Development of EU legislation and policy on Batteries
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Part 1

Current EU legislation on Batteries


- **Legal basis:** Article 95 (ex 100A)
- **Objective:** “approximate laws of MS on the recovery and controlled disposal of those spent batteries and accumulators containing dangerous substances”
Main provisions:

- MS to set up efficient collection systems for these batteries with a view to their recovery or disposal
- MS to draw up four-yearly programs to reduce the heavy metal content of batteries and their disposal in household waste
- Prohibition on the use of more than 5ppm mercury as from 1 January 2000, with exemption for button cells
- Removeability requirement


- **Main provisions**: Labelling requirements for batteries covered by Directive 91/157/EEC
  - Crossed-out wheel bin
  - Heavy metal symbol
Part 2

Commission’s Proposal for a new Battery Directive
Commission Proposal of 21 November 2003 (COM 2003 723final)

http://europa.eu.int/comm/environment/waste/batteries/index.htm

Once adopted, will repeal and replace existing EU legislation on batteries and accumulators

Legal basis: Art. 95 and 175 EC Treaty

- Article 95 applies to Articles 4 (substance ban), Article 5 and 18 (labelling)
- Article 175 applies to the remainder of the Directive
Objectives:

- **Environmental objective**: avoid the incineration or disposal in a landfill of waste batteries and accumulators

- **Internal market objective**: establish minimum rules for the proper functioning of the national collection and recycling schemes
Main policy measures to achieve the environmental objective:

- Ban on landfilling/incineration of automotive and industrial batteries
- Minimum collection targets for portable batteries
- Minimum recycling targets for all batteries
Collection targets:

- 25%, to be achieved 4 years after transposition date
- 45%, to be achieved 8 years after transposition date
Collection targets:

- Targets only apply to portable batteries
- Targets are calculated as % of average annual sales over past 3 years
- Targets include batteries collected on the basis of the WEEE Directive
- Transitional arrangements can be established on the basis of comitology for MS with specific national circumstances
Recycling targets and efficiencies:

- In principle: obligation to recycle collected batteries
  - to be achieved one year after transposition date

- Minimum recycling efficiencies:
  - Best lead recycling possible, recycling min. 65% of lead-acid batteries
  - Best cadmium recycling possible, recycling min. 75% nickel-cadmium batteries
  - Min. 50% average weight of other batteries
  - To be achieved 3 years after transposition date
• Possibility for Member States to dispose collected hazardous batteries in a landfill or underground storage, instead of recycling them.
  ○ Details still under discussion in the co-decision procedure.
Main policy measures to achieve the internal market objective:

- Harmonisation of product requirements (substance ban and labelling)
- Minimum rules for producer responsibility
- Substance ban
  - It is prohibited to use more than 5 ppm mercury
    - Except for button cells with less than 2% mercury by weight
  - It is prohibited to use more than 20 ppm cadmium
    - Except for emergency lighting and alarm systems
    - Cordless power tools
    - Medical equipment
  - Exemption for cordless power tools will be reviewed 4 years after entry into force of the proposed Directive
• Labelling
  ○ Crossed-out wheel bin
  ○ Chemical symbol (Hg, Pb, Cd)
  ○ Capacity labelling
    □ details still under discussion in the co-decision procedure
• Producer responsibility
  o **Who is the producer?**
    □ The person in a MS who places a battery/accumulator or an appliance/vehicle with a battery/accumulators inside, on the market of that MS for the first time on a professional basis
  o **What are the responsibilities?**
    □ Organisational responsibility
      ◆ Set up collection schemes for industrial and automotive batteries
      ◆ Set up treatment and recycling schemes for all batteries
    □ Financial responsibility
      ◆ Finance net costs of collection, treatment, recycling
      ◆ MS to avoid any double counting with financing producer responsibilities under the WEEE Directive
      ◆ Registration
Part 3

Co-decision procedure
The EP and the Council formally adopt new EU legislation, on the basis of a co-decision procedure.

The co-decision procedure is almost finalised;

It is expected that the European Parliament and the Council will reach agreement in May/June of this year.

After publication of the Directive, Member States have 2 years to transpose the requirements into the national law.
Thank you for your attention!
Orsolya Csorba  
European Commission  
DG Environment  
Avenue de Beaulieu 5  
1160 Brussels  
Tel: 0032 2953148  
E-mail: Orsolya.Csorba@cec.eu.int  
http://europa.eu.int/comm/environment/waste/batteries/index.htm