



EUROPEAN COMMISSION  
Impact Assessment Board

Brussels,  
D(2011)

## Opinion

### Title

**DG ENV - Impact assessment on an EU initiative on a Cadmium ban for batteries and accumulators (Amendment of Article 4(3)(c) of DIRECTIVE 2006/66/EC)**

**(draft version of 26 October 2011)**

### **(A) Context**

The Batteries Directive (Directive 2006/66/EC) seeks to improve the environmental performance of batteries and accumulators and of the activities of all operators involved in their life-cycle. It lays down specific rules on placing batteries and accumulators on the market and on collection, treatment, recycling and disposal of waste batteries and accumulators. To achieve its objectives, the Directive prohibits placing on the market batteries and accumulators containing mercury and cadmium. However, Article 4(3) exempts portable batteries and accumulators intended for use in cordless power tools (CPT).

The purpose of this impact assessment is to provide a sound knowledge basis for a possible Commission proposal concerning the exemption for the use of cadmium in portable batteries intended for the use in cordless power tools. The scope of this impact assessment is therefore limited to a review of Article 4(3)(c) of the Batteries Directive, and will not analyse impacts of the wider policy decision on the prohibition on the use of cadmium in portable batteries in general.

### **(B) Overall assessment**

**The report provides adequate analysis to support action in this area but should be further improved in some respects. Firstly, the report should explain more clearly and in greater detail the concrete environmental and health problems to be addressed, the natural evolution of the baseline scenario without an EU ban and possible interactions with other EU legislation. In addition, solid evidence of the higher risks of cadmium compared to other battery types should be provided. Secondly, it should present a broader and deeper discussion of the options, by analysing further tangible options and by clarifying their different time horizons. Thirdly, the report should strengthen the impact analysis, by including more objective data and robust evidence and by discussing more thoroughly impacts on consumers, SME's and competitiveness. Finally, it should spell out more extensively the monitoring and evaluation arrangements, for instance by defining robust progress indicators.**

### **(C) Main recommendations for improvements**

**(1) Better explain the baseline scenario and the problems to be addressed.** The report should better describe the policy context of the problem by providing more evidence and figures on the environmental and health issues which justify the introduction of a cadmium ban. This should include more detailed background information on the Batteries Directive, and the inclusion of the cadmium ban in the directive. On this basis, the report should demonstrate more clearly how the situation would evolve in the absence of any cadmium ban at EU level, taking into account existing legislation, such as REACH. It should also provide solid evidence of the higher risks of cadmium compared to other battery types should be provided. Finally, the report should explain in more detail if the "natural" trend to replace NiCd batteries with more efficient Li-ion types would render a cadmium ban unnecessary within the time frame considered.

**(2) Better design and present the options.** The report should improve the design and the presentation of the options by exploring further options (including ones having differences in the time horizon, mandatory recycling etc.). It should also better explain why, for the presented policy options the years 2013 and 2016 have been chosen as the relevant ban withdrawal dates. Furthermore, the report should provide greater clarity on the options discarded at an early stage and reasons for discarding them.

**(3) Improve the assessment of impacts.** The report should strengthen the impact analysis by using more objective data and more robust evidence (which are not only based on the analysis of a single firm or manufacturer) and by being more transparent on the underlying assumptions. It should carry out a sensitivity analysis to test the robustness of the expected impacts. In analysing the impacts the report should demonstrate in greater detail the environmental risks associated with alternative battery types and corroborate the argument that cadmium is more harmful. Finally, the report should assess more thoroughly the impacts on affected consumers, SME's and competitiveness of the affected industry sectors.

**(4) Better present the monitoring and evaluation arrangements.** The reports should further develop the monitoring and evaluation arrangements by considerably extending their presentation and by including concrete progress indicators, clearly linked to the defined objectives.

*Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.*

### **(D) Procedure and presentation**

The report should avoid technical language and jargon.

### **(E) IAB scrutiny process**

Reference number	2010/ENV/016
External expertise used	No
Date of IAB meeting	23 November 2011 (written procedure)