

<b>BD</b>	<b>Italian decree final text</b>	
<b>Scope</b>		
Art.2 - all battery types except military/sent to space	Art.1 - all battery types; except military/sent to space	
<b>Definitions</b>		
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.2 - Battery pack - Portable battery or accumulator - Automotive battery or accumulator - Industrial battery or accumulator - Button battery - Producer Any person who on a professional basis manufactures, imports or introduces for the first time batteries or accumulators meant to be sold on the national territory, including those integrated in equipments or vehicles, irrespective of the selling techniques used, including distance communication. - Distributor - Placing on the market Supplying or making available, whether in return for payment or free of charge, to a third party within the <b>Community</b> and includes import into the customs territory of the <b>Community</b> - Economic operators - Cordless power tool - Collection rate - Collection point for batteries and accumulators Container for the collection of batteries and accumulators accessible to final user and distributed within the territory in relation to the population density. The container does not have to comply with the obligation of registration and authorisation of the waste management law.	Added definition of "collection point"  Placing on the market: Community approach  Other definitions are the same as in the directive

<b>Prohibitions</b>		
<p>Art.4</p> <ul style="list-style-type: none"> <li>- less 0,0005% Hg</li> <li>- less 0,002% Cd</li> <li>- button cells – no more than 2% Hg</li> </ul> <p>Exceptions</p> <ul style="list-style-type: none"> <li>- emergency and alarm systems</li> <li>- medical equipment</li> <li>- cordless power tools</li> </ul>	<p>Art.3</p> <p>Same as in the directive</p>	
<b>Increased environmental performance</b>		
<p>Art.5</p> <ul style="list-style-type: none"> <li>- MS to promote research</li> </ul>	<p>Art.4</p> <p>The ministry of environment will adopt plans aimed at encouraging producers to manufacture batteries and accumulators more environmentally friendly. The ministry will promote specific policies to this objective.</p>	
<b>Withdrawal from the market</b>		
<p>Art.6</p> <ul style="list-style-type: none"> <li>- MS should not prohibit placing on market of batteries that meet the requirements</li> <li>- MS to ensure not placing/withdrawn from the market of batteries that do not meet the requirements</li> </ul>	<p>Art. 5</p> <p>All batteries and accumulators compliant with the decree can be placed on the market.                      As from the entry into force of the decree batteries and accumulators not compliant with the obligations will be withdrawn from the market.</p>	
<b>Collection schemes</b>		
<p>Art.8</p> <ul style="list-style-type: none"> <li>- 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</li> </ul>	<p>Art. 16</p> <p>Freedom for producers to join a CO or to be organised individually.                      A coordination centre is established to coordinate the activities of the different COs and to ensure that all the national territory is covered.</p> <p>Art. 17</p> <p>Among the tasks of the Coordination Centre there is the organisation of information campaigns.</p>	<p>The creation of a coordination centre is a normal procedure in Italy in the cases where there are several organisations.</p>

<b>Economic instruments</b>		
Art. 9 - MS may use economic instruments to promote the collection or usage of products with less polluting substances	No provisions.	
<b>Collection targets</b>		
Art.10 <b>Minimum collection rates:</b> <ul style="list-style-type: none"> <li>- 25% by 26 September 2012</li> <li>- 45% by 26 September 2016</li> </ul> - transitional agreements can be laid down - common methodology for calculation of annual sales of portable batteries by 26 September 2007	Art. 8 As in the directive.  ISPRA will be the authority in charge of the calculation of the targets.	
<b>Removal of waste batteries and accumulators</b>		
Art.11 MS shall ensure that manufacturers design appliances in such a way that batteries are easily removable	Art.9 Electric and electronic equipment containing batteries and accumulators are designed in such a way that batteries may be extracted easily. <b>As from the 6th month</b> from the date of entry into force of the decree they have to be accompanied by instructions on how batteries should be removed without risks. Exemptions made where for safety, performance, medical or data integrity reasons, continuity of power supply is necessary.	
<b>Treatment and recycling</b>		
Art. 12 Deadline <b>26 September 2009</b> <ul style="list-style-type: none"> <li>- producers or third parties set up collection schemes</li> <li>- ensure all batteries collected undergo treatment</li> </ul> Exception: MS can dispose of batteries containing Hg, Cd or Pb in landfills or underground storage if: <ul style="list-style-type: none"> <li>- no viable end market is available</li> <li>- as part of a strategy to phase out</li> </ul>	Art.10 By 26 September 2009 <ul style="list-style-type: none"> <li>- the collection scheme creates treatment and recycling systems and</li> <li>- ensures all batteries collected undergo treatment</li> </ul> As from 2012 recycling plants will have to communicate every year by 31 March to the collection scheme all the information regarding the waste treated in the previous year, dividing them by type of batteries and accumulators and by recycling targets met.	

<p>heavy metals</p> <p>Batteries collected with waste appliances according to WEEE shall be removed from the appliances.</p> <p>Deadline <b>26 September 2011</b>: recycling shall meet annex III provisions.</p>		
<b>New recycling technologies</b>		
<p>Art.13 MS shall encourage development of new recycling and treatment technologies</p>	<p>Art.11 The ministry of environment defines measures aimed at developing new recycling technologies.</p>	
<b>Disposal</b>		
<p>Art. 14 MS shall prohibit the disposal in landfills or by incineration of waste industrial and automotive batteries and accumulators. However residues of any batteries and accumulators undergone both treatment and recycling in accordance with art. 12.1 may be disposed of in landfills or by incineration.</p>	<p>Art. 12 As in the directive.</p>	
<b>Exports</b>		
<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>Art. 10.7 As in the directive</p>	
<b>Financing</b>		
<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</p>	<p>Art.13 The financing of collection, treatment and recycling operations must be under the producer responsibility part of the collection scheme. The costs are divided in accordance to the type and the characteristic of the collected batteries, to the</p>	

<p>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>distribution of collection points in the territory and to the percentage of separate collection met.</p>	
<b>Registration</b>		
<p>Art.17 MS should ensure that each producer is registered.</p>	<p>Art.14 A register is kept by the ministry of environment. The registration must be done on-line c/o every Chamber of Commerce. Every producer will be given a registration number. <b>The registration must be done within 6 months from the entry into force of this decree.</b></p> <p>The registration fee will be determine by the ministry.</p> <p>Every year by 31 March producers provide to their Chamber of Commerce information regarding the quantities and types of batteries they put on the market on the national territory, the waste batteries handling modes and the quantities of batteries collected.</p> <p>The register is held by the ministry and supervised by ISPRA which is in charge of all the controls (art. 15).</p>	
<b>Small producers</b>		
<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 provisions about small producers.</p>	
<b>Information for end-users</b>		
<p>Art.20 MS should ensure through information campaigns that end-users are fully informed + requirements</p>	<p>Art.17 The Coordination centre will:                  - organise information campaigns in the entire national territory:                  - organise for COs a system of collection of batteries and accumulators in the entire national territory</p>	

	- ensure the link between COs and public administration	
<b>Labelling</b>		
<p>Art.21                  MS shall ensure that all batteries are marked with the symbol:</p> <ul style="list-style-type: none"> <li>- at least 3% or largest side of the battery up to 5x5cm</li> <li>- cylindrical: 1,5% of the battery up to 5x5cm</li> <li>- in case it would be smaller than 0,5x0,5cm – the symbol measuring at least 1x1cm on packaging</li> <li>- possibility of exemptions</li> </ul> <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>Art.23                  By 26 September 2009 all batteries and accumulators placed on the market have to be labelled in a visible, legible and indelible form with the symbol shown in Annex IV (separate collection symbol).</p> <p>symbol marking as in the directive</p> <p><b>substance marking</b> as in the directive</p> <p>The labelling has to be made by the producers or by its representative in Italy, or in alternative by the responsible of the placing of the batteries in the national market.</p> <p><b>Capacity</b> has to be marked on batteries and accumulators - conditions will be set by a further decree in accordance to the European Commission indications.</p>	<p>Date of entry into force is still wrong, 2009 instead of 2008 for all the labels</p>
<b>Penalties</b>		
<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. 25                  Producers placing on the market after 26 September 2009 non compliant batteries will be fined with a sanction going from 50 to 1000 Euro for each battery or accumulator.</p> <p>If the producer does not register himself at the Chamber of Commerce the fine can go from 30.000 to 100.000 Euro.</p> <p>If the producer fails in communicating the information requested or communicates them in a wrong or incomplete form, the fine can go from 2.000 to 20.000 Euro.</p> <p>For a violation of the substances prohibition the fine goes from 100 to 2000 Euro.</p>	<p>Here again the date is wrong.</p>

	<p>If the producer does not take back the battery free of charge the fine goes from 30 to 150 Euro for each battery.</p> <p>If the producer does not inform end-users the fine goes from 2.000 to 5.000 Euro.</p>	
<b>Voluntary agreements</b>		
<p>Art.27                  Requirements for agreements between competent authorities and economic operators:</p> <ul style="list-style-type: none"> <li>- enforceable</li> <li>- must specify objectives and deadlines</li> <li>- must be published in official journal (nationally/locally)</li> <li>- regular monitoring reported to authorities and EC</li> <li>- if non-compliance, MS to take measures</li> </ul>	<p>No provisions</p>	