



Revision of the Battery Directive

Observations and recommendations on key aspects of the Commission proposal of November 2003

1. As proposed by the Commission¹, the new Directive aims at establishing rules for harmonisation of the marketing of batteries and for an increase of spent battery collection and recycling. It requires taking 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.
2. As portable Ni-Cd batteries will be collected together with other types of portable batteries, the mandatory collection of *all* spent portable batteries will substantially contribute to the achievement of the collection rate of these Ni-Cd batteries. For Ni-Cd batteries the Commission proposes an additional specific collection target to be achieved within four years. RECHARGE supports such a specific target. The collection of industrial Ni-Cd batteries will be based on a contractual agreement between producers and end users to ensure a closed loop.
3. RECHARGE supports the proposed specific recycling efficiency target of 75% by weight for the materials contained in sealed Ni-Cd accumulators and a closed loop for all the cadmium contained.
4. RECHARGE supports the Commission proposal to measure the content of spent portable Ni-Cd batteries disposed of in Municipal Solid Waste (MSW) streams, and to report the results on a regular basis. RECHARGE recommends that this will build on the monitoring activities provided for in Regulation 2150/2002 on waste statistics. Such measuring will also provide useful data on battery content in MSW streams, in general.
5. A waste management policy for Ni-Cd batteries should be based on the results of the Risk Assessment Report and Extended Impact Assessment. As these reports are available for the specific case of Ni-Cd batteries and as their results show that the best policy option is collection and recycling, there is no justification to propose a market restriction on cadmium-based batteries.
6. The revision of the Battery Directive must have an overall positive impact upon industry and employment in Europe, as well as on the environment. RECHARGE members are ready to intensify their collection and recycling activities, to extend them to all 25 Member States, and to bear the associated financial responsibility through their financial participation in private or collective collection and recycling schemes. We therefore recommend supporting the Commission proposal for an unrestricted marketing of Ni-Cd batteries, subject to ambitious, realistic collection and recycling targets, which is the most sustainable way forward.

¹ The following comments are based on the Commission's proposal of November 2003.



7. RECHARGE fully supports the principle of financial producer responsibility. This includes providing for the financing of the collection, recycling and environmentally sound disposal of spent portable batteries deposited at collection points through participation in private or collective schemes which constitutes a guarantee. To prevent free-riders, the Commission proposes that each producer is registered. Registration is, indeed, a key condition for the financing efficiency. It could be modelled along the lines of the National Registers under the WEEE Directive.
8. RECHARGE supports the Commission position on the use of a mandatory visible fee to finance the collection program and strongly recommends to remove the 4-year time limit on the use of this fee. A major objective for the continued use of the visible fee being also to prevent free riders.
9. More than 90% of portable Ni-Cd batteries are sold incorporated in electrical and electronic equipment. We therefore expect that implementing the WEEE Directive will help to increase the return rates for rechargeable Ni-Cd batteries.
10. Achieving collection targets for portable batteries will also depend on end-users returning their batteries to collection points. To motivate consumers to bring back spent portable Ni-Cd batteries, RECHARGE members will develop, together with public stakeholders, dedicated commercial initiatives based on *Consumer Participation Incentives* (CPI). CPI include tools such as commercials, rebates, coupons, participation to lottery, etc...
11. Deposits may work for standardised products with a short shelf life and a high monthly sales rate. However, they are inappropriate for batteries, which come in more than 1,000 different shapes and sizes, a large majority of which have a *very long life time* and are incorporated in Electrical and Electronic Equipment of much higher value than the battery. Deposits have been proven not to be an adequate instrument to increase collection rates of durable goods.
12. RECHARGE strongly welcomes the revision of the Battery Directive as an opportunity to improve the current legal framework and to ensure a high level of environmental protection through effective collection of batteries. As a key stakeholder in this process, we are looking forward to playing a constructive and well-balanced role in this revision to help bring about a sustainable legislation, addressing both environmental and socio-economic considerations.

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