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NOTE

from : General Secretariat
to : Permanent Representatives' Committee / Council

Subject : Proposal for a Directive of the European Parliament and of the Council on batteries and accumulators and spent batteries and accumulators
- Outcome of the European Parliament's first reading
(Strasbourg, 19 to 22 April 2004)

I. INTRODUCTION

During the sitting of 19 April, the Rapporteur, Mr Hans BLOKLAND (EDD, NL) put forward a report containing **82 amendments** to the Commission's proposal on behalf of the Committee on the Environment, Public Health and Consumer Policy. These mainly concern:

- the scope and objectives of the Directive (amendments 5 and 7-9);
- definitions (amendments 11-22);
- collection and recycling rates and facilities, including more ambitious figures than the Commission's proposal (amendments 2-3, 28-32, 34-43, 66 and 71-76);
- monitoring of the waste stream (amendments 1, 26 and 69);
- the concept of individual producer responsibility (amendments 44-50, 55);
- end-users' information (amendments 52-56);
- stricter provisions for heavy metals (such as mercury, lead and cadmium, amendments 23-25, 27, 33, 65, 67-68) together with a list of exemptions if there is no alternative (amendment 82);
- labelling provisions for batteries (amendments 57-64 and 77-81).

1 more amendment (No 83) was tabled by the PES group, 12 (Nos 84-88 and 118-124) by the EDD group, 14 (Nos 89-101 and 125) by the EPP-ED group and 16 (Nos 102-117) by the Greens/EFA group.

II. DEBATE

Taking the floor on behalf of the Commission, the Commissioner, Ms WALLSTROM firstly recalled the main objective of the proposal to extend the scope of existing legislation to all batteries and accumulators in order to achieve a high level of environmental protection. At the same time it is the most cost-effective proposal, in line with the results of the extended impact assessment that the Commission conducted. She therefore strongly supported the proposal to introduce a closed-loop system for all batteries and accumulators as well as a producer responsibility scheme.

From his part, the Rapporteur welcomed the Commission's proposal as it contains a lot of positive elements including binding collection and recycling rates for batteries. In his view, the presence of heavy metals constitutes the biggest problem as it implies harmful environmental effects. In order to deal with this problem, the EP amendments insist that industry should promote alternative solutions by producing non-harmful batteries and accumulators for their end users.

Speaking on behalf of the Committee on Industry, External Trade, Research and Energy (ITRE), Mr LINKOHR (PES, DE) recommended not to introduce any bans with this new piece of legislation but rather to promote rapidly alternative solutions.

Mr GOODWILL (EPP-ED, UK), speaking on behalf of his group, qualified the Commission's proposal as a balanced and proportionate text, which could lead to a right market-led solution. The PES supports the move to set recovery targets based on a percentage and not on an arbitrary number of grams (160g) as proposed by the Commission. However, his group could not support the amendments to Article 4 with regard to the bans on heavy metal.

Speaking on behalf of the PES group, Mr LANGE (DE) also endorsed the Commission's proposal with the addition of the amendments related to the more ambitious collection and recycling targets. Moreover, his group supports the banning of heavy metals, which would give the right signal to industry and could promote innovation in the battery sector.

Mr DAVIES (ELDR, UK), speaking on behalf of his group, recalled the intensive lobbying over this issue. While backing a closed-loop system for cadmium batteries in the medium term, the EP should be looking in the long term for the replacement of such batteries because of their toxicity. With respect to the collection targets, the speaker criticised the fact that Member States often agree on legally-binding targets in the knowledge that the pathetically cumbersome procedures that the Commission has at its disposal will mean that they never actually have to meet those targets within the timescales proposed.

Speaking on behalf of the Greens/EFA group, Mr DE ROO (NL) expressed his clear preference for a total ban of the dangerous substances as the alternative solutions already exist in the market and regretted the fact that both the Commission and the Christian democrats had given in to the pressure from industry. Ms McKENNA (Greens/EFA, IE) also recalled the risks from the use of cadmium. The right approach should be to impose a ban of heavy metals in household batteries for the sake of public health, consumer protection and the environment.

III. VOTE

The vote took place during the sitting of 20 April and had the following results:

- A bloc of **25 amendments** (Nos 4, 6, 10, 14, 16, 18, 20, 24, 29, 37, 39, 43, 46-47, 50, 52-53, 63, 65, 67-68, 71 and 73-75) was **adopted** after a single vote.
- A total of **61 amendments** (Nos 1-2, 5, 7-9, 11-12, 19, 21-23, 25-28, 30, 32, 33-3rd part, 34-36, 38, 40-41, 44-45, 48-49, 51, 54-62, 64, 66, 69, 72, 76-81, 82-1st part, 85, 92, 95, 99-101, 103, 108-109, 112 and 120) was **adopted** after separate votes.
- On the contrary, amendments Nos 15, 33-1st and 2nd parts, 82-2nd part, 84, 86-88, 94, 96-97, 102, 104-107, 110-111, 113-118 and 121-124 were **rejected** by the plenary and amendments Nos 3, 17, 31, 42, 83, 89-91, 93, 98 and 125 **fell** after the adoption of other amendments.
- Finally, amendment No 70 was annulled, No 119 withdrawn and No 13 not put to a vote as it did not concern all the linguistic versions of the text.

The Commission's position to the amendments adopted could be summarised as follows:

- A total of **29 amendments** (Nos 4-5, 11-14, 21, 24, 46-47, 50-52, 56-62, 64, 78-81, 85, 103, 108-109 and 112) are **acceptable** to the Commission.
- A total of **17 amendments** (Nos 10, 16-17, 20, 22-23, 27-29, 35, 40, 43-44, 48, 53, 88 and 99) **can be accepted in principle or in part** by the Commission.
- On the contrary, the remaining **40 amendments** (Nos 1-2, 6-9, 18-19, 25-26, 30, 32-34 (the last one referring to the collection targets), 36-39, 41, 45, 49, 54-55, 63, 65-69, 71-77, 82, 92, 100-101 and 120) **cannot be accepted** by the Commission.

The text of the amendments adopted as well as the Parliament's legislative resolution is set out in Annex hereto.

P5_TA-PROV(2004)0304

Batteries and accumulators *I**

European Parliament legislative resolution on the proposal for a European Parliament and Council Directive on batteries and accumulators and spent batteries and accumulators (COM(2003) 723 – C5-0563/2003 – 2003/0282(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2003) 723)¹,
 - having regard to Articles 251(2), 95(1) and 175(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0563/2003),
 - having regard to the opinion of the Committee on Legal Affairs and the Internal Market on the proposed legal basis,
 - having regard to Rules 67 and 63 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Policy and the opinion of the Committee on Industry, External Trade, Research and Energy (A5-0265/2004),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

¹ OJ C ... / Not yet published in OJ.

Amendment 1
Recital 7

(7) In order to achieve a high level of protection of human and animal health and of the environment, the marketing of certain batteries and accumulators should be prohibited because of the quantity of heavy metals they contain. ***The quantities of spent nickel-cadmium batteries and accumulators disposed of in the waste stream should be monitored. The Commission should evaluate the need for an adaptation of the Directive, taking account of the results of the monitoring and of available technical and scientific evidence.***

(7) In order to achieve a high level of protection of human and animal health and of the environment, the marketing of certain batteries and accumulators should be prohibited because of the quantity of heavy metals they contain.

Amendment 2
Recital 9

(9) Member States should be required to achieve a high collection rate for spent batteries and accumulators to ensure that they contribute to the environmental objectives of the Community. To achieve a high level of material ***recovery*** throughout the Community and prevent disparities between Member States, all Member States should be required to send *the* spent batteries and accumulators *collected* to recycling facilities.

(9) Member States should be required to achieve a high collection rate for spent batteries and accumulators to ensure that they contribute to the environmental objectives of the Community. To achieve a high level of material ***recycling*** throughout the Community and prevent disparities between Member States, all Member States should be required to send *collected* spent batteries and accumulators to recycling facilities.

Amendment 103
Recital 11

(11) All interested parties should be able to participate in collection and recycling schemes. Those schemes should be designed to avoid discrimination against imported products, barriers to trade *or* distortions of competition and should guarantee *the* maximum possible returns of spent batteries and accumulators. For a transitional period, producers should be allowed, on a voluntary basis *at the time of sale* of new products, to show purchasers the costs ***of managing waste in the past***. Producers making use of that provision should ensure that the costs mentioned do not exceed the actual costs incurred.

(11) All interested parties should be able to participate in collection and recycling schemes. Those schemes should be designed to avoid discrimination against imported products, barriers to trade *and* distortions of competition and should guarantee maximum possible returns of spent batteries and accumulators. ***Responsibility for funding of the management of historical waste should be shared by all existing producers by way of collective funding schemes to which all producers, existing on the market when the costs occur, contribute proportionately.*** For a transitional period producers should be allowed, on a voluntary basis, *when selling* new products, to show purchasers the costs ***incurred by producers in collecting, treating, and recycling spent portable batteries and accumulators placed onto the market prior to the date of transposition of this Directive.*** Producers making use of that provision should ensure that the costs mentioned do not exceed the actual costs incurred.

Amendment 4
Recital 15

(15) ***Consumer information*** on separate collection, the collection schemes available and the ***consumer's*** role in the management of spent batteries and accumulators is necessary for successful collection. Detailed arrangements should be made for a marking system, which should provide the ***consumer*** with transparent, reliable and clear information on the collection of batteries and accumulators and the heavy metals they contain.

(15) ***The provision of information to end-users*** on separate collection, the collection schemes available and the ***end-user's*** role in the management of spent batteries and accumulators is necessary for successful collection. Detailed arrangements should be made for a marking system, which should provide the ***end-user*** with transparent, reliable and clear information on the collection of batteries and accumulators and the heavy metals they contain.

Amendment 5
Recital 15a (new)

(15a) End-users should also be informed about the capacity of the batteries they buy so as to be able to make an informed choice.

Amendment 6
Recital 22

As regards producer responsibility, battery producers become responsible for further treatment *after the removal of the battery* from any separately collected *end-of-life* vehicle or waste electrical *and* electronic equipment.

As regards producer responsibility, battery producers, ***when identifiable***, become responsible for further treatment *once a battery is removed* from any separately collected *end-of-life* vehicle or waste electrical *or* electronic equipment.

Amendment 7
Article 1, title

Subject-matter

Objective

Amendment 8
Article 1

This Directive *establishes rules regarding the marketing of* batteries and accumulators *as well as* the collection, treatment and recycling of spent batteries and accumulators.

The purpose of this Directive is, first, the prevention of the use of heavy metals in batteries and accumulators and, in addition, the collection, treatment and recycling of all spent batteries and accumulators in order to prevent the disposal of batteries containing hazardous substances and to promote recycling of the useful substances therein. It is also intended to improve the environmental performance of batteries and accumulators and of the activities of all operators involved in the life cycle of electrical and electronic equipment, such as producers, distributors and consumers and especially operators directly involved in the treatment of waste batteries and accumulators.

Amendment 9
Article 2, paragraph 1

1. This Directive shall apply to all types of batteries and accumulators, regardless of their shape, volume, weight, material composition or use.

1. This Directive shall apply to all types of batteries and accumulators, regardless of their shape, volume, weight, material composition or use, *as well as to the appliances in which they are incorporated in so far as concerns marketing, marking and battery removal requirements.*

Amendment 10
Article 2, paragraph 2

2. This Directive shall not apply to batteries and accumulators used in equipment *connected with protection of essential interests of the security of Member States, including* military material, or in arms and munitions intended for specifically military purposes.

2. This Directive shall not apply to batteries and accumulators used in equipment *intended for* military material or in arms and munitions intended for specifically military purposes, *nor to batteries and accumulators used in vehicles and equipment designed to be sent into space.*

Amendment 11
Article 3, point (1)

(1) “battery” means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable);

(1) “battery” **or “accumulator”** means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) **or consisting of one or more secondary battery cells (rechargeable)**;

Amendment 12
Article 3, point (2)

(2) “accumulator” means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more secondary battery cells (rechargeable);

deleted

Amendment 14
Article 3, point (3)

(3) “battery pack” means any set of batteries or accumulators encapsulated *in* an outer casing *into one* complete unit, not intended to be opened by the consumer;

(3) “battery pack” means any set of batteries or accumulators **that are connected together and may be** encapsulated *within* an outer casing *so as to form a* complete unit *that is* not intended to be opened by the consumer;

Amendment 16
Article 3, point (5)

(5) “button cell **or accumulator**” means a small round battery or accumulator whose diameter is greater than its height and which is used for special purposes such as hearing aids, watches **and** small portable equipment;

(5) “button cell” means a small round 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**;

Amendment 85
Article 3, point (6)

(6) “industrial battery or accumulator” means a battery or accumulator used for industrial purposes, for instance as standby or motive power **and** a battery or accumulator **used for electrical vehicles**;

(6) “industrial battery or accumulator” means a battery or accumulator used for industrial purposes, for instance as standby or motive power, **which is not a “portable battery or accumulator” as defined in point 4**;

Amendment 18
Article 3, point (9)

(9) “recycling” means the reprocessing in a production process of *the* waste materials for the original **purpose or for other** purposes, but excluding energy recovery;

(9) “recycling” means the reprocessing in a production process of waste materials for the original purposes, but excluding energy recovery, **which means the use of combustible waste as a means of generating energy through direct incineration with or without other waste but with recovery of heat**.

Amendment 19
Article 3, point (11)

(11) “treatment” means any treatment of spent batteries and accumulators after they have been handed over to a facility **for sorting, recycling, preparation for disposal, and any other operation carried out for the recycling or disposal of spent batteries and accumulators**;

(11) “treatment” means any treatment, **in preparation for recycling, recovery or disposal**, of spent batteries and accumulators after they have been handed over to a facility **and includes sorting, disassembly, decanting and so on**;

Amendment 20
Article 3, point (13), points (a) to (c)

(a) manufactures and sells batteries or accumulators under his own brand;

(a) manufactures and sells batteries or accumulators under his own brand **or incorporated into appliances**;

(b) resells **batteries or accumulators** under his own brand or incorporated into appliances;

(c) imports or exports batteries, accumulators or appliances on a professional basis into **a Member State**.

(b) resells under his own brand **or incorporated into appliances batteries or accumulators produced by a supplier who cannot be identified**;

(c) imports or exports batteries, accumulators or appliances on a professional basis into **the Community market**.

Amendment 21
Article 3, point (13a) (new)

(13a) "distributor" means any person who provides batteries and accumulators on a commercial basis an end-user.

Amendment 22
Article 3, point (14)

(14) 'closed-loop system' means a system in which a spent battery or accumulator is taken-back by a producer, or a third **parties** acting on his behalf, in order to recycle its secondary materials, *which will be re-used* in the manufacturing of new products.

(14) 'closed loop system' means a system in which a spent battery or accumulator is taken back by a producer or a third **party** acting **either independently or on the poducer's** behalf, in order to recycle its secondary raw materials, *for reuse* in the manufacturing of new products.

Amendment 23
Article 4

1. Member States shall prohibit the marketing of all batteries *or* accumulators, whether or not incorporated into appliances, which contain more than **0.0005% of mercury by weight**.

1. **Without prejudice to Directive 2000/53/EC**, Member States shall prohibit the marketing of all batteries *and* accumulators, whether or not incorporated into appliances, which contain more than:

a) 5 ppm of mercury,

b) 40 ppm of lead, and/or

c) 20 ppm of cadmium.

2. Button cells, and batteries made up of button cells with a mercury content of no more than 2% by weight shall be exempt from the prohibition referred to in paragraph 1

2. Paragraph 1 shall not apply to the applications listed in Annex IIa.

2a. On the basis of a proposal from the Commission, the European Parliament and the Council shall adapt Annex IIa to technical progress, further restricting the list of exemptions in Annex IIa, if the use of mercury, cadmium or lead in the application listed therein becomes avoidable because alternatives exist on the market.

Amendment 24
Article 5

Member States shall promote research ***into the possibility of increasing*** the overall environmental performance of batteries and accumulators throughout their entire life-cycle, and the marketing of batteries and accumulators which contain smaller quantities of dangerous substances or which contain less polluting substances, in particular *as* substitutes for mercury, cadmium and lead.

Member States shall promote research ***and encourage producers to improve*** the overall environmental performance of batteries and accumulators throughout their entire life-cycle, and ***shall encourage the development and*** marketing of batteries and accumulators which contain smaller quantities of dangerous substances or which contain less polluting substances, in particular, substitutes for mercury, cadmium and lead. ***Member States shall promote research and development in these fields to support these objectives.***

Amendment 92
Article 5, paragraph 1 a (new)

Member States shall ensure that batteries and accumulators cannot be incorporated into appliances unless they can be readily removed, when spent, by the end-user. This provision shall not apply to the categories of appliance included in Annex IIa. All appliances in which batteries and accumulators are incorporated shall be accompanied by instructions showing how they can be removed safely and, where appropriate, informing the user of the content of the incorporated batteries and accumulators.

Amendment 25
Article 5a (new)

Article 5a

Heavy metal-free fuel cells

Member States may prohibit the marketing of accumulators containing heavy metals where heavy metal-free fuel cells are available.

Amendment 26
Article 6

Article 6

deleted

Monitoring of the waste stream

1. Member States shall ensure the monitoring of the quantities of spent portable nickel-cadmium batteries and accumulators disposed of in the municipal solid waste stream. A report on the results of the monitoring shall be drawn up on the basis of Table 1 in Annex I.

2. Without prejudice to Regulation (EC) 2150/2002 on waste statistics, Member States shall establish the report every year, starting one year after the date referred to in Article 32(1) of this Directive and covering the whole of each calendar year. It shall be transmitted to the Commission no later than six months after the end of the year concerned.

3. The Commission shall establish detailed rules for the monitoring of the municipal solid waste stream as referred to in the previous paragraph, in accordance with the procedure referred to in Article 30.

Amendment 27
Article 8

Member States shall take the necessary measures to prevent the final disposal of spent batteries and accumulators and ***to aim at achieving*** a closed loop system for all spent batteries and accumulators.

Member States shall take the necessary measures to prevent the final disposal of spent batteries and accumulators and ***to achieve*** a closed loop system for all spent batteries and accumulators ***the use of which is not prohibited by Article 4 of this Directive.***

Amendment 28
Article 9, paragraph 1, point (a)

(a) schemes are set up under which spent portable batteries and accumulators can be ***returned*** free of charge ***and collection facilities are available and accessible, having regard to population density;***

(a) schemes are set up under which spent portable batteries and accumulators can be ***collected individually from end-users or from an accessible place in their vicinity*** free of charge ***where not collected under the schemes referred to in Article 5(1) of Directive 2002/96/EC;***

Amendment 29
Article 9, paragraph 1, point (aa) (new)

(aa) end-users deliver their spent batteries and accumulators to the collection facilities mentioned in point (a);

Amendments 108 and 30
Article 9, paragraph 1, point (b)

(b) producers of industrial batteries and accumulators, or third parties acting on their behalf, take back from end-users spent industrial batteries and accumulators, regardless of chemical composition and origin;

(b) producers ***or distributors*** of industrial batteries and accumulators, or third parties acting on their behalf, take back from end-users spent industrial batteries and accumulators, regardless of chemical composition and origin;

Amendment 109
Article 9, paragraph 1, point (c)

(c) producers of automotive batteries and accumulators, or third parties acting on their behalf, set up schemes for the collection of spent automotive batteries and accumulators, *unless they are collected through* the schemes referred to in Article 5(1) of Directive 2000/53/EC.

(c) producers ***or distributors*** of automotive batteries and accumulators, ***distributors***, or third parties acting on their behalf, set up schemes for the collection of spent automotive batteries and accumulators ***from end users or from an accessible place in their vicinity***, *where not collected under* the schemes referred to in Article 5(1) of Directive 2000/53/EC.

Amendment 32
Article 9, paragraph 2a (new)

2a. Member States shall set up minimum deposit schemes for batteries with a low collection rate and batteries containing hazardous substances.

The level of the deposit may vary depending on the risk potential of the substances contained.

Amendment 33
Article 11

Prohibition of final disposal

Member States shall prohibit the final disposal of industrial and automotive batteries and accumulators in landfills or by incineration.

Final disposal

Member States shall ensure that, where the mercury, lead or cadmium parts of batteries and accumulators cannot, after processing, be recycled into new batteries, such parts are finally disposed of in dedicated landfill cells in authorised hazardous waste landfills, with appropriate environmental protection guarantees.

Amendment 34
Article 13

1. No later than four years after the date referred to in Article 32(1), Member States shall achieve a minimum average collection rate equivalent to ***160 grams per inhabitant per year for all spent*** portable batteries and accumulators including portable nickel-cadmium batteries.

By the same date, Member States shall achieve a ***specific*** minimum collection rate equivalent to ***80%*** of ***total quantity of spent portable nickel-cadmium batteries and accumulators per year***. ***The total quantity shall comprise portable nickel-cadmium batteries and accumulators collected annually through collection schemes as well as those disposed of annually in the municipal solid waste stream.***

1. No later than four years after the date referred to in Article 32(1), Member States shall achieve a minimum average collection rate equivalent to ***50% of the national annual sales two years earlier of all*** portable batteries and accumulators including portable nickel-cadmium batteries.

No later than six years after the date referred to in Article 32 (1), Member States shall achieve a minimum ***average*** collection rate equivalent to ***60%*** of ***national annual sales two years earlier of all portable batteries and accumulators, including portable nickel-cadmium batteries.***

2. A report on ***the results of the monitoring*** shall be drawn up on the basis of Table 2 in Annex I. Without prejudice to Regulation (EC) 2150/2002 on waste statistics, Member States shall *establish* the report every year, starting one year after the date referred to in Article 32(1) and covering the whole of each calendar year. It shall be transmitted to the Commission no later than six months after the end of the year *concerned*.

2. A report on ***collection*** shall be drawn up on the basis of Table 2 in Annex I. Without prejudice to Regulation (EC) 2150/2002 on waste statistics, Member States shall *draw up* the report every year, starting one year after the date referred to in Article 32(1) and covering the whole of each calendar year. It shall be transmitted to the Commission no later than six months after the end of the year *in question*.

2a. No later than six years after the date referred to in Article 32(1), the Commission shall make a proposal in accordance with Article 251 of the Treaty to increase the collection targets.

Amendment 35
Article 14, paragraph 1

1. Member States may apply for an extension of the deadline *to reach* the collection targets referred to in Article 13 up to a maximum of 36 months, for reasons *related to the specific situation of* geographical circumstances such as *the* large number of small islands or the presence of rural and mountain areas and low population density.

1. Member States may apply for an extension of the deadline *for reaching* the collection targets referred to in Article 13 *of* up to a maximum of 36 months, for reasons *relating to* specific geographical circumstances such as a large number of small islands or the presence of rural and mountain areas and low population density. ***A list of extensions applied for and agreed is given in Annex ...****

**** to be added before the adoption of this Directive/of the Directive.***

Amendment 36
Article 14, paragraph 2

2. Member States having acceded to the European Union by virtue of Accession Treaties concluded after 1 January 2003, may also apply for *an* adaptation of the collection targets referred to in Article 13, *because of the specific situation of a particular low level of battery consumption.*

2. Member States having acceded to the European Union by virtue of Accession Treaties concluded after 1 January 2003 may also apply for adaptation of the collection targets referred to in Article 13, *by reference to particular social, economic, geographical or environmental circumstances such as a large number of small islands or the existence of rural and mountainous areas and a low population density. A list of extensions applied for and agreed is given in Annex ...**

** to be added before the adoption of this Directive] of the Directive.*

Amendment 37
Article 14, paragraph 5

5. The Commission shall inform other Member States of *these* decisions.

5. The Commission shall inform *the* other Member States of *any notifications received with a view to seeking their opinions on the matter in issue before taking its decisions. The Commission shall also inform the Member States of those* decisions.

Amendments 38 and 120
Article 15, paragraph 1

1. Member States shall ensure that *producers, or third parties acting on their behalf, set up* schemes, using the best available treatment and recycling techniques, to provide for the treatment of spent batteries and accumulators collected in accordance with Article 9.

1. Member States shall ensure that schemes *are set up*, using the best available treatment and recycling techniques *in terms of the protection of human health and the environment*, to provide for the treatment of spent batteries and accumulators collected in accordance with Article 9 *that comply, as a minimum, with Community legislation, in particular as regards health, safety and waste management. They* shall ensure that, when setting up the treatment schemes, the negative external impacts of transport are taken into account.

Member States shall ensure that, when setting up the treatment schemes, the negative external impacts of transport are taken into account.

Amendment 95
Article 15, paragraph 1, subparagraph 2a (new)

Member States shall ensure that producers, or third parties acting on their behalf, set up recycling schemes for spent batteries and accumulators collected in accordance with Article 9, using the best available techniques that do not entail excessive costs..

Amendment 39
Article 15, paragraph 2

2. The treatment shall, as a minimum, include removal of all fluids and acids, and **storage**, even temporarily, **in** sites with impenetrable surfaces and suitable weatherproof covering or in suitable containers.

2. The treatment shall, as a minimum, include removal, **where applicable**, of all fluids and acids. **Storage shall, where this occurs**, even temporarily, **be on** sites with impenetrable surfaces and suitable weatherproof covering or in suitable containers.

Amendment 40
Article 16, paragraph 1, subparagraph 1

1. Treatment may also be undertaken outside the Member State concerned or the Community provided that the shipment of spent batteries and accumulators is in compliance with Council Regulation (EEC) No 293/93.

1. Treatment **and /or recycling** may also be undertaken outside the Member State concerned or **outside** the Community provided that the shipment of spent batteries and accumulators is in compliance with Council Regulation (EEC) **No 259/93**.

Amendment 41
Article 16, paragraph 1, subparagraph 2

Spent batteries and accumulators exported out of the Community in accordance with Council Regulation (EEC) No 259/93, Council Regulation (EC) No 1420/1999 and Commission Regulation (EC) No 1547/1999/EC shall count towards the fulfilment of the obligations and targets in Articles 18 and 19 of this Directive, *only if* the exporter declares that the recycling operation took place under conditions equivalent to the requirements of this Directive.

Spent batteries and accumulators exported out of the Community in accordance with Council Regulation (EEC) No 259/93, Council Regulation (EC) No 1420/1999 and Commission Regulation (EC) No 1547/1999/EC shall count towards the fulfilment of the obligations and targets in Articles **11**, 18 and 19 of this Directive, *provided that* the exporter declares that the **treatment and/or** recycling operation took place under conditions equivalent to the requirements of this Directive.

Amendment 99
Article 18, paragraph 1

Member States shall ensure that, one year after the date referred to in Article 32(1), producers, or third parties acting on their behalf, **achieve the following minimum recycling targets:**

(a) all portable batteries and accumulators collected in accordance with Article 9 enter a recycling process.

(b) Member States may allow to exempt up to a maximum of 10% of the collected portable batteries and accumulators from the obligation referred to in point (a) for technical reasons;

(c) all industrial and automotive batteries and accumulators collected in accordance with Article 9 enter a recycling process.

1. Member States shall ensure that, one year after the date referred to in Article 32(1), producers, or third parties acting on their behalf, provide for the recycling of all batteries collected separately in accordance with Article 9.

1a. New minimum recycling targets shall be established for all batteries and accumulators three years after the date referred to Article 32(1).

The minimum recycling targets are to be evaluated regularly and adapted to scientific and technical progress.

Amendment 100
Article 19, title

Recycling *efficiencies*

Recycling *targets*

Amendment 43
Article 19, paragraph 1

1. Member States shall ensure that, no later than three years after the date referred to in Article 32 (1), producers, or third parties acting on their behalf, achieve the following minimum recycling efficiencies:

(a) ***recycling of all the lead and*** a minimum of 65% by average weight of the materials contained in lead-acid ***batteries and*** accumulators;

(b) ***recycling of all the cadmium and*** a minimum of 75% by average weight of the materials contained in nickel-cadmium ***batteries and*** accumulators.

(c) recycling of 55% by average weight of the materials contained in other spent batteries and accumulators.

1. Member States shall ensure that, no later than three years after the date referred to in Article 32 (1), producers, or third parties acting on their behalf, achieve the following minimum recycling efficiencies:

(a) a minimum ***recycling*** of 65% by average weight of the materials contained in lead-acid accumulators ***and a closed loop for all the lead contained.***

(b) a minimum ***recycling*** of 75% by average weight of the materials contained in nickel-cadmium accumulators ***and a closed loop for all the cadmium contained.***

(c) recycling of 55% by average weight of the materials contained in other spent batteries and accumulators.

The proposed minimum recycling efficiencies are to be evaluated regularly and adapted to best available technology and scientific and technical progress in accordance with the procedure referred to in Article 30(2).

Amendment 44
Article 20, paragraph 1

1. Member States shall ensure that producers, or third parties acting on their behalf, **arrange** the financing for at least the treatment, recycling and sound disposal of all spent portable batteries and accumulators deposited at collection facilities set up under Article 9(1)(a).

1. Member States shall ensure that, ***no later than one year after the date referred to in Article 32(1)***, producers, or third parties acting on their behalf, **provide** the financing for at least the **collection**, treatment, recycling and **environmentally** sound disposal of all spent portable batteries and accumulators deposited at collection facilities set up under Article 9(1)(a).

Amendment 45
Article 20, paragraph 1a (new)

1a. In the case of products placed on the market later than one year after the date referred to in Article 32(1), every producer shall be responsible for financing the operations referred to in paragraph 1 in relation to the waste from his own products.

Amendment 112
Article 20, paragraph 2a (new)

2a. The costs of collection, treatment and environmentally sound disposal shall not be shown separately to purchasers at the time of sale of new products.

Amendment 46
Article 21, paragraph 1a (new)

1a. For batteries which are still incorporated in other products such as cars or electrical and electronic equipment at the moment those other products become waste, the battery producers will only become responsible for the further treatment of the batteries after their removal from the other products.

Amendment 47
Article 21, paragraph 2a (new)

2a. Member States shall ensure that end-users are obliged to return their spent industrial and automotive batteries and accumulators to collection systems.

Amendment 48
Article 22

Member States shall take the necessary measures to ensure that, when placing a product on the market, each producer is registered and provides a guarantee, that the management of spent batteries and accumulators will be financed. The producer may provide a guarantee in the form of its participation in appropriate schemes for financing the management of spent batteries and accumulators, or of a recycling insurance, or of a blocked bank account.

Member States shall take the necessary measures to ensure that, when placing a product on the market, each producer is registered and provides a guarantee that the management of spent batteries and accumulators ***that he has placed on the market*** will be financed. The producer may provide a guarantee in the form of its participation in appropriate schemes for financing the management of spent batteries and accumulators, or of a recycling insurance, or of a blocked bank account.

In the case of batteries which are still incorporated in other products, such as cars or electrical or electronic equipment, at the moment those other products become waste, battery producers will only become responsible for the further treatment of the batteries after their removal from the other products.

Member States shall draw up a register of producers and shall collect information, including substantiated estimates, on an annual basis, on the quantities and categories of batteries and accumulators placed on their market, collected, treated and recycled within the Member States, and on collected waste exported, by weight or, if this is not possible, by numbers.

The measures should differentiate between the financing of the management of spent mercury, lead or cadmium batteries and accumulators and the financing of the management of other spent batteries and accumulators.

Member States may disregard the financing guarantee where the collection and recycling of batteries and accumulators are self-financing.

Amendment 49

Article 23, paragraph 1

1. Responsibility for meeting the costs of **managing** the spent batteries and accumulators *put* on the market before entry into force of this Directive, historic waste, shall lie with producers.

1. Responsibility for meeting the costs of **the collection, treatment, recycling and environmentally sound disposal of** spent batteries and accumulators *placed* on the market before *the* entry into force of this Directive, historic waste, shall lie with producers.

Amendment 50

Article 23, paragraph 1, subparagraph 1a (new)

Member States shall take the necessary measures to ensure that all producers of portable batteries placed on the market before the entry into force of this Directive, or third parties acting on their behalf, have met their obligations in proportion to their weight-related market share per type of battery and accumulator.

Amendment 51
Article 24, paragraph 1

Member States shall ensure that all economic operators in the sectors concerned and all *the* competent public authorities may participate in the collection, treatment and recycling schemes referred to in Articles 9 and 15.

Member States shall ensure that all economic operators in the sectors concerned and all competent public authorities may participate in the collection, treatment and recycling schemes referred to in Articles 9, **10** and 15.

Amendment 52
Article 25, title

Consumer Information

End-user information

Amendment 53
Article 25, paragraph 1, introductory part

1. Member States shall ensure, in particular through information campaigns, that **consumers** are fully informed of:

1. Member States shall ensure, in particular through **national** information campaigns, that **end-users** are fully informed of:

Amendment 54
Article 25, paragraph 1, point (a)

(a) the potential effects on the environment and human health of the substances used in batteries and accumulators;

(a) the potential effects on the environment and human health **of batteries and accumulators and** of the substances used in batteries and accumulators;

Amendment 55
Article 25, paragraph 1a (new)

1a. Producers shall fund the provision of the end-user information referred to in paragraph (1).

Amendment 56
Article 25, paragraph 2

2. On the basis of the collection rates achieved, Member States shall, if appropriate, adopt additional measures to ensure that consumers participate in the collection of spent batteries and accumulators and to discourage them from the final disposal of such waste.

2. Member States shall take appropriate measures to encourage end-users to participate in the collection of spent batteries and accumulators and to persuade them to facilitate the process of re-use, treatment and recovery.

Amendment 57
Article 27, paragraph 1

1. Member States shall ensure that all batteries, accumulators and battery packs are appropriately marked with the symbol shown in Annex II **in accordance with the technical specifications laid down in that Annex.**

1. Member States shall ensure that all batteries, accumulators and battery packs are appropriately marked with the symbol shown in Annex II.

In exceptional cases, where this is necessary because of the size or function of the battery or accumulators, the symbol may be printed on the packaging.

Amendment 58
Article 27, paragraph 1, subparagraph 1a (new)

Member States shall ensure that the capacity of all batteries, accumulators and battery packs is indicated on them in a visible, legible and indelible form.

Amendment 59
Article 27, paragraph 2

2. The Commission shall amend Annex II in order to adapt to technical progress, in accordance with the procedure referred to in Article 30

2. Batteries, accumulators and button cells containing more than 5 ppm mercury, more than 20 ppm cadmium or more than 40 ppm lead, shall be marked with the chemical symbol for the metal concerned: Hg, Cd or Pb. The symbol indicating the heavy metal content shall be printed beneath the symbol shown in Annex II and shall cover an area of at least one quarter the size of that symbol.

Amendment 60
Article 27, paragraph 2a (new)

2a. The symbol shown in Annex II shall cover 3% of the area of the largest side of the battery, accumulator or battery pack, up to a maximum size of 5 x 5 cm. In the case of cylindrical cells, the symbol shall cover 1.5% of the surface area of the battery or accumulator and shall have a maximum size of 5 x 5 cm.

Amendment 61
Article 27, paragraph 2b (new)

2b. Where the size of the battery, accumulator or battery pack is such that the symbol would be smaller than 0.5 x 0.5 cm, the battery, accumulator or battery pack need not be marked but a symbol measuring 1 x 1 cm shall be printed on the packaging.

Amendment 62
Article 27, paragraph 2c (new)

2c. The symbols shall be printed visibly, legibly and indelibly.

Amendment 63
Article 27, paragraph 2d (new)

2d. Member States shall not require additional marking on batteries and accumulators relating to matters regulated by this Directive.

Amendment 64
Article 27, paragraph 2e (new)

2e. The Commission may, under the procedure referred to in Article 30(2), provide for exemptions from labelling pursuant to this Article.

Amendment 65
Article 29, paragraph 1, point (a)

(a) The appropriateness of further risk management measures for batteries and accumulators containing heavy metals, taking into account the reporting obligation of the Member States referred to in Article 6

(a) The appropriateness of further risk management measures for batteries and accumulators containing heavy metals, taking into account ***the latest scientific evidence and*** the reporting obligation of the Member States referred to in Article 6

Amendment 66
Article 29, paragraph 1, point (b)

(b) The appropriateness of the minimum collection target for all spent portable batteries and accumulators ***and the additional collection target for spent portable nickel-cadmium batteries and accumulators set out in Article 13***, taking into account the information provided by the Member States on the basis of Article 6, technical progress and practical experience gained in the Member States.

(b) The appropriateness of the minimum collection target for all spent portable batteries and accumulators, taking into account the information provided by the Member States on the basis of Article 6, technical progress and practical experience gained in the Member States.

Amendment 67
Article 29, paragraph 1, point (ca) (new)

(ca) The extent to which heavy metal-free fuel cells can replace accumulators containing heavy metals.

Amendment 68
Article 29, paragraph 2, subparagraph 1a (new)

In the light of the evaluation the Commission shall, where appropriate, submit a new proposal for a directive with a view, in so far as heavy metal-free fuel cells could replace accumulators containing heavy metals, to prohibiting the marketing of accumulators containing heavy metals in new appliances.

Amendment 69
Annex I, table 1

Table 1 is deleted.

Amendment 71
Annex I, table 2, row 3a (new)

Total quantity in tonnes of portable batteries and accumulators placed on the market in the year

Amendment 72
Annex I, table 2, row 5

Collection rate achieved for the total quantity of spent portable batteries and accumulators ***in grams/inhabitant***

Collection rate achieved for the total quantity of spent portable batteries and accumulators ***as a percentage of sales volumes based on sales two years earlier.***

Amendment 73
Annex I, table 2, row 5a (new)

Total quantity in tonnes of portable nickel-cadmium batteries and accumulators placed on the market in the year two years previously

Amendment 74
Annex I, table 2, row 6

Total quantity in tonnes of spent portable ***nickel-cadmium*** batteries and accumulators collected separately in the year (***A***)

Total quantity in tonnes of spent portable batteries and accumulators collected separately in the year

Amendment 75
Annex I, table 2, row 7

Total quantity in tonnes of spent portable nickel-cadmium batteries and accumulators discarded in the municipal solid waste stream in the year (B)

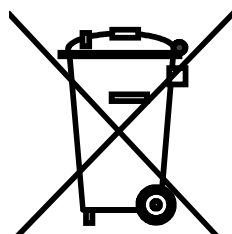
deleted

Amendment 76
Annex I, table 2, row 8

Collection rate achieved for the ***portable*** nickel-cadmium batteries and accumulators ***expressed as a % of A+B (%= A/(A+B) x 100)***

Collection rate achieved for the ***total quantity of spent*** nickel-cadmium ***portable*** batteries and accumulators ***as a percentage of sales volumes***

Amendment 77
Annex II, point 1, symbol



Amendment 78
Annex II, paragraph 2

2. Batteries, accumulators and button cell *deleted*
containing more than 0.0005% mercury,
more than 0.025% cadmium or more than
0.4% lead by weight, shall be marked with
the chemical symbol for the metal
concerned: Hg, Cd or Pb. The symbol
indicating the heavy metal content shall
be printed beneath the symbol in
paragraph 1 of this Annex and shall cover
an area of at least one quarter the size of
that symbol.

Amendment 79
Annex II, paragraph 3

3. The symbol in paragraph 1 of this *deleted*
Annex shall cover 3% of the area of the
largest side of the battery, accumulator or
battery pack, up to a maximum size of 5 x
5 cm. In the case of cylindrical cells, the
symbol shall cover 1.5% of the surface
area of the battery or accumulator and
shall have a maximum size of 5 x 5 cm.

Amendment 80
Annex II, paragraph 4

4. Where the size of the battery, *deleted*
accumulator or battery pack is such that
the symbol would be smaller than 0.5 x
0.5 cm, the battery, accumulator or
battery pack need not be marked but a
symbol measuring 1 x 1 cm shall be
printed on the packaging.

Amendment 81
Annex II, paragraph 5

*5. The symbols shall be printed visibly, deleted
legibly and indelibly.*

Amendment 82
Annex IIa (new)

Annex IIa

Batteries and accumulators in applications exempted from the prohibition in Article 4 (1)

In accordance with Article 4(2) batteries and accumulators, whether or not incorporated into appliances, used in the following applications are exempted from the prohibition mentioned in Article 4(1):

- button cells, and batteries made up of button cells with a mercury content of no more than 2% by weight,*
- cadmium in batteries or accumulators for emergency lighting,*
- cadmium in batteries and accumulators for industrial applications,*
- cadmium in batteries and accumulators for aeroplanes and trains, but excluding NiCd batteries used in electrical vehicles, since those applications fall under Article 4 (2) (a) of Directive 2000/53/EC,*
- lead in automotive batteries and accumulators, according to the provisions of Directive 2000/53/EC,*
- lead in batteries and accumulators of applications which are needed to start combustion engines (for example in garden tractors, boat engines, aeroplanes and motorcycles),*
- lead in batteries and accumulators for industrial applications,*

- cadmium in batteries and accumulators for cordless power tools.

In accordance with Article 11, member States shall prohibit the final disposal of all batteries and accumulators listed in this Annex in landfills or by incineration.

Amendment 101
Annex IIb (new)

Annex IIb

List of the categories of appliance excluded from the scope of Article 5

- 1. Reference cells in scientific and professional equipment, and batteries and accumulators placed in medical devices designed to maintain vital functions and in heart pacemakers, where uninterrupted functioning is essential and the batteries and accumulators can be removed only by qualified personnel;***
- 2. Portable appliances with an intended lifetime exceeding that of the original set of batteries or accumulators, where their replacement by unqualified personnel could present safety hazards to the user or could affect the operation of the appliance;***
- 3. Appliances in respect of which legal safety standards require the use of tools for battery removal or which are designed and sold as waterproof;***
- 4. Batteries and accumulators incorporated into professional equipment intended for use in highly sensitive surroundings, for example, in the presence of volatile substances.***