

CONSULTATION DOCUMENT ON THE REVISION BATTERY DIRECTIVE

Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances¹ amended by Commission Directive 98/101/EC², as well as Commission Directive 93/86/EEC³, harmonise the national laws of the Member States in the field of waste management of spent batteries and accumulators containing certain heavy metals. The Battery Directives aim on the one hand to obtain a high level of environmental protection and on the other hand to ensure the proper functioning of the internal market.

At this moment there are concerns that the current legislation has not fully realised those objectives, since:

- The current Battery Directives are limited in scope, since they only cover the collection of batteries and accumulators containing certain quantities of cadmium, mercury or lead, specified in Annex I to Directive 91/157/EC. Experience has shown that this limited scope reduces the effectiveness of waste management of batteries, is a source of confusion for consumers with negative consequences for their participation in collection schemes and has caused implementation problems in the Member States.⁴
- The Battery Directives only prohibit the marketing of batteries and accumulators containing more than 0.0005% mercury as from 1 January 2001. Spent batteries and accumulators, in particular when they are incinerated or disposed of in landfills, are an important source of emissions of heavy metals, which constitute a significant source of environmental damage and risk to human health. This is particularly the case for mercury, lead and cadmium.
- There is a significant disparity between the national implementation measures with regard to the collection and recycling systems as well as the results yielded by such systems.

In order to contribute to a proper functioning of the internal market and to establish a high level of environmental protection in the field of waste management of spent batteries and accumulators it is deemed appropriate to propose a revision to the current Battery Directives.

¹ OJ L 78, 26.3.1991, p. 38.

² OJ L 1, 5.1.1999, p. 1, adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances.

³ OJ L 264, 23.10.93, p. 51, adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances.

⁴ See for example cases C-303/95 Commission vs Italy, [1996] E.C.R. I-3859, C-218-222/86, Commission vs Belgium [1996] E.C.R. I-6817; C-282-283/96, Commission vs France [1997] E.C.R. I-2929, C-236/96, Commission vs Germany [1997] E.C.R. I-6397, C-298/97, Commission vs Spain, C-215/98, Commission vs Greece, C-178/98, Commission vs France, C-323/01, Commission vs Italy.

Consultations on the revision of the Battery Directives already started in 1997. Within the framework of the Extended Impact Assessment for the revision of the Battery Directives, all stakeholders and Member States are given the opportunity, to communicate in writing their positions and concerns related to the revision of the Battery Directive.

In particular, input is requested on the positive and negative impacts, particularly in terms of economic, environmental and social consequences, including impacts on management of risks for each of the following selected policy options:

Collection and recycling targets

- Establishment of collection targets [in the range of 30%-40%; 60%-70%; 70%-80%] for all spent batteries and accumulators placed on the Community market.
- Establishment of separate collection targets [in the range of 70%-80%; 80%-90%; 90%-100%] for all spent automotive batteries and accumulators placed on the Community market.
- Establishment of recycling targets [in the range of 45-55%; 55%-65%; 65%-75%] for all spent batteries and accumulators placed on the Community market.
- Establishment of separate recycling targets [in the range of 50%-60%; 60-70%; 70%-80%] for all spent automotive batteries and accumulators.

In assessing how these targets could be met, stakeholders are requested to provide input on the following options:

- Introduction of a producer responsibility principle for spent batteries and accumulators (establishing free take-back system/financing separate collection and recycling facilities).
- Introduction of a voluntary agreement with producers for collection and recycling of spent batteries and accumulators placed on the Community market.
- Use of alternative calculation methods for the targets.

Batteries and accumulators containing cadmium

- Establishment of separate collection targets for batteries and accumulators containing cadmium [in the range of 60%-70%; 70%-80%; 80%-90%] placed on the Community market.
- Establishment of separate recycling targets [in the range of 50%-60%, 60-70%, 70%-80%] for all spent batteries and accumulators containing cadmium placed on the Community market.
- Establishment of a complementary target for cadmium recovered from spent batteries and accumulators containing cadmium.
- Introduction of a ban on the use of cadmium in batteries and accumulators placed on the Community market, where commercially viable substitutes are available.

Interested parties are invited to send their comments by **28 April 2003** at the latest by e-mail to env-batteries@cec.eu.int. or by post to

European Commission
DG Environment, Unit A2 - Batteries Consultation,
B-1049 Brussels
Belgium.
