

## MINISTERIAL ORDERS, DECISIONS AND DECREES

## MINISTRY OF INDUSTRY, TRADE AND CRAFT

Decree no. 476, 20 November 1997

**Regulation conveying rules for the incorporation of directives 91/157/EEC and 93/68/EEC on batteries and accumulators containing dangerous substances**

THE MINISTRY OF INDUSTRY, TRADE AND CRAFT

with

THE MINISTRY OF THE ENVIRONMENT

and

THE MINISTRY OF HEALTH

In view of Article 17, clause 3 of Law 400 of 23 August 1988;

In view of Law 146 of 22 February 1994 - Community law for 1993 - and in particular Article 5 and Annex E;

In view of Law 52 of 6 February 1996 - Community law for 1994 - and in particular Article 5 and Annex D;

In view of Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing dangerous substances;

In view of Commission Directive 93/86/EEC of 4 October 1993 adapting Directive 91/157/EEC to technical progress;

In view of legislative decree 115 of 17 March 1995;

In view of legislative decree 22 of 5 February 1997 enacting Directives 91/156/EEC on waste, 91/689/EEC on dangerous waste and 94/62/EC on packaging and packaging waste, and in particular Article 56, clause 1, letter c);

In view of decree 904 of the President of the Republic, 10 September 1982;

Having heard opinion 85/97 of the Council of State expressed by the consultative section for regulatory acts at the sitting of 27 August 1997;

In view of the communication to the President of the Council of Ministers with note no. 17769 - R3 - 3 of 15 October 1997;

ADOPTS

the following regulation:

**Article 1**      *Definitions*

1. For the purposes of this regulation the following definitions are used:

a) battery or accumulator: a source of electrical energy obtaining by the direct transformation of chemical energy, formed of one or more primary (non-rechargeable) and secondary (rechargeable) elements;

- b) used battery or accumulator: a non-reusable battery or accumulator or one to be reclaimed or disposed of;
- c) collection: operation of collection, sorting and/or grouping of used batteries and accumulators;
- d) disposal: the operations specified in Annex B of legislative decree 22 of 5 February 1997, in so far as applicable to batteries and accumulators;
- e) reclaiming: the operations specified in Annex C of legislative decree 22 of 5 February 1997, in so far as applicable to batteries and accumulators;
- f) differentiated collection: the operations defined by Article 6, clause 1, letter f) of legislative decree 22 of 5 February 1997;

## **Article 2**     *Scope*

1. The provisions of this regulation apply to batteries or accumulators put on the market as from the date this regulation comes into effect and containing:
  - a) more than 25 mg of mercury per element;
  - b) more than 0.025 percent by weight of cadmium;
  - c) more than 0.4 percent by weight of lead;
  - d) up to 0.025 percent by weight of mercury for manganese alkaline batteries.
2. The provisions of this regulation also apply to button-type manganese batteries and to batteries made up of button-type elements.
3. The provisions of Article 9-*quinquies* of decree-law 397 of 9 September 1988, converted with modifications from Law 475 of 9 November 1988, governing the collection and recycling of used lead batteries, are maintained.

## **Article 3**     *Prohibition of putting on the market*

1. It is prohibited to put on the market manganese alkaline batteries containing more than 0.025 percent mercury by weight, except where intended for prolonged use at temperatures lower than 0°C or higher than 50°C or with special protection from impacts, for which the limit is 0.05 percent mercury by weight.
2. This Article is not applicable to button-type manganese batteries nor to batteries made up of button-type elements as described in Article 2, clause 2.
3. The batteries and accumulators in which trading is prohibited by clause 1 are considered dangerous products and are withdrawn from the market in accordance with Articles 4, clause 4 and 6, clauses 3, letter i), 4 and 5, of legislative decree 115 of 17 March 1995.

## **Article 4**     *Collection*

1. The used batteries and accumulators defined in Article 1 are delivered to a retailer when new batteries or new accumulators are purchased or are given for differentiated collection at one of the collection points organised by parties carrying out public service.

2. At the costs and responsibility of the producers, importers and distributors, the retailer referred to in clause 1 makes available to the public a container for depositing the used batteries and accumulators, at its own point of sale. The container must be suitable for putting used batteries and accumulators into and it must be possible only for the party responsible for the collection to open it. The retailer must keep at its premises a copy of the documentation appropriate to demonstrate the methods used for collection and for the emptying of the container.

3. To facilitate and encourage the differentiated collection, reclaiming and disposal of the used batteries and accumulators, the trade associations of the retailers, producers, importers and distributors and those carrying out public-service waste management may agree suitable programme agreements to govern, in particular, the holding of the containers of used batteries and accumulators at the places of sale and their periodic removal.

4. The announcement of the programme agreement specified in clause 3 is included in the notice referred to in Article 7, affixed in the places of sale situated in the area involved in the agreement.

5. The provisions of this Article apply after six months from the date this regulation comes into effect.

#### **Article 5**      *Marking*

1. To be put on the market, batteries and accumulators must have visible, legible and indelible printed markings bearing:

a) one of the two symbols showing [that the battery or accumulator is] subject to differentiated collection, indicated in Annex I. The symbol must occupy at least three percent of the surface area of the largest side of the battery or accumulator, with a maximum size of 5 cm x 5 cm. For cylindrical elements, the symbol must occupy three percent of half of the surface area of the battery or accumulator, with a maximum size of 5 cm x 5 cm. If the dimensions of the battery or the accumulator are such that the surface area of the symbol is smaller than 0.5 cm x 0.5 cm, the marking of the battery or accumulator is not required, but the packaging must be printed with a symbol of 1 cm x 1 cm;

b) an indication of the presence of heavy metals, appending the chemical symbol Hg (mercury), Cd (cadmium) or Pb (lead) below the symbol described in letter a), with dimensions at least equal to one quarter of the surface of the aforementioned symbol.

2. The marking must be carried out by the manufacturer or by his representative in Italy or, in the absence of such parties, by the party responsible for the placing [of the batteries or accumulators] on the Italian market.

#### **Article 6**      *Devices incorporating batteries or accumulators*

1. It is prohibited to put devices on the market that contain batteries or accumulators that cannot easily be removed from them by the consumer after use.

2. The instructions for use of devices incorporating batteries or accumulators must indicate how to remove the batteries or accumulators from them.

3. The instructions referred to in clause 2 above must also indicate the presence of fixed [? - Italian word semi-legible] accumulators that are harmful to the environment, indicating the methods the consumer may use to remove them without risk before disposing of the device as waste.

4. This Article does not apply to the devices listed in Annex II.

#### **Article 7**      *Information for purchasers*

1. At the places of sale of the batteries or accumulators covered by this regulation, an easily legible public notice must be displayed close to the sales counters, concerning the dangers and harm to the environment and to human health arising from the disposal of the batteries and the accumulators other than in the appropriate containers for differentiated collection and concerning the meaning of the symbols placed on the batteries and accumulators pursuant to this regulation.

#### **Article 8**      *Programmes*

1. Parties that carry out collection in accordance with Article 4 are obliged to carry out the reclaiming and disposal of the used batteries and accumulators in accordance with the relevant regulations in force.

2. In accordance with Article 18, clause 1, letter e) and clause 3 of legislative decree 22 of 5 February 1997, suitable sector plans are defined for achieving the following targets:

- a) reduction of the heavy metal content of batteries and accumulators;
- b) promotion of the placing on the market of batteries and accumulators containing smaller quantities of dangerous substances or [containing] less polluting substances;
- c) promotion of research on the reduction of the dangerous-substances content, on the use of less polluting replacement substances in batteries and accumulators, and on recycling systems.

3. In the context of the regional plans referred to in Article 22 of legislative decree 22 of 1997, programmes are specified for the gradual reduction of the quantity of used batteries and accumulators in domestic waste, and for the separate disposal thereof.

This decree, which has the seal of the State, shall be registered in the official collection of the regulations of the Italian Republic. Everyone concerned is obliged to comply with it and ensure it is complied with.

Rome, 20 November 1997.

*The Minister for Industry, Trade and Craft, BERSANI*

*The Minister for the Environment, RONCHI*

*The Minister for Health, BINDI*

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Registered in the State Audit Court, Register 1, Industry, sheet 1 on 7 January 1998.

**Annex I**      *Production of Batteries and accumulators*

[This Annex contains only the two symbols referred to in the main text.]

**ANNEX II**

LIST OF THE CATEGORIES OF DEVICES EXCLUDED FROM THE APPLICATION OF ARTICLE 3

1. Devices into which the batteries are soldered or otherwise firmly fixed at particular points of contact to ensure continuous electrical power supply for intensive industrial purposes or to preserve memory and data in certain types of computer and office equipment, if the use of the batteries and accumulators covered in Annex I is technically necessary.
2. The reference batteries of scientific or professional devices and the batteries and accumulators placed in health equipment designed to maintain vital functions and in cardiac stimulators, if their continuous functioning is essential and the batteries and accumulators may be removed only by qualified personnel.
3. Portable devices if the replacement of the batteries by unqualified personnel may constitute a hazard for the user or may prejudice the functioning of the device and professional devices designed for use in highly sensitive environments, for example in the presence of volatile substances.