

**Swedish Code of Statutes**

**SFS 1997:645**

Published 15 July 1997

**Ordinance  
concerning batteries**

issued on 19 June 1997.

The Swedish Government provides<sup>1</sup> as follows:

**General provisions**

§ 1 The purpose of this Ordinance is to prevent emissions into the environment of cadmium, mercury and lead from batteries.

The term battery is assumed to include battery packs and accumulators.

§ 2 In this Ordinance, environmentally hazardous batteries are considered to be batteries containing more than:

1. 25 milligrams of mercury per cell, except in the case of alkaline manganese batteries,
2. 0.025 per cent by weight of cadmium, or
3. 0.4 per cent by weight of lead.

The term environmentally hazardous batteries also refers to alkaline manganese batteries containing more than 0.025 per cent by weight of mercury.

**Restrictions and labelling**

§ 3 Environmentally hazardous manganese batteries may not be sold or commercially transferred. This restriction does not apply to manganese batteries of coin-cell type.

§ 4 An environmentally hazardous battery may be commercially transferred only if it has been clearly labelled in the manner stipulated in Annex 1 to this Ordinance by the manufacturer or by the importer into Sweden.

Instead of the obligation to label the battery, in the case of individual coin cells, it is sufficient for the packaging of such a battery to be clearly labelled in the manner stipulated in Annex 1.

<sup>1</sup> Cf. Council directive 91/157/EEG of 18 March 1991 concerning batteries and accumulators containing certain hazardous substances (EGT no. L78, 26/3/1991, p. 38, Celex 3011.0157), amended by virtue of Commission directive 93/86/EEG of 4 October 1993 concerning harmonisation with technical development of Council directive 91/157/EEG concerning batteries and accumulators containing certain hazardous substances (EGT no. L264, 23/10/1993, p. 51, Celex 3931.0086).

*Michael Johns*  
Michael Johns  
Swedish State Authorised Translator



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§ 5 Goods containing built-in environmentally hazardous batteries may be offered for sale and transferred commercially only if the batteries can easily be removed by the user when they are spent. This does not apply to the goods listed in Annex 2 to this Ordinance.

**Precautions**

§ 6 Any person importing environmentally hazardous batteries into Sweden or handling environmentally hazardous batteries pursuant to § 2 of the Act (1985:426) concerning chemical products shall

- take the measures necessary for a transition to batteries that are not classed as environmentally hazardous pursuant to this Ordinance, and
- take the necessary precautions to prevent or counteract harm to human health or the environment as a result of the handling of environmentally hazardous batteries.

**Collection**

§ 7 Spent batteries may not be included with or stored together with other waste. This also applies to scrapped goods containing environmentally hazardous batteries.

§ 8 Local authorities shall collect spent batteries and make suitable collection systems available for the purpose. Spent batteries received by any person who sells or commercially transfers batteries shall be disposed of via the local authority's collection system.

Anybody who sells batteries on a commercial basis shall, in conjunction with the sale, inform consumers in an appropriate manner of where they can dispose of spent batteries.

§ 9 Local authorities shall sort and transport spent batteries. Environmentally hazardous batteries shall be transported to facilities for removal or recycling of mercury, cadmium or lead.

A trader who has accepted spent batteries may deliver such batteries to a disposal or recycling plant if the batteries have been sorted in advance.

§ 10 The provisions of §§ 8 and 9 do not apply to lead batteries weighing more than three kilograms.

§ 11 Anybody who commercially manufactures, imports into Sweden, transfers or sells lead batteries weighing more than three kilograms is required to accept spent batteries of this sort and to transport them to disposal or recycling facilities.

**Goods with built-in environmentally hazardous batteries**

§ 12 Scrapped goods with built-in environmentally hazardous batteries are to be submitted to someone who trades in goods with built-in environmentally hazardous batteries or to a special place in accordance with the local authority's instructions. The trader is required to accept such scrapped goods and to inform consumers of where they can dispose of such goods

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Michael Johns

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Scrapped goods with built-in environmentally hazardous batteries that have been accepted by a trader are to be disposed of at the place indicated by the local authority. The local authority is to transport the batteries to facilities for the removal or recycling of mercury, cadmium or lead.

Traders who have accepted goods with environmentally hazardous batteries pursuant to the first paragraph may dispose of the batteries for removal or recycling if the batteries have been sorted in advance.

§ 13 The local authority may require that environmentally hazardous batteries be dismantled from goods containing built-in batteries.

**Reporting requirements**

§ 14 Anybody who commercially manufactures or imports environmentally hazardous batteries into Sweden shall submit reports to the Swedish Environment Protection Agency concerning the number of batteries transferred or imported for own use in commercial activities. This requirement also applies to those who commercially manufacture and import into Sweden goods with built-in batteries.

More detailed regulations concerning such reports may be issued by the Environment Protection Agency.

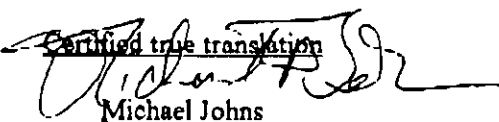
**Charges**

§ 15 Those required to submit reports pursuant to § 14 shall pay a charge to cover the cost of:

1. removal or recycling of the environmentally hazardous batteries,
2. information that must be disseminated in order to achieve the purpose stated in this Ordinance,
3. the local authority's sorting of environmentally hazardous batteries,
4. in the case of lead batteries weighing more than three kilograms, also collection of the batteries,
5. processing by the Environment Protection Agency of the required reports concerning environmentally hazardous batteries.

§ 16 For environmentally hazardous batteries that are traded on the Swedish market or imported into Sweden for the trader's own commercial activities, the following charges shall be levied:

- SEK 1 500 per kg mercury oxide batteries,
- SEK 1 000 per kg environmentally hazardous alkaline manganese batteries,
- SEK 300 per kg for sealed nickel cadmium batteries,
- SEK 30 per lead battery weighing less than three kg
- SEK 40 per lead battery weighing at least three and less than 30 kg
- SEK 2 per kg for lead batteries weighing more than 30 kg.

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The weight of the batteries shall include the electrolyte.

§ 17 The charge shall be paid each quarter after decision by the Environment Protection Agency, which shall receive and account for the payment.

The Environment Protection Agency may issue more detailed regulations concerning the payment of the charge.

§ 18 If special reasons exist, the Environment Protection Agency may decide to grant reduction or exemption from the charge.

§ 19 Decision concerning payment of the charge may be implemented in accordance with the Swedish Enforcement Code. The Environment Protection Agency may require that a decision shall apply with immediate effect even if it is appealed against.

Provisions concerning debt recovery are contained in the Swedish Act (1993:891) concerning the recovery of State claims, etc., and in the Debt Recovery Ordinance (1993:1229)

§ 20 Compensation to local authorities for the sorting of batteries shall be determined in the light of the number of sorted environmentally hazardous batteries delivered and the cost of sorting, in accordance with rates set by the Environment Protection Agency.

#### Supervision, liability and appeal

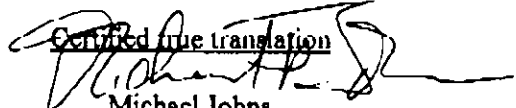
§ 21 The provisions of §§ 26-28 of the Ordinance (1985:835) concerning chemical products apply to the supervision of the observance of this Ordinance. The provision concerning the Swedish Chemicals Inspectorate contained in § 26 of the Ordinance concerning chemical products shall, however, refer to the Environment Protection Agency in the application of this Ordinance.

§ 22 The provisions of §§ 12-20 of the Ordinance (1996:971) concerning hazardous waste do not apply in the case of transportation of spent lead batteries and nickel cadmium batteries. § 5 of the Sanitation Ordinance (1990:984) does not apply to the types of battery referred to in § 11.

§ § 22-30 of the Ordinance concerning hazardous waste applies in the case of licences for the removal or recycling of spent environmentally hazardous batteries, and the Ordinance (1995:701) concerning transboundary transportation of hazardous waste applies to the export and import of such batteries.

§ 23 Provisions concerning liability and forfeiture due to infringement of § 2, § 2 first paragraph, § 6 and §§ 14 are to be found in the Swedish act (1985:426) concerning chemical products.

§ 24 A decision issued by the Environment Protection Agency in a particular case pursuant to this Ordinance may be appealed against before a general administrative court.

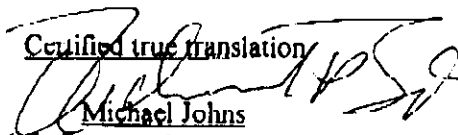
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Review dispensation is required for appeals to the administrative court of appeal.

§ 25 Further regulations concerning the implementation of this Ordinance may be issued by the Environment Protection Agency.

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*Annex 1*

One of the following two symbols is to be used in conjunction with labelling pursuant to § 4:

(symbols)

The symbols shall cover three per cent of the surface on the largest side of the battery. On cylindrical batteries, the symbol shall cover three per cent of half of the surface of the battery. The symbol shall not, however, be larger than 5 x 5 cm. If the battery is so small that three per cent of the battery surface is less than 0.5 x 0.5 cm, a symbol measuring 1 x 1 cm shall be placed on the packaging for the battery.

The person responsible for labelling pursuant to § 4 first paragraph shall decide which of the two symbols is to be used.

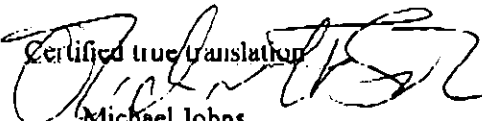
The label shall also provide information about the heavy metals which the battery contains, by way of the chemical symbol for the heavy metal concerned: Hg, Cd or Pb. The symbols shall be placed beneath the waste container symbol and shall be at least a quarter of the size of that symbol.

Labelling shall be clearly visible, legible and indelible.

*Annex 2*

The restriction in § 5 does not apply:

1. if for technical reasons it is necessary to use environmentally hazardous batteries: apparatus in which batteries are soldered, welded or in any other way permanently attached to the contact points in order to ensure continuous supply of current in demanding industrial use and to sustain memory and data functions in computer processing and office equipment,
2. if uninterrupted function is essential and if the batteries can only be removed by qualified personnel: reference cells in equipment for scientific or professional use and environmentally hazardous batteries in medical devices intended to sustain vital functions and in pacemakers,
3. if a battery replacement performed by unqualified personnel could jeopardise the safety of the user or affect the function of the apparatus: portable apparatus, etc, or
4. equipment for commercial use in hazardous surroundings, e.g. in the presence of volatile compounds.

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This Ordinance enters into force on 1 January 1998, on which date the Ordinance (1989:974) concerning environmentally hazardous batteries shall cease to apply.

On behalf of the Swedish Government

ANNIKA ÅINBERG

Lars Dahllöf  
Ministry of the Environment

  
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**Swedish Code of Statutes**

**SFS 1995:1347**

**Ordinance**

**concerning amendment to the Ordinance (1985:835) concerning chemical products;**

issued on 7 December 1995.

The Swedish Government hereby provides that § 27 of the Ordinance (1985:835) concerning chemical products shall be worded as follows.

§ 27 A state supervisory authority shall submit a report to the Consumer Ombudsman if the authority considers that there are grounds in the light of health and environmental considerations to take action pursuant to the Marketing Act (1995:450) against the marketing of a chemical product. Authorities other than the Chemicals Inspectorate shall consult with the Inspectorate before such a report is submitted.

The Ordinance enters into force on 1 January 1996

On behalf of the Swedish Government

ANNA LINDH

Stefan Rubenson  
(Ministry of the Environment)

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Michael Johns  
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**Swedish Code of Statutes**

**SFS 1991:640**

Published on 17 June 1991

Reprint

(Excerpts from)

**Act**

**concerning amendment to the Act (1985:426) concerning chemical products**

issued on 6 June 1991.

In accordance with decision<sup>1</sup> by the Riksdag, it is hereby provided that §§ 13 and 18 of the Act (1985:426) concerning chemical products shall be worded as follows.

The wording of the Act shall therefore be as follows as of the date upon which this Act enters into force.

.....

§ 2            In this Act, the word "handling" is taken to mean manufacture, processing, treatment, packaging, storage, transportation, use, disposal, destruction, conversion, sale, transfer and other comparable actions.

.....

<sup>1</sup> Govt bill 1990/91:90, JoU30, rekr. 338.

*Michael Johns*  
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Michael Johns

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**Swedish Code of Statutes**

**SFS 1994:1532**  
Published 23 December 1994

(Excerpts from)

**Ordinance**  
**concerning amendment to the Ordinance (1985:835) concerning chemical products;**

issued on 8 December 1994.


With respect to the Ordinance (1985:835) concerning chemical products<sup>1</sup>, the Swedish Government hereby provides

that § 9 shall be deleted,  
that §§ 8, 24, 26, 28 and 30 shall be worded as follows:

§ 26<sup>2</sup> The central supervision of observance of the Act (1985:426) concerning chemical products and Ordinances issued on the basis of the Act shall be exercised by the following authorities in the following areas:

<b>Supervisory authority</b>	<b>Area of supervision</b>
Environment Protection Agency	Protection of the outdoor environment in conjunction with the handling of chemical products.

<sup>1</sup> Ordinance reprinted 1992:230.  
<sup>2</sup> Most recent wording, 1994:679.

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Michael Johns  
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