



## *Helpdesk*

### **EU NEWS ON IMPLEMENTATION OF “ACQUIS COMMUNAUTAIRE”**

29/9/2008

**Battery collection and recycling obligatory since  
26 September 2008**

**Legal Act: Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC**

This Community legislation on batteries applies to all batteries (exception: batteries used in equipment connected with the protection of Member States' essential security interest and batteries in equipment designed to be sent to space). The Directive aims at minimising the negative impacts of batteries and accumulators on the environment and also harmonising requirements for the smooth functioning of the internal market.

To achieve these objectives, the Directive introduces measures to prohibit the marketing of some batteries containing hazardous substances. It contains measures for establishing schemes aiming at high level of collection and recycling of batteries with quantified collection and recycling targets. These require the collection of at least 25 % of the portable batteries used in each member state by 2012, rising to 45 % by 2016. The Directive places a ban on the landfilling or incineration of automotive and industrial batteries and introduces a requirement that recycling processes for different types of batteries must meet specified efficiency levels.

The Directive sets out minimum rules for producer responsibility and provisions with regard to labelling of batteries and their removability from equipment. It compels battery producers to finance the costs of collection, treatment and recycling of waste batteries.

A summary of this Directive is given at the following page.

## Disposal of spent batteries and accumulators

**This legislation prohibits the placing on the market of most batteries and accumulators with a certain mercury or cadmium content and establishes rules for the collection, recycling, treatment and disposal of batteries and accumulators.**

### ACT

Directive [2006/66/EC](#) of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive [91/157/EEC](#) [ [See amending acts](#) ].

### SUMMARY

The Directive prohibits the placing on the market of certain batteries and accumulators with a proportional mercury or cadmium content above a fixed threshold. In addition, it promotes a high rate of collection and recycling of waste batteries and accumulators and improvement in the environmental performance of all involved in the life-cycle of batteries and accumulators, including their recycling and disposal.

The aim is to cut the amount of hazardous substances - in particular, mercury, cadmium and lead - dumped in the environment; this should be done by reducing the use of these substances in batteries and accumulators and by treating and re-using the amounts that are used.

The Directive applies to all types of batteries and accumulators, apart from those used in equipment to protect Member States' security or for military purposes, or in equipment designed to be sent into space. It therefore covers a wider range of products than Directive [91/157/EEC](#), which applied only to batteries containing mercury, lead or cadmium, and excluded "button cells".

The Directive prohibits:

- batteries and accumulators, whether or not incorporated in appliances, containing more than 0.0005% by weight of mercury (except for button cells, which must have a mercury content of less than 2% by weight);
- portable batteries and accumulators, including those incorporated in appliances, with a cadmium content by weight of more than 0.002% (except for portable batteries and accumulators for use in emergency and alarm systems, medical equipment or cordless power tools).

To ensure that a high proportion of spent batteries and accumulators are recycled, Member States must take whatever measures are needed (including economic instruments) to promote and maximise separate waste collections and prevent batteries and accumulators being thrown away as unsorted municipal refuse. They have to make arrangements enabling end-users to discard spent batteries and accumulators at collection points in their vicinity and have them taken back at no charge by the producers. Collection rates of at least 25% and 45% have to be reached by 26 September 2012 and 26 September 2016 respectively.

In principle, it must be possible to remove batteries and accumulators readily and safely. It is for Member States to ensure that manufacturers design their appliances accordingly.

Member States also have to ensure that, from 26 September 2009 at the latest, batteries and accumulators that have been collected are treated and recycled using the best available techniques. Recycling must exclude energy recovery.

As a minimum, treatment must include removal of all fluids and acids. Batteries and accumulators must be treated and stored (even if only temporarily) in sites with impermeable surfaces and weatherproof covering, or in suitable containers.

The recycling of battery and accumulator content to produce similar products or for other purposes has to reach the following levels by 26 September 2011:

- at least 65% by average weight of lead-acid batteries and accumulators, including the recycling of the lead content to the highest degree that is technically feasible;
- 75% by average weight of nickel-cadmium batteries and accumulators, including the recycling of the lead content to the highest degree that is technically feasible;
- at least 50% by average weight of other battery and accumulator waste.

If there is no viable end market, or if a detailed assessment of environmental, economic and social impact concludes that recycling is not the best solution, Member States may dispose of batteries and accumulators containing cadmium, mercury or lead in landfills or underground storage. Otherwise, it is prohibited to put waste from industrial and automotive batteries and accumulators into landfill, or to incinerate it; only residues from treating and recycling them may be disposed of in these ways.

Treatment and recycling may take place outside the Member State concerned or even outside the Community, provided EU legislation on the shipment of waste is respected.

The producers have to bear the cost of collecting, treating and recycling industrial, automotive and portable batteries and accumulators, as well as the costs of campaigns to inform the public of these arrangements. Small producers may be exempted from this obligation if this does not impede the proper functioning of the collection and recycling schemes. All producers of batteries and accumulators have to be registered.

End-users are to be informed in various ways:

- through campaigns covering, among other things, the potential effects on the environment and human health of the substances used in batteries and accumulators, and the collection and recycling arrangements at the end-users' disposal;
- being directly informed by distributors that they can discard waste batteries and accumulators at sales points;
- visible, legible and indelible markings on batteries, accumulators and battery packs with the following information: the symbol of the crossed-out wheeled bin (in Annex II to the Directive); the capacity of the accumulator or the portable battery; the chemical symbols Hg, Cd and Pb if the batteries, accumulators or button cells contain over 0.0005% mercury, over 0.002% cadmium or over 0.004% lead. If the battery, accumulator or battery pack are too small, this information appears on the packaging.

The Member States must send the Commission reports on the implementation of the Directive and the measures they are taking to encourage developments affecting the impact of batteries and accumulators on the environment (including new recycling and treatment techniques) - the first report will cover the period until 26 September 2012; subsequent reports are to be produced every three years. On the basis of these reports, the Commission must publish its own report on the implementation of the Directive and its impact on the environment and the functioning of the internal market.

A review of the Directive will be carried out after the second round of reports from the Member States. The Commission will examine the appropriateness of further risk management measures, minimum collection targets and minimum recycling obligations, and if necessary propose amendments to the Directive.

## **Context**

This Directive repeals and replaces Directive [91/157/EEC](#) as from 26 September 2008 (see "Related

Acts" below).

Several hundred thousand tonnes of industrial and portable batteries and accumulators are placed on the Community market every year. A wide range of metals are used, from mercury, lead and cadmium to nickel, copper, zinc, manganese and lithium.

Disposing of the waste from these products pollutes the atmosphere (in the case of incineration) and contaminates ground-cover and water (in the case of landfill or burial). Through appropriate rules it will be possible to reduce the environmental pollution from this waste. In addition, recycling the waste enables the recovery of thousands of tonnes of metals, including precious metals like nickel, cobalt and silver.

### Key terms

- "Battery" or "accumulator": any source of electric energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) or of one or more secondary battery cells (rechargeable).
- "Button cell": any small round portable battery or accumulator whose diameter is greater than its height and which is used for special purposes such as hearing aids, watches, small portable equipment and back-up power.

### REFERENCES

Act	Entry into force	Transposition in the Member States	Official Journal
<a href="#">Directive 2006/66/EC</a>	26.9.2006	28.9.2008	OJ L 266 of 26.9.2006 Amended opinion: OJ L 339 of 6.12.2006
Amending act(s)	Entry into force	Deadline for transposition in the Member States	Official Journal
<a href="#">Directive 2008/12/EC</a>	20.3.2008	-	OJ L 76 of 19.3.2008

### RELATED ACTS

Proposal for a Directive of the European Parliament and of the Council of 16 April 2008 amending [Directive 2006/66/EC](#) of the European Parliament and the Council on batteries and accumulators and waste batteries and accumulators as regards Article 6(2) on placing batteries and accumulators on the market [[COM\(2008\) 211](#) final - Not published in the Official Journal].

Council Directive [91/157/EEC](#) of 18 March 1991 on batteries and accumulators containing certain dangerous substances [Official Journal L 78 of 26.3.1991].

This Directive will be repealed and replaced by Directive [2006/66/EC](#) as from 26 September 2008. It has prohibited, from 1 January 1993 onwards, the placing on the market of:

- manganese alkaline batteries designed for prolonged use in extreme conditions and containing more than 0.05% by weight of mercury;
- any other alkaline battery with a mercury content of more than 0.025% by weight.

Directive [98/101/EC](#) tightened up these standards sharply as of 1 January 2000, the date on which Member States prohibited the marketing of batteries and accumulators containing more than 0.0005% of mercury by weight. The same applies to appliances incorporating such batteries and accumulators.

Batteries of the "button" type or those composed of elements of the "button" type are excluded from the scope of the Directives. Member States must draw up programmes aimed primarily at reducing the heavy-metal content of batteries and accumulators. Under these programmes, Member States must encourage the separate collection of batteries and accumulators with a view to their recovery or disposal. The Directives also require that batteries and accumulators, or the appliances in which they are incorporated, be marked in such a way as to indicate separate collection and recycling requirements and heavy-metal content.

A list with questions and answers about this Directive can be consulted at following web page:

[http://ec.europa.eu/environment/waste/batteries/pdf/questions\\_answers\\_directive.pdf](http://ec.europa.eu/environment/waste/batteries/pdf/questions_answers_directive.pdf)