

BD	Romanian draft 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 - 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 - 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 - Any person from a Member State, who, irrespective of the sale technique, including distance selling, puts for the first time on the market batteries on a professional basis on Romanian territory, including those incorporated in appliances or vehicles. - Distributor - any person that provides batteries on a professional basis to an end-user - placing on the market- Offering or making available to third parties, for money or free, including import, on Romanian territory, including import in the Romanian customs territory - economic operators - cordless power tool - collection rate
Prohibitions	
Art.4 - less 0,0005% Hg - less 0,002% Cd	Same as Directive

<ul style="list-style-type: none"> - button cells – no more than 2% Hg Exception - emergency and alarm systems <ul style="list-style-type: none"> - medical equipment - cordless power tools 	
Increased environmental performance	
Art.5 - MS to promote research	Art. 5 Same as directive Ministry of Economy and Finances to propose research programmes and may use economic instruments to promote batteries using less polluting substances
Placing on the market	
Art.6 <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 - MS should not prohibit placing on market of batteries that meet the requirements - MS to ensure not placing/withdrawn from the market of batteries that do not meet the requirements 	Art.6 Interdiction to place on the market batteries or accumulators that don't fulfil the requirements of the law. Batteries and accumulators that do not fulfil the requirements of the present law may be introduced on the market until 26 September 2008.
Collection schemes	
Art.8 - 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	Art.7.6 Battery producers or third parties acting on their behalf are obliged to organise the collection of portable batteries and accumulators in order to fulfil the collection rates in the following manners: <ul style="list-style-type: none"> a) individually b) by transferring responsibilities, on a contractual basis, to a legally formed economic operator, named collective organisation, authorised for this purpose by the Ministry of environment
Economic instruments	
Art. 9 - MS may use economic instruments to promote the collection or usage of products with less polluting substances	See 'Increased environmental performance' above
Collection targets	
Art.10 Minimum collection rates: <ul style="list-style-type: none"> - 25% by 26 September 2012 - 45% by 26 September 2016 - transitional agreements can be laid down	Same as Directive

<p>- common methodology for calculation of annual sales of portable batteries by 26 September 2007</p>	
<p>Removal of waste batteries and accumulators</p>	
<p>Art.11 MS shall ensure that manufacturers design appliances in such a way that batteries are easily removable</p>	<p>Art.8 Manufacturers must design appliances in such a way as to ensure easy removability of waste batteries and accumulators + to accompany appliances with safe removal instructions. Exception: security or functioning reasons, medical reasons, data storage, continuous connection</p>
<p>Treatment and recycling</p>	
<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 id 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.9 By 26 September 2009 producers have to:</p> <ul style="list-style-type: none"> - establish systems for ensuring treatment and recycling, using the best available techniques <p>Deadline 26 September 2011 for reaching recycling efficiency targets in the annex.</p>
<p>New recycling technologies</p>	
<p>Art.13 MS shall encourage development of new recycling and treatment technologies</p>	
<p>Disposal</p>	
<p>See <i>Treatment and recycling</i> Art. 12</p>	<p>Art.10 Landfill or incineration of waste automotive and industrial batteries are forbidden. However, waste batteries which are subject to treatment and recycling may be disposed of in landfills or by incineration.</p>
<p>Exports</p>	
<p>Art. 15 Treatment and recycling can take place outside MS or EU if in</p>	<p>Art.11 Same as directive +</p>

<p>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>It is forbidden to transport/export waste batteries outside Romania if they are damaged, or present leaks of electrolyte or any other dangerous substances.</p>
<p>Financing</p>	
<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>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>Art. 12 Producers, individually or collectively, ensure the financing of costs arising from collection, treatment and recycling + information campaigns</p> <p>Double changing is to be avoided.</p> <p>No visible fee for end-users</p>
<p>Registration</p>	
<p>Art.17 MS should ensure that each producer is registered.</p>	<p>Art. 6.3 Each producer is obliged to register to the Ministry of Environment on placing batteries on the market for the first time. Registration number has to be present on documents attesting the placing on the market of batteries.</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>-</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. 14 Producers, distributors and administration to provide information to the end-users on</p> <ul style="list-style-type: none"> - potential effects of substances used on environment and human health - interest of not disposing of the batteries as non-separated waste - the available collection and recycling systems - their role in the collection and recycling process - the meaning of the symbols marked on the batteries
<p>Labelling</p>	
<p>Art.21</p>	<p>Same as directive</p>

<p>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>	<p>No additional labelling</p> <p>Mentioning that exemptions may be given by ministerial order in line with EU level decisions.</p>
<p>Penalties</p>	
<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>Levels of fines still to be determined.</p>
<p>Voluntary agreements</p>	
<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 	
<p>Others</p>	
<p>-</p>	<p>Art. 7.18.b Reporting Producers have to submit a report to the authorities on the type, number and weight of batteries put on the market in the previous year by 30 January each year.</p>