

**EICTA comments on BIO Intelligence Services final proposals for the capacity marking of portable batteries**

Brussels, 3<sup>rd</sup> December 2008

Dear Ms. Kelevska,

European Directive 2006/66/EC requires that the capacity of all portable and automotive batteries and accumulators is indicated on them by September 26<sup>th</sup>, 2009. EICTA would like to take the opportunity to provide comment on the final report BIO Intelligence Services prepared for the European Commission to establish harmonised methods for the determination of the capacity of portable batteries.

As mentioned in section 4.3.2.2 of the report, primary and secondary batteries are difficult to compare using a single performance indicator. Therefore EICTA supports the idea of differentiating marking requirements between primary and secondary batteries.

1. Portable Primary Batteries

EICTA supports BIO IS' recommendation to restrict capacity marking to the five common size batteries (AAA, AA, C, D and 9V) and to exempt all batteries sold without packaging and with equipment, watch batteries and specialty batteries from the capacity marking.

2. Portable secondary Batteries

EICTA agrees to maintain IEC standards as basis to measure the capacity of secondary batteries and also supports the exemptions recommended for button cells, memory back-up batteries and battery packs which are supplied embedded in equipment. This exemption should apply to all button cells, memory back-up batteries and battery packs which are not intended to be replaced by the consumer in the terms of Art. 11 of the Directive. Additionally EICTA recommends exempting individual cells supplied separately within equipment packaging.

The location of the capacity marking shall be either on the cell and/or on the packaging. Due to many other marking requirements the decision shall be left to the manufacturers where to place the marking.

EICTA does not support the proposals regarding the minimum size of the marking for secondary batteries. The marking proposed by BIO IS covering a height of up to 2,5 mm and a length of up to 7 mm on the cell and 1.5 % of the largest side of a battery pack is too large for many ICT equipment batteries, especially due to lack of available space. Instead, EICTA supports the Recharge proposal of a minimum size value of 1 mm x 5 mm

for accumulators. The industry has been using capacity marks of this size (e.g. on Mobile phone, PDA, etc, batteries) for many years to good effect.

### 3. Battery packs

Some further comments are necessary regarding battery packs. According to Art. 21 (2) of the Battery Directive the “capacity of all portable and automotive batteries and accumulators” shall be indicated on them. In contrast to Art. 21 (1) battery packs are not mentioned. In our understanding battery packs do not fall under the capacity marking requirement of Art. 21 (2).

However, BIO IS includes battery packs in its recommendations stating that battery packs embedded in equipment shall be exempted and that the labelling shall apply on the battery pack instead of the individual cells. EICTA agrees that it does not make any sense to mark the single cells. But, as battery packs are typically sold together with equipment and are normally custom-made the end-user has no possibility to choose between two different brands for a given application at the time of purchase.

Therefore EICTA recommends excluding battery packs from the capacity marking requirements as stated in the Directive. Instead the decision to mark battery packs should be left to the discretion of manufacturer.

### 4. Special provisions for Lithium-Ion batteries

EICTA would like to raise attention to the specific issue of Lithium-Ion batteries beginning in 2009. From January 1<sup>st</sup>, 2009, UN International Transport Regulations will require the marking of the Energy Content of Lithium batteries in Wh. This means, as a consequence, producers have to indicate the value of energy content in Wh as well as the capacity content in Ah on rechargeable Lithium batteries. The use of both Wh and Ah (mAh) will likely cause confusion to end-users without providing any added value. As the Wh information is required to meet UN shipping rules, we would advocate that Li Ion batteries are exempt from the capacity marking requirement.

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