and professionals for turning, milling, sanding, grinding, sawing, cutting, shearing, drilling, making holes, punching, hammering, riveting, screwing, polishing or similar processing of wood, metal and other materials or for mowing, cutting and other gardening activities.

In preparation for potential proposals for legislation concerning the exemption, the Commission gathered evidence on the advantages and disadvantages of possible policy options, including their economic, social and environmental impact, in line with its impact assessment guidelines.

According to the conclusions of a study undertaken for the Commission in 2003, at the time, there existed no viable solution to replace the product that was the subject of the exemption. In the meantime, new information has come to light, including a new risk analysis, a report from the Swedish Environmental Protection Agency and a study ordered by the Commission in order to synthesise and assess the information available which was published in March 2010.

Today Li-ion and nickel-metal hydride (NiMH) are fully competitive alternatives to NiCd battery technologies, in terms of both price and performance, although different types of battery technologies have their advantages and disadvantages. While withdrawal of the exemption could possibly yield substantial environmental and health benefits, estimation of the benefits is highly uncertain. **It cannot currently be demonstrated that the benefits of withdrawing the exemption would clearly outweigh the costs**.

The studies available and the discussion with and between stakeholders all suffer from the lack of substantive comparative data on the impact of the battery types available for cordless power tools. Only a comparative life-cycle assessment of the three main alternatives can lay the foundation for a sound impact assessment on the exemption and dispel the current uncertainty. On the whole, the consultation of interested parties organised by the Commission in 2010 also confirmed the need for a comparative life cycle assessment in order to have a solid base to undertake a cost-benefit analysis.

The Commission concludes that at this juncture it is **not appropriate to bring forward proposals** to withdraw the exemption for cordless power tools from the ban on cadmium in batteries and accumulators. Any proposal for legislation on this matter, based on an impact assessment in line with Commission policy, would require comparable technical and scientific information on the costs and benefits of cadmium and its substitutes in portable batteries and accumulators for CPTs.

The Commission will therefore **order a comparative life-cycle analysis**, generating this information beyond the existing scientific literature and including a peer review, as required by scientific quality standards. Based on that information and in line with Article 4(4) of the Batteries Directive (Directive 2006 /66/EC), the Commission will, if appropriate, then proceed with proposals for legislation with a view to prohibiting cadmium in batteries and accumulators in CPTs by withdrawing the existing exemption.

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.

Batteries and accumulators and waste batteries and accumulators

2003/0282(COD) - 20/04/2004 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Hans BLOKLAND (EDD, NL) and made several amendments to the Commission's proposal. (Pease see the summary dated 06/04/04.) In addition: - Responsibility for funding of the management of historical waste should be shared by all existing producers by way of collective funding schemes to which all producers, existing on the market when the costs occur, contribute proportionately; - the Directive shall also to the appliances in which batteries and accumulators are incorporated in so far as concerns marketing, marking and battery removal requirements; - Member States shall ensure that batteries and accumulators cannot be incorporated into appliances (with certain exceptions) unless they can be readily removed, when spent, by the end-user. All appliances in which batteries and accumulators are incorporated shall be accompanied by instructions showing how they can be removed safely and, where appropriate, informing the user of the content of the incorporated batteries and accumulators; - Member States shall ensure that, where the mercury, lead or cadmium parts of batteries and accumulators cannot, after processing, be recycled into new batteries, such parts are finally disposed of in dedicated landfill cells in authorised hazardous waste landfills, with appropriate environmental protection guarantees; Finally, Member States shall ensure that producers set up recycling schemes for spent batteries and accumulators collected in accordance with the provisions of this directive, using the best available techniques that do not entail excessive costs.

Batteries and accumulators and waste batteries and accumulators

2003/0282(COD) - 21/11/2003 - Legislative proposal

PURPOSE : to impose the collection and recycling of all batteries placed on the EU market. CONTENT : the main underlying drivers for this new EU initiative are the objectives set by the Sixth Community Environment Action Programme as well as Directive 2002/96/EC on waste electrical and electronic equipment which calls for the need to revise the current EU legislation on batteries and accumulators (Directive 91/157/EEC) as soon as possible. The Commission carried out an Extended Impact Assessment (ExIA) for the evaluation of the most sustainable policy options for this new proposal. The proposal introduces policy measures which should divert all spent batteries and accumulators from final disposal operations (landfill and incineration) and should ensure that Member States adopt environmentally sound waste management practices which will lead to an efficient collection and recycling of spent batteries and a proper functioning of the internal market. Additional measures are proposed with respect to batteries containing mercury, cadmium and lead since those batteries are qualified as hazardous waste and thus require additional risk management measures. In order to prevent batteries from entering the waste stream, the proposed Directive puts forward a number of different measures and targets: - Collection targets : experience with Directive 91/157/EEC confirmed that the most efficient way to collect portable batteries and accumulators from households is to apply an 'all batteries' collection scheme. It is thus important to encourage Member States to set up effective collection schemes for the collection of all portable batteries and accumulators by setting a minimum collection target at Community level. The Proposal establishes a uniform minimum target for the collection of all spent portable batteries and accumulators to ensure high and equivalent levels of collection in the different Member States. This would also allow monitoring at Community level. It is proposed to calculate this target on the basis grams per inhabitant. This is in line with the calculation of the collection target of the WEEE Directive. It is therefore not deemed necessary to adopt specific collection targets for these batteries and accumulators. Instead, the proposal imposes a legal obligation on manufacturers to take-back those batteries. The proposal also requires that automotive batteries and accumulators are collected separately, in so far as those batteries are not already collected on the basis of schemes set up under Directive 2000/53/EC. It is proposed to prohibit the landfilling and incineration of industrial and automotive batteries. Those are mainly lead-acid and nickel-cadmium batteries. As regards the portable nickel-cadmium batteries, such a ban would not appear to be enforceable. Therefore, it is proposed to set an additional collection target for those batteries. It is proposed to set this target at 80% of the total quantity of spent portable NiCd batteries and accumulators which arose annually. This is the quantity of portable NiCd batteries and accumulators which are being collected and disposed of together with the municipal solid waste. Member States should thus monitor the quantities of portable NiCdbatteries and accumulators

found in the municipal solid waste stream and report this to the Commission. On the basis of this information as well as new scientific and technical progress, the Commission will evaluate the specific environmental risks related to the use of cadmium in batteries and accumulators on a regular basis.
- Recycling of all spent batteries and accumulators : Directive 91/157/EEC does not specify recycling requirements for spent batteries and accumulators. These are left to the discretion of the Member State provided they comply with the internal market rules. The Directive does encourage Member States to promote research into recycling methods and allows them to introduce measures, such as economic instruments, to encourage recycling. This proposal establishes the principle that all batteries and accumulators collected should be processed for recycling. The proposal sets a minimum recycling efficiency level for the recycling of those batteries. From an environmental perspective, life-cycle assessments (LCAs) indicate that the optimum recycling rate for NiCd batteries and accumulators tends to be close to 100%. Studies show that NiCd battery recycling is energy-efficient even in cases where the processing facilities are some distance away. Excluding the use-phase of the battery, 65% of the primary energy used is in the battery manufacture while 32% is in the raw material production. Recycled cadmium and nickel require 46% and 75% less primary energy respectively, compared with extracting and refining virgin metal. Recycling of cadmium, nickel, iron and other battery materials is relatively easy, so it is virtually possible to recycling all (99.9%) of the materials in a NiCd battery. The cadmium recovered should be used in the production of new batteries and accumulators or other products. Hence, for nickel-cadmium batteries, the minimum recycling efficiencies proposed are all the cadmium and a minimum of 75% by average weight. For other batteries and accumulators, the recycling efficiency proposed is an average of 55% by weight. This proposal also aims at contributing to the proper functioning of the internal market, thereby guaranteeing the free movement of goods and contributing to the creation of an internal market for the recycling of collected batteries. Another concern is the disparities between the scope of the national collection and recycling schemes. For instance, in some Member States the schemes cover collection and recycling of all batteries and accumulators, whereas in others they simply cover batteries and accumulators covered by Directive 91/157/EEC. The collection rates also vary considerably between Member States. As these different schemes can have a negative impact on the internal market and distort competition, it is important to ensure a level playing-field across the EU. Whilst Member States remain free to organise the collection and recycling schemes at their national territory, this proposal requires Member States to extend the scope of those schemes to all batteries and accumulators put on the market. The Commission estimates that the additional annual costs of the proposed collection and recycling rates per household will be between EUR 1 - 2.

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.

Batteries and accumulators and waste batteries and accumulators

2003/0282(COD) - 13/12/2005 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Hans **BLOKLAND** (IND/DEM, NL) and made some amendments to the common position. The rapporteur admitted that in order to reach an agreement with the Council he would have to weaken the proposals adopted by Parliament in first reading. The debate preceding the vote illustrated contrasting approaches among Members and within the EPP and PES political groups. Some members criticised the collection targets adopted by the Environment Committee, namely 40% of waste batteries after 6 years and 60% after 10 years, as unrealistic. (Please see the preceding summary.) Others felt that the targets set were attainable.
The following amendments were adopted:
Collection: Parliament finally left the collection targets outlined in the Council's common position unchanged: 25% of portable batteries after 6 years and 45% after 10 years. Member States must ensure that, when supplying portable batteries, distributors are obliged to take back waste portable batteries from end-users at no charge. The common position authorised Member States to use economic instruments to promote the collection of waste batteries and accumulators or the use of less pollutants ones, but Parliament stated that they must respect Internal Market rules and the need for consultation with all the parties concerned. Member States must inform the commission of the measures which they intend to adopt under this provision.

Limited prohibitions: The Council's common position only incorporates EP amendments prohibiting all batteries and accumulators including more than 0.0005 % of mercury and portable batteries containing more than 0.002 % of cadmium. A number of amendments were re-tabled namely in order to prohibit batteries and accumulators including more than 0.004% of lead but they did not reach the required qualified majority.

An amendment stipulates that batteries and accumulators cannot be incorporated in appliances unless they can be readily removed, when spent, by the consumer. However some appliances escape this prohibition, such as some applications in information technology, medical devices, and portable appliances, where replacement of the batteries by unqualified personnel could present safety hazards.

Treatment: Parliament introduced more stringent requirements on recycling than in the Council's common position:

-65% of lead-acid batteries and accumulators and a closed loop for allthe leadcontained;

-75% of nickel-cadmium battery and a closed loop for allthe cadmiumcontained;

-55% of other waste batteries and accumulators should be recycled, instead of 50% in the Council's common position.

The proposed minimum recycling efficiencies are to be evaluated regularly and adapted to best available technology and scientific and technical progress in accordance with the prescribed procedure.

Financing: Responsibility for meeting the costs of collection, treatment, recycling and environmentally sound disposal of waste batteries and accumulators placed on the market before entry into force of this Directive ("historic waste"), shall lie with producers. Parliament deleted the de minimis derogation for small producers.

Information and labelling: A new clause states thatMember States shall ensure that distributors of portable batteries or accumulators inform end-users about the possibility of discarding waste portable batteries or accumulators at their sales points. They must also ensure that the capacity of all batteries, accumulators and battery packs is indicated on them in a visible, legible and indelible form.

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.

Batteries and accumulators and waste batteries and accumulators

2003/0282(COD) - 25/04/2006

The Council decided not to approve the European Parliament's second reading amendments to a proposal for a Directive on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC.

The Council accordingly decided to convene the Parliament-Council conciliation committee with a view to negotiating a joint text.

Batteries and accumulators and waste batteries and accumulators

2003/0282(COD) - 04/07/2006 - Text adopted by Parliament, 3rd reading

The European Parliament adopted a resolution approving the joint text agreed by the Conciliation Committee. (For a summary of the joint text, please see the document dated 02/05/2006.)

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.