

BD	Portuguese decree law
Scope	
Art.2 - all battery types except military/sent to space	Art.2 - all battery types except military/sent to space
Definitions	
Art.3 <ul style="list-style-type: none"> - Battery or accumulator - Battery pack - Portable battery or accumulator - Button cell - Automotive battery or accumulator - Industrial battery or accumulator - Waste battery or accumulator - Recycling - Disposal - Treatment - Appliance - Producer - Distributor - Placing on the market - Economic operators - Cordless power tool - Collection rate 	Art.3 Most same as directive Placing on market - supplying or making available to a third party, in exchange for payment or free of charge, including imports on the national territory Portable battery or accumulator - any battery, button cell, battery pack or accumulator that is hermetically sealed, can be hand-carried and is neither an industrial battery or accumulator nor an automotive battery or accumulator, in particular, batteries made up of a single element such as, for example, AA and AAA batteries, and batteries and accumulators used in mobile telephones, portable computers, cordless power tools, toys and household appliances; Producer - any individual or corporation which places batteries or accumulators, including those incorporated into appliances or vehicles, on the market for the first time within the national territory, on a professional basis, irrespective of the selling technique used, including by means of distance communication
Prohibitions	
Art.4 <ul style="list-style-type: none"> - less 0,0005% Hg - less 0,002% Cd - button cells – no more than 2% Hg Exception - emergency and alarm systems <ul style="list-style-type: none"> - medical equipment - cordless power tools 	Art.7 Same as directive on substance ban
Increased environmental performance	
Art.5 - MS to promote research	Art.14 Producers - shall encourage research and development into new manufacturing, processing and recycling technologies for waste batteries and accumulators, taking account of improvements in environmental performance for batteries and accumulators over

	their life cycle.
Placing on the market	
<p>Art.6</p> <ul style="list-style-type: none"> - MS should not prohibit placing on market of batteries that meet the requirements - MS to ensure not placing/withdrawn from the market of batteries that do not meet the requirements 	<p>See definition above</p> <p>From draft law, the reference on withdrawal from the market for non-compliance with substance ban was taken out – no withdrawal reference in any other cases.</p>
Collection schemes	
<p>Art.8</p> <ul style="list-style-type: none"> - MS to ensure appropriate collection schemes are in place to: enable users to discard; require distributors to take back waste at no charge; no charge or obligation to buy for end-users 	<p>Chapter III</p> <ul style="list-style-type: none"> - two options: integrated & individual – producers of portable batteries to make the choice between the two options by 26 September 2009 <p>Art.17, 18, 19, 20</p> <ul style="list-style-type: none"> - integrated: producer waste management responsibilities are transferred to the scheme; subject to a minimum 2 year written contract; financing by producers, depending on market share
Economic instruments	
<p>Art. 9</p> <ul style="list-style-type: none"> - MS may use economic instruments to promote the collection or usage of products with less polluting substances 	
Collection targets	
<p>Art.10</p> <p>Minimum collection rates:</p> <ul style="list-style-type: none"> - 25% by 26 September 2012 - 45% by 26 September 2016 <ul style="list-style-type: none"> - transitional agreements can be laid down - common methodology for calculation of annual sales of portable batteries by 26 September 2007 	<p>Art. 8</p> <ul style="list-style-type: none"> - 25% by 31 Dec 2011 - 45% by 31 Dec 2015
Removal of waste batteries and accumulators	
<p>Art.11</p> <p>MS shall ensure that manufacturers design appliances in such a way that batteries are easily removable</p>	<p>Art.6.2</p> <p>Producers of appliances have to ensure that the incorporated batteries are easily removable, and are accompanied by instructions to the end user on safe removal and type of battery contained</p> <p>Exemptions for security/medical/data storage</p>

Treatment and recycling	
<p>Art. 12 Deadline 26 September 2009</p> <ul style="list-style-type: none"> - producers or third parties set up collection schemes - ensure all batteries collected undergo treatment <p>Exception: MS can dispose of batteries containing Hg, Cd or Pb in landfills or underground storage if:</p> <ul style="list-style-type: none"> - no viable end market is available - as part of a strategy to phase out heavy metals <p>Batteries collected with waste appliances according to WEEE shall be removed from the appliances.</p> <p>Deadline 26 September 2011: recycling shall meet annex III provisions.</p>	<p>Art.13 Recycling efficiencies – same as directive; to be reached by 26 September 2011</p>
New recycling technologies	
<p>Art.13 MS shall encourage development of new recycling and treatment technologies</p>	<p>See art. 14 increased environmental performance</p>
Disposal	
<p style="text-align: center;"><i>See Treatment and recycling Art. 12</i></p>	<p>Art. 13 Same as directive - disposal of industrial and automotive batteries and accumulators in landfill sites or by incineration is prohibited.</p>
Exports	
<p>Art. 15 Treatment and recycling can take place outside MS or EU if in compliance with regulations</p> <p>Waste exports shall count towards fulfilment of obligations if there is evidence of the same standards as outlined in the directive.</p>	<p>No reference</p>
Financing	
<p>Art. 16 MS to ensure that producers finance any net costs arising from collection, treatment and recycling</p> <p>MS to ensure that double charging of producers under different schemes is avoided (WEEE, end-of-life)</p>	<p>Art.19 Financing in an integrated scheme done in function of quantities of batteries placed on the market by each producer</p> <p>Integrated systems obliged to finance information campaigns on proper waste management</p>

<p>MS to ensure producers or third parties on their behalf finance any net costs of public information campaigns on collection, treatment and recycling</p>	
<p>Registration</p>	
<p>Art.17 MS should ensure that each producer is registered.</p>	<p>Art. 23, 24, 25 Producers and integrated schemes have to put together an entity responsible for keeping the battery producers register – a non-for-profit entity</p> <p>Information to be provided at registration: a) Type and quantity of batteries and accumulators placed on the market annually; b) Indication of the management system they have chosen in relation to each type of battery and accumulator.</p> <p>Until registration body is formed, producers should register with the integrated management system. In case of individual producers, registration will be done to the APA (Portuguese Env. Agency).</p>
<p>Small producers</p>	
<p>Art.18 Possibility of exemptions for producers that place small quantities on the market, if this does not impede the proper functioning of the collection schemes.</p>	<p>No reference</p>
<p>Information for end-users</p>	
<p>Art.20 MS should ensure through information campaigns that end-users are fully informed + requirements</p>	<p>Art.21.2 Info campaigns to contain at least information on; a) The obligation to not dispose of batteries and accumulators in unsorted urban waste, contributing to its selective collection; b) The selective collection systems available and the corresponding locations for making voluntary deposits; c) The role of the management body in the field of management of waste batteries and accumulators; d) The effects on the environment and human health resulting from the presence of dangerous substances in waste batteries and accumulators; e) The meaning of the symbol referred to in Article 12 and the chemical symbols for mercury (Hg), Cadmium (Cd) and lead (Pb).</p>

Labelling	
<p>Art.21 MS shall ensure that all batteries are marked with the symbol:</p> <ul style="list-style-type: none"> - at least 3% or largest side of the battery up to 5x5cm - cylindrical: 1,5% of the battery up to 5x5cm - in case it would be smaller than 0,5x0,5cm – the symbol measuring at least 1x1cm on packaging - possibility of exemptions <p>MS shall ensure that the capacity of all portable and automotive batteries is indicated on them by 26 September 2009.</p> <p>Batteries containing more than the allowed percentages shall be marked with the chemical symbol.</p>	<ul style="list-style-type: none"> - crossed-out bin symbol - capacity marking same as directive (26/09/09) - substance labelling same as directive
Penalties	
<p>Art.25 MS shall lay down rules on penalties and see to their implementation.</p> <p>MS to notify the measures to the Commission by 26 September 2008.</p>	<p>Art.28 Extensive explanation of types of penalties for different types of offences</p>
Voluntary agreements	
<p>Art.27 Requirements for agreements between competent authorities and economic operators:</p> <ul style="list-style-type: none"> - enforceable - must specify objectives and deadlines - must be published in official journal (nationally/locally) - regular monitoring reported to authorities and EC - if non-compliance, MS to take measures 	
Others	
	<p>Waste management tax - battery waste management systems are subject to paying the waste management tax, according to art. 58 of Decree 178/2006 (art. 26)</p> <p>No visible fee for end-users on sale of new batteries</p> <p>End users obligation to dispose of waste batteries at selective collection points</p>