

Analysis of the Relationship between the Batteries Directive and the RoHS Recast Directive

This document is intended to clarify which European legislation is applicable to batteries after the transposition of the newly published RoHS Recast Directive 2011/65/EU and the implementation of the Batteries Directive 2006/66/EC in the EU Member States.

The legal assessment and statements from EU Institutions show that:

- the Batteries Directive is the most specific and therefore prevailing waste management legislation applicable to all types of batteries;
- the marketing restrictions of certain substances listed in the RoHS Directive and used in Electrical and Electronic Equipment do not apply to batteries;

I. Introduction

The RoHS Recast Directive mentions in recital 14 that « This Directive should apply without prejudice to Union legislation on safety and health requirements and specific Union waste management legislation, in particular Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators [...]. »

The Batteries Directive 2006/66 states in Recital 29 that the « Directive [...] on the restriction of the use of certain hazardous substances in electrical and electronic equipment does not apply to batteries and accumulators used in electrical and electronic equipment ».

The Guidance Document on the Batteries Directive published by the European Commission and available on its Web Site(*) also indicates that the Batteries Directive is the prevailing legal instrument regarding the placing on the market of batteries.

(*) <http://ec.europa.eu/environment/waste/batteries/pdf/qa.pdf> -

Extract from the Guidance Document (page 23).

What is the relationship between the Batteries Directive and the RoHS30 Directive?

Recital 29 of the Batteries Directive states that the RoHS Directive does not apply to batteries and accumulators used in electrical and electronic equipment. The Batteries Directive and the RoHS Directive have similar but different substance restrictions. The RoHS Directive restricts the use of heavy metals, such as mercury and cadmium, in electrical and electronic equipment but it does not apply to batteries. The Batteries Directive restricts the use of mercury and cadmium in batteries.

III. Conclusions

The following conclusion can be drawn from assessing the legal provisions of the RoHS recast and the Batteries Directives.

- The marketing restriction, as provided for in the RoHS Recast Directive 2011/65/EU, on new equipment containing e.g. mercury, lead and cadmium does not apply to batteries used with or incorporated in electrical and electronic equipment.

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RECHARGE Members are rechargeable battery manufacturers, Original Equipment Manufacturers incorporating those batteries in their equipment and spent batteries Recyclers and raw materials suppliers to the battery industry.

You are invited to visit our Web site at www.rechargebatteries.org.

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