

11-OCT-1999 16:08 FROM APT TRANSTELEX PLC TO 01233300010 17:02

**Order  
Regulating Materials Harmful to the Environment  
(Material Order)**

**Amendment dated 1st. July 1998**

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*The Swiss Council of Ministers  
hereby decrees that:*

I

The Material Order dated 9th. June 1986<sup>1</sup> shall be amended as follows:

*Introduction, first heading*

based on Article 26 paragraph 3, 29, 30a-30d, 32a, 38 paragraph 3, 39 paragraph 1, 41a paragraph 2, 44 paragraphs 2 and 3, 46 Paragraphs 2 and 3, 48 and 63 paragraph 2 of the Environmental Protection Law of 7th. October 1983<sup>2</sup> (Environmental Protection Law).

*List of appendices, No. 4*

4.10 Batteries and accumulators

*Appendix 3.2, No. 31 para. 3*

<sup>3</sup>Appendix 4.10 applies to the import and sale of batteries and accumulators containing mercury.

*Appendix 4.10*

Appendix 4.10 (batteries) contains the new wording as enclosed.

II

The order dated 17th. November on the subject of the transportation of special waste shall be amended as follows:

*Art. 16 para. 2 c*

<sup>2</sup>No authorisation is needed by:

- c. Persons or organisations who acquire batteries or accumulators and are committed to returning them in accordance with Appendix 4.10 of the Material Order of 9th. June 1986<sup>4</sup>, and who store these batteries and accumulators in the interim.

III

This amendment comes into force on 1st. October 1998.

1st. July 1998

On behalf of the Swiss Council of Ministers  
The President: Herr Cotti  
The Chancellor: Herr Couchepin

<sup>1</sup> SR 814.013  
<sup>2</sup> SR 814.01  
<sup>3</sup> SR 814.014  
<sup>4</sup> SR 814.013; AS 1998 2009

**Batteries and Accumulators****1 Definitions**

<sup>1</sup> Batteries shall be defined as power sources which convert chemical energy directly into electrical energy and comprise one or more non-rechargeable cells.

<sup>2</sup> Accumulators shall be defined as power sources which convert chemical energy directly into electrical energy and comprise one or more rechargeable cells.

<sup>3</sup> Miniature accumulators shall be defined as accumulators which weigh less than 1 kg.

<sup>4</sup> Objects with in-built batteries or accumulators shall be defined as objects containing batteries or accumulators which the consumer can remove only with great difficulty.

**2 Import and Sale****21 Batteries and Accumulators**

<sup>1</sup> The following types of battery and accumulator may not be imported as merchandise or sold by a manufacturer if they contain more mercury and cadmium than is necessary according to the state of the art, with a maximum level of:

Type	Maximum value in percent by weight	
	Mercury	Cadmium
Carbon-zinc batteries	0.01	0.015
Alkali-manganese batteries and accumulators	0.025	-

<sup>2</sup> In the case of alkali-manganese batteries and accumulators which are sold for applications under extreme conditions for long periods such as temperatures below 0° C, temperatures above 50° C, or high levels of vibration, a maximum value of 0.05 percent by weight of mercury shall apply.

<sup>3</sup> The maximum values under paragraphs 1 and 2 shall not apply to alkali-manganese button cells.

**22 Objects with In-built Batteries or Accumulators**

Objects with in-built batteries or accumulators may only be imported as merchandise or sold by a manufacturer if:

- a. the battery or accumulator contains in toto less than 0.001 percent by weight of mercury or cadmium and less than 0.1 percent by weight of lead;
- b. they are normally exchanged at specialist outlets and provision has been made for this; or
- c. in-built batteries or accumulators are necessary for the protection of the user or the proper functioning of the object, and they contain minimum amounts of mercury, cadmium or lead. The Federal Office issues guidelines<sup>5</sup> concerning these exceptions; these relate to the terms of Appendix 2 of Guideline No. 91/157 of the Council of the European Community dated 18th. March<sup>6</sup> concerning batteries and accumulators which contain hazardous materials.

**3 Information Labelling and User Instructions**

<sup>1</sup> According to the Protection of Trademarks Law of 28th. August 1992<sup>7</sup> or the Madrid Agreement on

<sup>5</sup> Source: Federal Office for the Environment, Forests and Countryside, 3003 Bern

<sup>6</sup> EC Gazette No. L 78 of 26.3.91, p. 38; source: Federal Office for the Environment, Forests and Countryside, 3003 Bern

<sup>7</sup> SR 232.11

the international registration of trademarks of 14th. July 1967<sup>8</sup> batteries and accumulators must carry the name of the manufacturer or a registered trademark.

<sup>2</sup> In addition batteries and accumulators which contain more than 0.025 percent by weight of cadmium or 0.4 percent by weight of lead or more than 25 milligrams of mercury per cell must show details of their heavy metal content and of the method of disposal. These details must comply with the terms of Guideline No. 93/86 of the Commission of the European Community dated 4th. October 1993<sup>9</sup> which harmonises Guideline No. 91/157 of the Council of the European Community dated 18th. March 1991<sup>10</sup> concerning batteries and accumulators containing hazardous materials with advances in the technical field.

<sup>3</sup> Button cells and accumulators sold unpackaged do not have to show the details referred to in paragraphs 1 and 2. Button cells and accumulators sold in packaged form must show these details on the packaging.

<sup>4</sup> Batteries and accumulators which are sold in packaged form must additionally show the details referred to in paragraphs 1 and 2 on the packaging; excepted shall be transparent wrapping through which the information on the battery or accumulator is perfectly visible and legible.

<sup>5</sup> In the case of objects with in-built batteries or accumulators the details referred to in paragraph 2 must appear in the directions for use.

<sup>6</sup> Batteries and accumulators sold for the exclusive use of the army or civil defence do not have to carry the information required in paragraphs 1 and 2 either on the bodies of the batteries or accumulators or on the packaging.

## **32 Retail Outlets and Advertisements**

<sup>1</sup> In retail outlets where batteries and accumulators are on sale a clear indication must be given in a clearly visible location that:

- a. used batteries and accumulators must be handed in to a retail outlet or a collection facility or collection point for batteries and accumulators;
- b. returned used batteries and accumulators will be accepted by the retail outlet;
- c. batteries and accumulators carry a surcharge to cover their disposal costs.

<sup>2</sup> In advertisements for batteries and accumulators mention must be made of the consumer's duty to return used batteries and accumulators.

## **4 Duty of Return and Acceptance**

### **41 Duty of Return**

Consumers must return used batteries and accumulators to a reception point or collection facility or collection point for batteries and accumulators.

### **42 Duty of Acceptance**

<sup>1</sup> Traders who sell batteries or accumulators up to 5 kg in weight must take back free of charge all such batteries and accumulators from consumers. The return of lead-acid accumulators shall comply with paragraph 2.

<sup>2</sup> Traders who sell lead-acid accumulators or batteries and accumulators weighing more than 5 kg must take back from consumers the types of battery and accumulator which they stock.

<sup>8</sup> SR 0.232.112.3

<sup>9</sup> EC Gazette No. L 264 dated 23.10.93, p. 51; source: Federal Office for the Environment, Forests and Countryside, 3003 Bern

<sup>10</sup> EC Gazette No. L 78 dated 26.3.91, p. 38; source: Federal Office for the Environment, Forests and Countryside, 3003 Bern

<sup>3</sup> The obligations vis-à-vis traders and consumers referred to in paragraphs 1 and 2 shall apply to manufacturers.

#### **43 Batteries and Accumulators in the Army and Civil Defence**

<sup>1</sup> The army shall be responsible for the collection of batteries and accumulators after use and recycling.

<sup>2</sup> The Civil Defence shall be responsible for the collection of batteries and accumulators after use and recycling.

#### **5 Special Regulations for Nickel-Cadmium Miniature Accumulators**

#### **51 Target for the Cadmium Content in Household Waste**

<sup>1</sup> From the year 2004 onwards the cadmium content of nickel-cadmium miniature accumulators in household waste shall total a maximum of 3000 kg per annum.

<sup>2</sup> The cadmium content according to paragraph 1 for any particular year shall be calculated from the average number of nickel-cadmium miniature accumulators sold in the year in question and in the two preceding years, less the number of nickel-cadmium miniature accumulators disposed of, exported and in intermediate storage, multiplied by a factor of 0.16 (a factor representing the average cadmium content of a nickel-cadmium battery). This calculation shall be based on the reports referred to in 7, paragraphs 1 and 2.

<sup>3</sup> From the year 2001 onwards the Federal Office shall decide each year whether the target referred to in 5.1, paragraph 1 can be met.

#### **52 Deposit Payment**

<sup>1</sup> Should it become evident that the target referred to in 5.1 cannot be met, the Department may decree that manufacturers and traders must charge a deposit on the sale of nickel-cadmium miniature accumulators from the year 2002 onwards.

<sup>2</sup> If the Department should decree that a deposit should be charged, it shall stipulate that:

a. The amount of the deposit shall be based on the weight of the nickel-cadmium miniature accumulators:

1. 3 Fr. for weights up to 50 g;
2. 5 Fr. for weights up to 100 g;
3. 10 Fr. for weights up to 250 g;
4. 20 Fr. for weights up to 1 kg.

b. Nickel-cadmium miniature accumulators sold for the exclusive use of the army shall not be subject to the payment of a deposit.

c. The Federal Office can free manufacturers and traders from the obligation to charge a deposit for a specific period if they can guarantee by other methods a returned quota of at least 80 percent by weight; the consumer market is excepted from this requirement.

d. The deposit charged must be advertised on the battery itself or in some other suitable form.

e. In all retail outlets where nickel-cadmium miniature accumulators are sold manufacturers and traders must reimburse the deposit on such batteries for which a deposit has been charged; should they cease to sell nickel-cadmium miniature accumulators for which a deposit has been charged, this obligation shall continue for a further five years.

<sup>3</sup> If the Department should decide that a deposit shall be charged, it may authorise the Federal Office to entrust a suitable private organisation with the operation of a Deposit Compensation Authority and to supervise it. In this case it shall also stipulate that:

- a. Manufacturers must hand over to the Authority any surpluses arising from the charging of deposits.
- b. The Authority must use these surpluses first and foremost to cover manufacturers' and traders' losses arising from the return of deposits and to promote the return of sealed nickel-cadmium miniature accumulators.
- c. Manufacturers must provide the Authority with reports on all aspects of the deposit compensation process.
- d. The Authority must supply the Federal Office with all the information required and grant it access to its files.

**6**                    **Priority Disposal Charge**  
**61**                    **Charge Liability**

<sup>1</sup> Manufacturers who sell batteries, accumulators or objects with in-built batteries or accumulators must pay a priority disposal charge for these batteries or accumulators (batteries or accumulators subject to a charge) to a private organisation authorised and supervised by the Federal Office.

<sup>2</sup> Excepted from the charge shall be:

- a. batteries and accumulators weighing more than 5 kg;
- b. lead-acid accumulators;
- c. batteries and accumulators designated exclusively for use by the army.

<sup>3</sup> Charge-payers must furnish reports to the Charges Organisation.

**62**                    **Level of Charge**

The charge shall be a minimum of 2 and a maximum of 7 Swiss Francs per kilogramm of battery or accumulator. The Department shall base the level of the charge on the prospective costs of the services described in 6.4.

**63**                    **Reporting and Due Date**

<sup>1</sup> Charge-payers must report the number of batteries and accumulators subject to charges which are sold per calendar month, listed according to the criteria for the level of charges.

<sup>2</sup> Charges for batteries and accumulators sold during a calendar month shall become due at the end of the next month but one. Interest is payable for late payment.

**64**                    **Use of Charges**

<sup>1</sup> The Charges Organisation must use charges for the following services, provided that they comply with the criteria approved by the Federal Office (Article 6.5 para. 4):

- a. the collection and handling of batteries and accumulators subject to charge payment;
- b. the recycling of batteries and accumulators subject to charge payment according to the latest state of the art, provided that a certificate of recycling has been issued;
- c. publicity, particularly to promote the return of batteries and accumulators subject to charge payment;
- d. their own operations under the aegis of the Federal Office.

<sup>2</sup> As a rule the Charges Organisation may use a maximum of 25 percent of the annual charge proceeds for the undertakings referred to in paragraph 1 a and c.

<sup>3</sup> Whoever requires the services of the Charges Organisation referred to in paragraph 1 must submit an application to the organisation with reasons. The Charges Organisation may specify the nature of the application details.

<sup>4</sup> The Charges Organisation shall make a decision about services to third parties by order.

**65 Charges Organisation**

<sup>1</sup> The Federal Office shall authorise a suitable private organisation to collect, administer and use the charges. The Charges Organisation must have no commercial interest in the manufacture, import or disposal of batteries and accumulators subject to charge payment.

<sup>2</sup> The Federal Office shall conclude an agreement with the Charges Organisation for a maximum period of five years. This agreement shall regulate in particular the costs which the organisation may claim for its own services, as well as the criteria and consequences of premature cancellation of the agreement.

<sup>3</sup> The Charges Organisation must entrust its audit to independent third parties. It must give them all the information they require and allow them access to its files.

<sup>4</sup> Each year it must submit for approval criteria which define how the operations referred to in 6.4 paragraph 1 may be performed comprehensively, economically and intelligently.

<sup>5</sup> It must check whether activities for which it is paying are being carried out reasonably efficiently. With this aim in mind it should seek clarification from the recycling plant.

<sup>6</sup> All details reported to the Charges Organisation by charge payers shall be treated with strict confidentiality.

**66 Supervision of the Charges Organisation**

<sup>1</sup> The Federal Office shall supervise the Charges Organisation and approve the criteria referred to in 6.5 paragraph 4. It can give instructions to the Organisation, particularly in relation to the use of charges.

<sup>2</sup> The Charges Organisation must give the Federal Office all the information it requires as well as guarantee access to files.

<sup>3</sup> Each year by 31st. May at the latest it must submit a report about its activities during the previous year. This report must contain in particular:

- a. the annual accounts;
- b. the report of the independent third parties responsible for the audit;
- c. the number of batteries and accumulators subject to charge payment sold during the previous year, classified according to the criteria on which the level of charges depends;
- d. the number of batteries and accumulators subject to charge payment disposed of during the previous year, and the rate of return of these batteries and accumulators.

<sup>4</sup> The Federal Office shall publish the report provided that it meets the requirements set out in Article 6.2 paragraph 62.

**7 Reports**

<sup>1</sup> Each year by 30th. April manufacturers must notify the Federal Office of the number of batteries and accumulators subject to charge payment sold for domestic use during the previous year (Article 6.1 para. 1). The reports must be classified according to the Federal Office's criteria, in particular according to type and hazardous material. This duty to report shall also apply to batteries and accumulators which are designated for the exclusive use of the army.

<sup>2</sup> Parties entitled to receive batteries and accumulators in terms of the consent granted by Article 16 paragraph 1 of the Order of 12th. November 1986<sup>11</sup> concerning the treatment of special waste must report each year by 30th. April as follows:

- a. to the Federal Office the numbers of used nickel-cadmium miniature accumulators disposed of

<sup>11</sup> SR 814.014

by them in the previous year, exported and still in intermediate storage on 31st. December of the previous year;

b. to the Charges Organisation the numbers of batteries and accumulators subject to charge payment disposed of by them in the previous year, exported and still in intermediate storage on 31st. December of the previous year.

## **8 Special Responsibilities of the Cantons**

The Cantons shall be responsible for ensuring that the points in 3.2 are observed.

## **9 Transitional Conditions**

<sup>1</sup> Batteries and accumulators which do not meet the requirements of Article 3.1 paragraphs 1 - 4 may still be imported as merchandise or sold by a manufacturer up till 31st. December 1999.

<sup>2</sup> Objects with in-built batteries or accumulators which do not meet the requirements of Articles 2.2 and 3.1 paragraph 5 may still be imported as merchandise or sold by a manufacturer up till 31st. December 1999.

<sup>3</sup> The order concerning the priority disposal charge (Article 6) comes into force at the same time as the Department's order concerning the level of charges in accordance with Article 6.2.

<sup>4</sup> When the order concerning the priority disposal charge (Article 6) comes into force, operators of recycling plants must notify the Charges Organisation immediately of the numbers of batteries and accumulators in intermediate storage at this point in time, and the numbers which have already undergone the recycling process. This notification must be updated on 30th. June and 31st. December until the recycling of all these batteries and accumulators has been completed.