Basic information

2012/0066(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools, and of button cells with low mercury content Amending Directive 2006/66/EC 2003/0282(COD) **Subject** 2.10.03 Standardisation, EC/EU standards and trade mark, certification, compliance 3.40.01 Chemical industry, fertilizers, plastics 3.70.12 Waste management, domestic waste, packaging, light industrial waste 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport) 4.60.08 Safety of products and services, product liability	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	PANAYOTOV Vladko Todorov (ALDE)	25/05/2012
	Shadow rapporteur MAZEJ KUKOVIČ Zofija (PPE) JØRGENSEN Dan (S&D) SCHLYTER Carl (Verts/ALE) OUZKÝ Miroslav (ECR) MAŠTÁLKA Jiří (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
JURI Legal Affairs	The committee decided not to give an opinion.	

Committee for opinion on the legal basis	Rapporteur for opinion	Appointed
JURI Legal Affairs	SPERONI Francesco Enrico (EFD)	06/06/2013

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	3271	2013-11-15

European Commission

Commission DG	Commissioner
Environment	POTOČNIK Janez

European Economic and Social Committee

European Committee of the Regions

Key events

Date	Event	Reference	Summary
26/03/2012	Legislative proposal published	COM(2012)0136	Summary
18/04/2012	Committee referral announced in Parliament, 1st reading		
20/03/2013	Vote in committee, 1st reading		
28/03/2013	Committee report tabled for plenary, 1st reading	A7-0131/2013	Summary
10/10/2013	Decision by Parliament, 1st reading	T7-0417/2013	Summary
10/10/2013	Results of vote in Parliament		
10/10/2013	Debate in Parliament		
15/11/2013	Act adopted by Council after Parliament's 1st reading		
20/11/2013	Final act signed		
20/11/2013	End of procedure in Parliament		
10/12/2013	Final act published in Official Journal		

Technical information

Procedure reference	2012/0066(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 2006/66/EC 2003/0282(COD)

Legal basis	Treaty on the Functioning of the European Union TFEU 114-p1 Treaty on the Functioning of the European Union TFEU 192-p1
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/7/09209

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE497.921	07/11/2012	
Amendments tabled in committee		PE501.952	11/12/2012	
Specific opinion	JURI	PE506.019	26/02/2013	
Amendments tabled in committee		PE506.350	18/03/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0131/2013	28/03/2013	Summary
Specific opinion	JURI	PE514.653	25/06/2013	
Text adopted by Parliament, 1st reading/single reading		T7-0417/2013	10/10/2013	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00055/2013/LEX	20/11/2013	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2012)0136	26/03/2012	Summary
Document attached to the procedure	SWD(2012)0065	26/03/2012	
Document attached to the procedure	SWD(2012)0066	26/03/2012	
Commission response to text adopted in plenary	SP(2013)872	27/11/2013	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2012)0136	16/05/2012	
Contribution	IT_SENATE	COM(2012)0136	13/09/2012	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1309/2012	23/05/2012	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	
European Commission	EUR-Lex	

Final act

Directive 2013/0056
OJ L 329 10.12.2013, p. 0005 Summary

Placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools, and of button cells with low mercury content

2012/0066(COD) - 28/03/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Vladko Todorov PANAYOTOV (ALDE, BG) on the proposal for a directive of the European Parliament and of the Council amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as regards the placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools.

The committee recommends that Parliament adopt its position in first reading following the ordinary legislative procedure, and amend the Commission proposal. The main amendments are as follows:

Scope: the directive will apply to **button cells with low mercury content**. The committee sees this as an opportunity to remove an exemption that is clearly out of date. It points out that Directive 2006/66/EC prohibits the placing on the market of all batteries or accumulators, whether or not incorporated into appliances, that contain more than 0.0005% of mercury by weight. However, button cells with a mercury content of no more than 2% by weight are exempted from that prohibition. It is important to reduce the risk of mercury being released into the environment, as button cells easily escape separate collection. The Union button cell market is already experiencing a shift towards Hg-free button cells. It is therefore appropriate to prohibit the marketing of button cells with a mercury content exceeding 0.0005% by weight. As a consequence of such a prohibition, it is expected that countries exporting large amounts of button cells to the Union market would be encouraged to accelerate the switch to the manufacture of Hg-free button cells, which can have a global impact on the use of mercury in this industry sector.

The prohibition will apply from 31 December 2014. The exemption for the use of cadmium in portable batteries and accumulators intended for use in cordless power tools will end on 31 December 2015.

Alignment with WEEE: the producer registration requirements and format should be consistent with the registration requirements and format to Directive 2012/19/ on waste electrical and electronic equipment (WEEE). They should also remain consistent with the registration requirements and format adopted by the Commission Decision 2009/603/EC establishing requirements for registration of producers of batteries and accumulators in accordance with Directive 2006/66/EC.

Delegated powers: the Commission will be empowered to adopt delegated acts in respect of establishing a common methodology for the calculation of annual sales of portable batteries and accumulators to end-users.

Removal of batteries: manufacturers must design appliances in such a way that waste batteries and accumulators can be readily removed. Where they cannot be removed by the end-user, manufacturers must design appliances in such a way that waste batteries and accumulators can be easily removed by professionals that are independent of the manufacturer. Appliances into which batteries and accumulators are incorporated shall be accompanied by instructions how they can be removed safely by the end-useror by independent professionals. Where appropriate, the instructions shall also inform the end-user of the type of the incorporated batteries and accumulators. These provisions shall not apply where, for safety, performance, medical or data integrity reasons, continuity of power supply is necessary and requires a permanent connection between the appliance and the battery or accumulator.'

Consultation with stakeholders: Before amending or supplementing Annex III (Detailed treatment and recycling requirements) the Commission shall consult with relevant stakeholders, in particular producers, collectors, recyclers, treatment operators, environmental organisations, consumer organisations and employee associations.

Transposition: this will be 12 months after entry into force of the directive (rather than 18 as the Commission proposed.)

Placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools, and of button cells with low mercury content

2012/0066(COD) - 10/10/2013 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 578 votes to 17 with 5 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as regards the placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools. Parliament adopted its position in first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise negotiated between Parliament and Council. They amend the proposal as follows:

Prohibition of mercury in button cells: Directive 2006/66/EC prohibits the placing on the market of all batteries or accumulators, whether or not incorporated into appliances, that contain more than 0,0005 % of mercury by weight. However, button cells with a mercury content of no more than 2 % by weight are exempted from that prohibition. The amended text sates that the prohibition on the marketing of button cells with mercury content of no more than 2 % in weight will apply **from autumn 2015** (21 months after the entry into force of the directive.)

The existing exemption for portable batteries and accumulators intended for use in cordless power tools should continue to apply until 31 December 2016.

As regards **button cells for hearing aids**, the Commission will maintain under review the exemption referred to in the directive and report on the availability of button cells for hearing aids that are in compliance with the directive. Where justified due to the lack of availability of button cells for hearing aids which are in compliance), the Commission shall accompany its report by an appropriate proposal with a view to extending the exemption with regard to button cells for hearing aids.

Batteries and accumulators which do not meet the requirements of this Directive, but which were lawfully placed on the market prior to the date of application of the respective prohibitions, may continue to be marketed until stocks are exhausted.

Removal of waste batteries and accumulators: manufacturers must design appliances in such a way that waste batteries and accumulators can be readily removed. Appliances in which batteries and accumulators are incorporated must be accompanied by instructions on how those batteries and accumulators can be safely removed by either the end-user or by independent qualified professionals. Where appropriate, the instructions shall also inform the end-user of the types of battery or accumulator incorporated into the appliance.

These provisions shall not apply where, for safety, performance, medical or data integrity reasons, continuity of power supply is necessary and a permanent connection between the appliance and the battery or accumulator is required.

Requirement to consult: the Commission will be empowered to adopt delegated acts in order to grant exemptions from the labelling requirements set out in the directive. As part of the preparation of delegated acts, the Commission must consult relevant stakeholders, in particular producers, collectors, recyclers, treatment operators, environmental and consumer organisations, and employee associations.

Registration: the amended text introduced a new Annex IV on procedural requirements for registration. Wherever appropriate, the producer registration requirements and format should be coherent with regard to the registration rules and format established pursuant to Directive 2012/19/EU on waste electrical and electronic equipment (WEEE).

Transposition: this must take by 18 months after the entry into force of the directive.

Placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools, and of button cells with low mercury content

2012/0066(COD) - 20/11/2013 - Final act

PURPOSE: to gradually diminish the amount of cadmium and mercury released into the environment given that substitute are available on the market.

LEGISLATIVE ACT: Directive 2013/56/EU of the European Parliament and of the Council amending Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators as regards the placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools, and of button cells with low mercury content, and repealing Commission Decision 2009/603/EC.

CONTENT: the Directive amends Directive 2006/66/EC as regards the placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools, and of button cells with low mercury content.

Placing on the market prohibitions:

1) Directive 2006/66/EC prohibits the placing on the market of portable batteries and accumulators, including those incorporated into appliances that contain more than 0,002% of cadmium by weight. However, portable batteries and accumulators intended for use in cordless power tools are exempted from that ban.

The new Directive **extends the prohibition of the use of cadmium to portable batteries and accumulators intended for use in cordless power tools** because suitable cadmium-free substitutes for such applications are available on the market, namely nickel-metal hydride and lithium-ion battery technologies.

In order to enable the recycling industry and consumers to adapt to the substitute technologies, **the existing exemption** for portable batteries and accumulators intended for use in cordless power tools **should continue to apply until 31 December 2016**.

2) Directive 2006/66/CE prohibits the placing on the market of all batteries or accumulators, whether or not incorporated into appliances that contain more than 0.0005% of mercury by weight. However, button cells with a mercury content of no more than 2% by weight are exempted from that prohibition.

Under the terms of the new Directive, **the prohibition on marketing shall not apply to button cells with a mercury content of no more than 2% by weight until 1 October 2015**.

As regards **button cells for hearing aids**, the Commission shall maintain under review the exemption and report on the availability of button cells for hearing aids which are in compliance with the Directive no later than 1 October 2014.

Batteries and accumulators which do not meet the requirements of this Directive, but which were lawfully placed on the market prior to the date of application of the respective prohibitions, may continue to be marketed until stocks are exhausted.

Removal of waste batteries and accumulators: the Directive obliges manufacturers to design appliances in such a way that waste batteries and accumulators can be readily removed. It provides that appliances in which batteries and accumulators are incorporated shall be accompanied by instructions on how those batteries and accumulators can be safely removed by either the end-user or by independent qualified professionals.

ENTRY INTO FORCE: 30/12/2013.

TRANSPOSITION: by 01/07/2015.

DELEGATED ACTS: the Commission may adopt delegated acts to supplement Directive 2006/66/EC as regards the assessment of equivalent conditions regarding treatment and recycling outside the Union, capacity labelling of portable and automotive batteries and accumulators and exemptions from the labelling requirements.

The power to adopt such acts is conferred on the Commission for a period of five years with effect from **30 December 2013**. The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification (this period may be extended by two months). If the European Parliament or the Council objects to the delegated act shall not enter into force.

Placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools, and of button cells with low mercury content

2012/0066(COD) - 26/03/2012 - Legislative proposal

PURPOSE: to amend Directive 2006/66/EC by limiting the exemption for the use of cadmium in portable batteries and accumulators intended for use in cordless power tools to 1 January 2016.

PROPOSED ACT: Directive of the European Parliament and of the Council.

BACKGROUND: Directive 2006/66/EC of the European Parliament and of the Council

on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC prohibits the placing on the market of portable batteries and accumulators, including those incorporated into appliances, that contain more than 0.002% of cadmium by weight therein. However, **the portable batteries and accumulators intended for use in cordless power tools have been exempt from that ban.**

The Commission has reviewed that exemption with a view to the prohibition of cadmium in batteries and accumulators. That review led to the conclusion that, in order to gradually diminish the amount of cadmium released to the environment, the prohibition of the use of cadmium should be extended to portable batteries and accumulators intended for use in cordless power tools as suitable cadmium-free substitutes for these applications are available on the market, namely nickel-metal hydride and lithium-ion battery technologies

IMPACT ASSESSMENT: the Commission's impact assessment concludes that compared to the baseline scenario the other policy options related to a withdrawal of the exemption (immediate withdrawal or withdrawal in 2016) would lead to a lower overall environmental impact, both in terms of avoiding releases of cadmium to the environment and in terms of aggregated environmental impacts based on six environmental indicators.

The impact assessment concludes that if the exemption is withdrawn in 2016, the environmental benefits would be slightly lower than in the case of immediate withdrawal but the **costs would be much lower** compared to an immediate withdrawal. Over the period 2013-2025, a cordless power tools with alternative battery chemistry will, depending on the alternative battery chemistry chosen (nickel metal hydride or lithium-ion), cost EUR 0.8 and EUR 2.1 more respectively if the exemption is immediately withdrawn and an additional EUR 0.4 and EUR 0.9 respectively in the case of withdrawal in 2016.

As **withdrawal of the exemption in 2016** would have almost the same level of effectiveness at a higher efficiency compared to an immediate withdrawal, this option is the preferred one.

LEGAL BASIS: Article 192 (1) of the Treaty on the Functioning of the European Union.

CONTENT: the proposal amends Directive 2006/66/EC by **limiting the exemption for the use of cadmium in portable batteries and accumulators intended for use in cordless power tools to 1 January 2016.** This means that as from this date, the use of cadmium in portable batteries and accumulators intended for use in cordless power tools, included those incorporated into appliances, is restricted to 0.002% of cadmium by weight in line with Directive 2006/66/EC.

The proposal identifies the delegated and implementing powers of the Commission in Directive 2006/66/EC and establishes the corresponding procedures for adoption of these acts **in accordance with Articles 290 (delegated acts) and 291 (implementing acts)** of the Treaty on the Functioning of the European Union.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.

|DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.