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This draft by the Federal Ministry of the Environment (BMU) acts as a basis for the hearing of the sectors affected. It is an internal BMU draft, whose content has not been agreed yet conclusively with other departments.

DRAFT law

on the introduction to circulation, recovery and environmentally-friendly disposal of batteries and accumulators (Battery law – BattG)* of [Date of issue]

The Bundestag has approved the following law with the approval of the Federal Council:

Section 1 General provisions

§ 1 Recycling goals

(1) The goal of this law is to reduce the input of pollutants in waste through batteries insofar as:

1. Batteries which contain certain dangerous substances cannot be brought into circulation,
2. Old batteries shall be taken back and recycled in an orderly and non-harmful way in accordance with the provisions of the recycling and waste law and non-recyclable end-of-life batteries will be disposed of in a way that benefits the common good,
3. Batteries will be manufactured for multiple use and a technically long-lifespan.

(2) For device batteries:

1. a collection rate of at least 35 percent will be reached by 26 September 2012 and
2. a collection rate of at least 45 percent will be reached by 26 September 2016.

* This law is being used to implement Directive 2006/66/EC of the European Parliament and Council of 6 September 2006 on batteries and accumulators as well as end-of-life batteries and end-of-life accumulators and to rescind Directive 91/157/EEC (OJ EU no. L 266 p. 1, no. L 76 p. 39-40), last amended by Directive 2008/12/EC of the European Parliament and Council of 11 March 2008 (OJ EU L 76 p. 39).

The obligations from Directive 98/34/EC of the European Parliament and Council of 22 June 1998 on an information process in the area of standards and technical provisions (OJ EC no. L 204 p. 37), last amended by Directive 2006/96/EC of the European Parliament and Council of 20 November 2006 (OJ EU no. L 363 p. 81) have been taken into account.

(status: 08.05.2008)

§ 2 Area of application

(1) This law applies to all types of batteries, regardless of the shape, volume, weight, material composition or use. The electrical and electronic device law of 16 March 2005 (BGBl [German legal Gazette]. I p. 762), last amended by Article 3 of the law of 19 July 2007 (BGBl. I p. 1462) as well as the end-of-life vehicle regulation in the version published on 21 June 2002 (BGBl. I p. 2214), most recently amended by Article 364 of the regulation of 31 October 2006 (BGBl. I p. 2407) remains unaffected.

(2) This law does not apply to batteries, which (1) are located in items of equipment connected to protecting the essential security interests of the Federal Republic of Germany, (2) are in weapons, munitions or war equipment, excluding products which are not specially intended for military purposes, or (3) in items of equipment which are intended for use in space.

§ 3 Specification of terms

- (1) Batteries in the sense of this law are existing sources of electrical energy which is extracted through the immediate conversion of chemical energy from one or more non-rechargeable primary cells or rechargeable secondary cells (accumulators).
- (2) A set of batteries in the sense of this law is a group of batteries, which are connected to each other in such a way or are built together in an exterior casing so that they form a full unit which cannot be separated or opened by the final consumer.
- (3) Vehicle batteries in the sense of this law are batteries and sets of batteries for the starter motor, lighting or ignition of vehicles which are not exclusively electrically driven.
- (4) Industrial batteries in the sense of this law are batteries and sets of batteries, which are intended exclusively for industrial, commercial or agricultural purposes or for electrical and hybrid vehicles of all types. Vehicle batteries are not industrial batteries.
- (5) Device batteries in the sense of this law are batteries and sets of batteries which are encapsulated and which can be held in the hand. Vehicle and industrial batteries are not device batteries.
- (6) Batteries which are not vehicle, industrial or device batteries count as industrial batteries for the purposes of this law.
- (7) Round cell batteries in the sense of this law are small round device batteries whose diameter is bigger than their height and which are intended for special purposes such as hearing aids, wristwatches, small portable devices or to provide reserve power.
- (8) End-of-life batteries in the sense of this law are batteries which are waste in the sense of § 3 para. 1 sentence 1 of the Recycling and Waste law of 27 September 1994 (BGBl. I p. 2705), last amended by Article 2 of the law of 19 July 2007 (BGBl. I p. 1462).
- (9) Processing in the sense of this law comprises all activities, which are carried out on end-of-life batteries after handover to a facility for sorting, preparation for recycling or preparation for disposal.
- (10) Recycling in the sense of this law is material recycling in the sense of § 4 para. 3 of the Recycling and Waste law.
- (11) Disposal in the sense of this law is waste disposal in the sense of § 10 para. 2 of the Recycling and Waste law in accordance with the process set out in Annex II A of the Recycling and Waste law.
- (12) Devices in the sense of this law are all electrical and electronic devices in the scope of application of the electrical and electronic device law, which can be operated fully or partially with batteries.
- (13) Cordless electrical tools in the sense of this law handheld battery-operated devices for maintenance, construction or gardening work.
- (14) The final consumer in the sense of this law is the person who uses batteries or products with built-in batteries.
- (15) The distributor in the sense of this law is the person who distributes batteries commercially to the final consumer. This also applies to batteries which are built into other products or are enclosed with other products.
- (16) A manufacturer in the sense of this law is any person who, regardless of the distribution method, brings batteries in the scope of this law into circulation for the first time commercially. This also applies to batteries which are built into other products or which are added to other products. Distributors and intermediate brokers who bring manufacturers' batteries into circulation and who have not registered with the joint centre under § 6 count as manufacturers in the sense of this law. Sentence 1 and paragraph 15 remain unaffected.
- (17) Bringing into circulation in the sense of this law is making items available for third parties. Making available is the paid or unpaid handover for the purpose of distribution, consumption or utilisation. For distributors and intermediate brokers in the sense of paragraph 16 sentence 3 each bringing into circulation counts as initial bringing into circulation.
- (18) The collection quota in the sense of this law is the percentage rate which comprises the weight of the device end-of-life batteries recovered in the area of enforcement of this law in one calendar year under § 7, in comparison to the weight of the device batteries initially brought into circulation on average in the relevant year and two previous calendar years in

the area of enforcement of this law and which are available for separate registration domestically.

(19) The recycling quota in the sense of this law is the percentage rate which comprises the weight of identifiable device end-of-life batteries sent for orderly recycling in one calendar year in comparison with the weight of the device end-of-life batteries collected in this calendar year, whereby device end-of-life batteries listed exported from the area of enforcement of this law for the purpose of recycling are only to be considered if the requirements under § 11 para. 4 are fulfilled.

Section 2 Distribution and recovery of batteries

§ 4 Ban on entry into circulation

(1) The bringing into circulation of batteries which contain a percentage weight of more than 0.0005 of mercury is forbidden. The ban excludes round cell batteries and sets of batteries built with round cell batteries with a mercury content of at maximum 2 percent in weight.

(2) The bringing into circulation of device batteries which contain a percentage weight of more than 0.002 of cadmium is forbidden. The ban excludes device batteries which are intended for emergency or alarm systems including emergency lighting, medical equipment or cordless electrical tools.

(3) Manufacturers can only bring batteries into circulation in the area of enforcement of this law if they have registered in advance under § 6 para. 2 and, by fulfilling the relevant obligations borne by them under § 7, ensure that the final consumer can return end-of-life batteries in accordance with this law.

(4) Distributors can only hand over batteries to the final consumer in the area of enforcement of this law if they, by fulfilling the obligations borne by them under § 8, ensure that the final consumer can return end-of-life batteries in accordance with this law.

(5) Batteries that are initially brought into circulation in the area of enforcement of this law in breach of paragraphs 1 and 2 are to be withdrawn from the market by the relevant manufacturer. § 8 para. 4 of the Device and Product Safety law of 6 January 2004 (BGBl. I. p. 2), most recently amended by Article 3 para. 33 of the law of 7 July 2005 (BGBl. I p. 1970) as well as §§ 21 and 40 of the Recycling and Waste law are to be applied correspondingly for the supervision and implementation of the circulation bans under paragraphs 1 to 4 as well as the instruction under sentence 1.

§ 5 Removability of end-of-life batteries

(1) § 4 of the Electrical and electronic device law is to be applied to devices with the proviso that problem-free removability of end-of-life batteries is to be safeguarded. § 13 para. 6 of the electrical and electronic device law is to be applied to devices with the proviso that the information to be made available must, in particular, contain information on the location and the correct removal of end-of-life batteries. Information is to be enclosed with devices which contain a built-in battery informing the final consumer about the type of built-in batteries.

(2) Paragraph 1 sentence 1 does not apply to devices in which an uninterrupted power supply and a constant connection between the device and battery are required for safety, performance, medical grounds or data completeness reasons.

§ 6 Registration

(1) The manufacturers are to set up a central location to fulfil the tasks assigned to them in paragraphs 2 to 6 (joint centre). The joint recovery system under § 7 para. 3 and the manufacturers under § 7 para. 6 are to reimburse the joint centre for the required costs and expenses incurred for performing the tasks under sentence 1. The cost share borne by the individual parties bound to provide reimbursement under sentence 2 is determined by their

individual market share in the sense of Paragraph 6. The parties bound to provide reimbursement under sentence 2 are jointly and severally liable for the joint centre's claim for reimbursement.

(2) Every manufacturer is obliged to register with the joint centre while providing the information imposed by the legal regulation under sentence 4 before it can initially bring batteries into circulation in the area of enforcement of this law. Modifications in the information under sentence 1 are to be communicated to the joint centre without delay. The joint centre accepts the notifications from the manufacturers under sentence 1 and 2 and stores the communicated information. The Federal Ministry of the Environment, Protection of Nature and Reactor Safety is authorised through a legal regulation which does not require the approval of the Federal Council to determine the data required for a registration under sentence 1.

(3) The joint centre can stipulate use of an electronic form, a specific encryption as well as the opening of an access for the transmission of electronic documents for the registration under paragraph 2 and other communication with manufacturers.

(4) The joint centre assigns every manufacturer which has demonstrated its market participation in accordance with paragraph 2 sentence 1 an unequivocal identification number and publishes a monthly updated list of registered manufacturers (active manufacturers) as well as the manufacturers whose registration is deleted (non-active manufacturer) on the Internet. The list is to be subdivided by manufacturers of vehicle, device and industrial batteries and must contain the information under paragraph 2 sentence 1, the issued identification number and the date of registration for each manufacturer. The date on which the registration was deleted is also to be given for inactive manufacturers. Every active manufacturer is obliged to use the identification number assigned to it in written and electronic business communication.

(5) The joint centre has the task of developing technical guidelines on a scientific basis for the limitation of vehicle, device and industrial batteries within the framework stipulated by this law and to publish these on the Internet. The joint centre shall ensure that all interested circles can be involved appropriately in developing the guidelines.

(6) On the basis of the information submitted to it from the joint recovery system and the manufacturer-specific recovery systems in accordance with § 12 para. 1 and 2, the joint centre shall calculate the market share of new device batteries which entered circulation accounted for by the individual recovery systems annually and publish the result by 1 July as a percentage rate per recovery system in the Internet.

(7) The Federal Ministry for the Environment, Protection of Nature and Reactor Safety determines in consultation with the Federal Ministry of the Economy and Technology whether the joint centre under paragraph 1 has been established. The determination can be withdrawn or revoked at any time. The determination, withdrawal and revocation are to be published in the Federal Gazette in each case. The joint centre is to be identified practically and unequivocally here. The designation will only occur for a non-profit oriented establishment, whose neutrality is guaranteed and where the manufacturers supporting it account for at least the majority of the new batteries brought into circulation in the area of enforcement of this law by weight and number.

(8) If the joint centre has not been set up, registration under paragraph 2 occurs with respect to the most senior State authorities responsible for waste management or the authorities designated by these; Paragraph 3 applies accordingly.

§ 7 The manufacturers' obligations

(1) The manufacturers are obliged to take back the end-of-life batteries recovered by distributors under § 8 or collected by a public law disposal body in accordance with § 10 free of charge and to recycle these in accordance with § 11.

Non recyclable end-of-life batteries must be disposed of in accordance with § 11.

(2) Paragraph 1 also applies to end-of-life batteries which, during the collection of processing of end-of-life devices, come under the provisions of the Electrical and electronic device law

or during the processing of end-of-life vehicles under the end-of-life vehicle regulation. The processing facilities under sentence 1 are obliged to make removed device end-of-life batteries available for collection free of charge to the joint recovery system or a manufacturer-specific recovery system; § 7 para. 7 sentence 2 remains unaffected. § 8 para. 3 applies correspondingly to vehicle and industrial end-of-life batteries .

(3) The manufacturers of device batteries are obliged to ensure the recovery of device end-of-life batteries by setting up a joint non-profit oriented and nationwide recovery system for device end-of-life batteries (joint recovery system) and to participate in this. Every participating manufacturer is obliged to prepare the required information for the joint recovery system to fulfil the reporting obligations under § 12 para. 1. Manufacturers, who withdraw from the joint recovery system, must notify this without delay to the public authorities under paragraph 6 sentence 1 and the joint centre.

(4) The joint recovery system must:

1. be accessible to all manufacturers of device batteries subject to the same conditions,
2. recover all device end-of-life batteries, independently of their type, brand or origin,
3. collect the available device end-of-life batteries from the handover centres agreed with the distributors, processing facilities under paragraph 2 and the public law disposal bodies free of charge and send these for recycling or disposal,
4. make suitable transport containers free of charge at the locations stated under number 3,
5. advertise disposal services such as recovery, transport, sorting and the recycling of device end-of-life batteries as well as the disposal of non-recyclable device end-of-life batteries in a procedure that ensures a competitive allocation for a maximum of five years,
6. ensure through its financing that the costs remaining after recovery, recycling and disposal including sales tax and the necessary shared overheads are divided among the individual manufacturers in relation to their share in the relevant annual sales (measured by the mass of the batteries, subdivided by systems and groups of types) and corresponding contributions are collected from the individual manufacturers,
7. publish the costs for recovery, sorting, recycling and disposal of the recovered device end-of-life batteries including the shared overheads, subdivided by systems and group types annually,
8. safeguard the confidentiality of data submitted to it if it involves information that can be directly ascribed specifically to manufacturers or individual manufacturers.

(5) The joint recovery system can charge device battery manufacturers, which neither belong to the joint recovery system nor operate a manufacturer-specific, approved recovery system for the costs for the recovery, sorting and recycling or disposal of device end-of-life batteries which are brought into circulation by these manufacturers and which are identified by the joint recovery system. The claim also covers the proportional shared overheads of the joint recovery system.

(6) Paragraph 3 sentence 1 does not apply insofar as a manufacturer has set up its own recovery system for device end-of-life batteries (manufacturer specific recovery system) which is approved by the most senior State authorities responsible for waste management or authorities which these designate. A manufacturer-specific recovery system can only be approved subject to the proviso that that it ensures the maintenance of the collection and recycling quotas which were reached in each case by the joint recovery system in the previous year at latest at the expiry of the second calendar year following the year when the approval was issued. The existence of the required prerequisites for reaching this goal through the firm's own collection and recovery is to be shown to be credible via an expert opinion from an independent appraiser in the context of the approval procedure. The approval can also be equipped subsequently with ancillary provisions, which are required to safeguard fulfilment of the collection and recycling quotas under sentence 2 on a lasting basis. Several manufacturers can cooperate for the establishment and operation of a recovery system under sentence 1. Paragraph 4 no. 2 to 4 applies correspondingly.

(7) Manufacturers under paragraph 6, which have demonstrably already reached the collection quota in a calendar year, which the joint recovery system reached in the previous year, can restrict further recovery under paragraph 1 in this calendar year to device end-of-

life batteries of the type and brands which they brought into circulation. Manufacturers under sentence 1 are obliged to reimburse the distributors, processing facilities under sentence 2 and public law disposal bodies for costs for separating out and handing over the relevant device batteries that they have brought into circulation, insofar as the separating out and handover occurred at their prompting.

(8) The manufacturers of vehicle and industry batteries safeguard the fulfilment of their obligations under paragraph 1 by offering:

1. distributors, for the vehicle and industrial end-of-life batteries which they have recovered under § 8,

2. operators of processing facilities in the sense of paragraph 2, for the vehicle and industrial end-of-life batteries arising there, a reasonable cost-free return option and dispose of the recovered end-of-life batteries under § 11. Insofar as vehicle and industrial end-of-life batteries are handed over to third parties and are recycled them in accordance with § 11, the manufacturers' obligation from paragraph 1 is deemed to be fulfilled.

(9) The submission and handover obligations under § 13 para. 4 of the Recycling and Waste law do not apply for the duration of the recovery of end-of-life batteries.

§ 8 The distributors' obligations

(1) Every distributor is obliged to recover end-of-life batteries at the point of sale from the final consumer free of charge. The collection centre must be set up in a location that must be frequented by the main customer flow and clearly labelled. The recovery obligation under sentence 1 is restricted to end-of-life batteries of the type, which the distributor holds as new batteries in his range or held in his range in the past two years, as well as the quantity, which final consumers usually discard. Sentence 1 does not apply to end-of-life batteries which are built in permanently into other products.

(2) The distributors under paragraph 1 are obliged to make available recovered device end-of-life batteries to the joint recovery system or a manufacturer-specific recovery system for collection free of charge; § 7 para. 7 sentence 2 remains unaffected.

(3) Insofar as a distributor does not use the manufacturer's offer under § 7 para. 8 and recycles vehicle or industrial end-of-life batteries itself or hands these over to suitable third parties for recycling, it must ensure that the requirements under § 11 are fulfilled; in the case of vehicle and industrial end-of-life batteries which are handed over to a certified specialist disposal firm in the sense of the specialist disposal firm regulation of 10 September 1996 (BGBl. I p. 1421), last amended by Article 5 of the regulation of 24 June 2002 (BGBl. p. 2247), the orderly fulfilment of the requirements under § 11 is assumed to the benefit of the distributor.

(4) The costs for the recovery, sorting, recycling or disposal of device end-of-life batteries cannot be listed separately to the final consumer during the sale of new device batteries.

(5) Distributors, which hand over vehicle batteries to final consumers are also obliged to collect a deposit of EUR 7.50 including sales tax per vehicle battery, if the final consumer does not return a vehicle end-of-life battery when buying a new vehicle battery. The deposit must be reimbursed on the return of a vehicle end-of-life battery or on presentation of certification from a public law disposal body on the handover of a vehicle end-of-life battery at its centre.

When collecting the deposit, the distributor can also issue a deposit token and make reimbursement of the deposit dependent on return of the deposit token. In the case of the deposit reimbursement under sentences 2 and 3,

the conversion rate in Article 1 of regulation (EC) no. 2866/98 of the Council of 31 December 1998 on the conversion rate between the Euro and the currencies of the Member States introducing the Euro (OJ EC Nr. L 359 p.

1), last amended by regulation (EC) no. 1135/2007 of the Council of 10 July 2007

(OJ. EC no. L 256 p. 2) is to be taken as a basis for vehicle batteries which were issued before 1 January 2002.

(6) If vehicle batteries built into vehicles are handed over or on to the, the deposit obligation lapses.

(7) § 7 para. 9 applies correspondingly.

§ 9 The final consumer's obligations

(1) Holders of end-of-life batteries must subject these to separate registration from unsorted municipal waste. Sentence 1 does not apply to end-of-life batteries which are permanently built into other products.

(2) For device end-of-life batteries, the registration under paragraph 1 sentence 1 exclusively takes place via collection points, which are linked to the joint recovery system or a manufacturer-specific recovery system. Final consumers, which are commercial or other business enterprises or public establishments can make deviating agreements about and location of the returns for the device end-of-life batteries under their responsibility from sentence 1 with the joint recovery system or a manufacturer-specific recovery system.

(3) The registration under sentence 1 for vehicle and industrial end-of-life batteries occurs via the distributor. Final consumers, which are commercial or other business enterprises or public establishments can make deviating agreements with suitable third parties for the vehicle and industrial end-of-life batteries under sentence 1 under their responsibility; fulfilment of the requirements under § 11 must be safeguarded. In the case of vehicle and industrial end-of-life batteries that are handed over to a certified specialist disposal firm in the sense of the specialist disposal firm regulation, the correct fulfilment of the requirements under § 11 is assumed to the benefit of the final consumer.

§ 10 Cooperation by the public law disposal body

(1) The public law disposal bodies are to set up stationary or relocatable collection points in the framework of their obligations under § 15 of the Recycling and Waste law, where device end-of-life batteries can be handed in free of charge.

(2) The public law disposal bodies are obliged to make available device end-of-life batteries recovered under paragraph 1 to the joint recovery system as well as the manufacturer-specific recovery systems in accordance with their relevant market share of new device batteries brought onto the market free of charge for collection. The decisive factor here is the publication of the joint centre under § 6 para. 6. If the joint centre has not been set up or if the publication under § 6 para. 6 has not occurred yet, the public law disposal body shall undertake the division of the device end-of-life batteries oriented to sentence 1 among the recovery systems based on a dutiful assessment. Manufacturers, which use the possibility offered by § 7 para. 7 sentence 1 with respect to a public law disposal body and the device end-of-life batteries which are sorted and separately prepared for these manufacturers by type and brand do not participate there in the distribution under sentence 1.

(3) The public law disposal bodies can set up collection points for vehicle end-of-life batteries and accept vehicle end-of-life batteries there from the final consumer in return for the issue of a certificate under § 8 para. 5 sentence 2; the accepted vehicle end-of-life batteries are to be recycled in accordance with § 11.

§ 11 Recycling and disposal

(1) All of the collected and identifiable end-of-life batteries are to be processed and recycled in accordance with contemporary industrial practice insofar as this is technically possible and economically reasonable.

The minimum requirements stipulated by the legal regulation under sentence 4 are to be taken into account in particular. Identifiable end-of-life batteries, whose processing and recycling are technically impossible or economically unreasonable, non-identifiable end-of-life batteries and residues from end-of-life batteries that were previously correctly processed and recycled are to be disposed of in accordance with contemporary industrial practice. The Federal Ministry for the Environment, Protection of nature and Reactor safety is authorised to set minimum requirements for the processing and recycling of end-of-life batteries, quotas for recycling efficiency and stipulations for its calculation through a legal regulation, which does not require approval from the Federal Council.

(2) The disposal of vehicle and industrial end-of-life batteries via incineration or dumping is prohibited. This does not apply to residues from end-of-life batteries that were previously processed and recycled correctly.

(3) Recovery in the sense of § 43 para. 3 of the Recycling and Waste law counts as completed at the start of processing.

(4) Processing and recycling under paragraph 1 can be undertaken outside the scope of this law, if the transfer of the end-of-life batteries fulfils the requirements of regulation (EC) no. 1013/2006 of the European Parliament and Council of 14 June 2006 on waste shipment (OJ. EU Nr. L 190 p. 1) in the relevant version in force as well as the stipulations of the legal regulation under paragraph 5 sentence 2.

(5) End-of-life batteries which, by virtue of regulation (EC) no. 1013/2006 of the European Parliament and Council of 14 June 2006 on waste shipment (OJ EC no. L 359 p.1) and regulation (EC) no. 1418/2007 of the Commission of 29 November 2007 on the export of certain wastes listed in Annex III or IIIA of regulation (EC) no. 1013/2006 of the European Parliament and Council, which are intended for recycling in certain states for which the OECD decision on inspection of cross-border shipment of wastes does not apply (OJ. EU Nr. L 316 S. 6), in the relevant version in force, are exported from the European Community are only to be considered for the fulfilment of the obligations under Paragraph 1, if sample-based proof is present, that the recycling has occurred under conditions that fulfil the requirements of this law and the legal regulations issued under this law. The Federal Ministry of the Environment, Protection of Nature and Reactor Safety is authorised to issue provisions for the implementation of execution provisions in accordance with Article 15 para. 3 of Directive 2006/66/EC via a legal regulation which does not require approval from the Federal Council.

§ 12 Verification of success

(1) The joint recovery system shall submit verifiable documentation to the highest State authorities responsible for waste management, the Environment Office and the joint centre annually by 30 April; it shall provide information on:

1. the mass of the device batteries brought into circulation in the area of enforcement of this law and remaining end-of-life batteries in the area of enforcement of this law by its members in the past year, subdivided by systems and group types,
2. the mass of device end-of-life batteries recovered by it in the past year, subdivided by systems and group types,
3. the mass of device end-of-life batteries which it sent for recycling in the past year, subdivided by systems and group types, whereby exported device end-of-life batteries and those processed outside the area of enforcement of this law are to be shown separately,
4. the collection quota set up in its own system in accordance with § 3 para. 18,
5. the recycling quota set up in its own system in accordance with § 3 para. 19,
6. the qualitative and quantitative recycling and disposal results as well as
7. the relevant overall paid prices for recovery, sorting, recycling and disposal, subdivided by systems and group types.

The highest State authorities under sentence 1 can appoint other authorities or facilities as the recipients of the documentation in their place.

(2) Paragraph 1 applies correspondingly for manufacturer-specific recovery systems.

(3) Paragraph 1 no. 2 to 6 applies to the distributors of vehicle and industrial batteries with the proviso that a report must be made on vehicle and industrial end-of-life batteries. Several distributors can submit joint documentation.

(4) The Federal Ministry for the Environment, Protection of Nature and Reactor Safety is authorised to publish binding stipulations for the compilation and organisation of the documentation under paragraphs 1 to 3 in the Federal Gazette.

(5) The documentation under paragraphs 1 to 3 is to be kept for three years.

§ 13 Collection goals

The joint recovery system and the manufacturer-specific recovery systems must reach the following for device end-of-life batteries:

1. a collection quota of at least 35 percent by 26 September 2012 and
2. a collection quota of at least 45 percent by 26 September 2016.

Section 3 label, reference obligations

§ 14 labelling

(1) Batteries and sets of batteries are to be labelled with the symbol in Annex I before entering circulation.

(2) The symbol under paragraph 1 must take up at least 3 percent of the biggest surface area on the battery or sales wrapper, although at most a surface area of 5 cm x 5 cm. If the object being labelled is cylindrical in shape, the symbol under paragraph 1 must be at least 1.5 percent the surface area of the object, although at most take up a surface area of 5 cm x 5 cm.

(3) Batteries which contain a percentage weight of more than 0.0005 of mercury, a percentage weight of more than 0.002 of cadmium or a percentage weight of more than 0.004 of lead are to be labelled with the chemical symbol (Hg, Cd, Pb) for the metal which exceeds the threshold. The labels under sentence 1 are to be affixed below the symbol according to paragraph 1. Each label must occupy at least a surface area of one quarter of the area of the symbol under paragraph 1.

(4) If the symbol under paragraph 1 or the label under paragraph 3 takes up a space of less than 0.5 cm x 0.5 cm, the corresponding labelling can be abandoned. Instead, a symbol and label in a size of at least 1 cm x

1 cm are to be applied to the packaging in each case. Sentences 1 and 2 apply correspondingly, if labelling the battery or set of batteries is not possible technically.

(5) The symbol and sign must be clearly visible, legible and durably attached.

(6) As of 26 September 2009, the battery's capacity is to be stated in visible, legible and indelible form on all vehicle and device batteries before they enter circulation.

The stipulated technical requirements set by legal regulation under sentence 3 are to be respected for the determination of capacity. The Federal Ministry of the Environment, Protection of Nature and Reactor Safety is authorised to set technical requirements for determination of the capacity of vehicle and device batteries via a legal regulation which does not require approval from the Federal Council.

(7) The Federal Ministry of the Environment, Protection of Nature and Reactor Safety is authorised to permit exceptions from paragraphs 1 to 6 via a legal regulation which does not require approval from the Federal Council.

(8) Additional voluntary labels are permitted provided that they do not contradict the label under paragraph 1, 3 or paragraph 6.

§ 15 Reference obligations

(1) Distributors must notify their customers through clearly visible and legible written or pictorial signs placed in the immediate vicinity of the collection point under § 8 para. 1 sentence 2 that:

1. batteries can be returned to the point of sale for free after use,
2. disposal of end-of-life batteries via unsorted landfill waste is banned,
3. the final consumer is legally obliged to return end-of-life batteries and
4. the meaning of the symbol under § 14 para. 1 and the sign under § 14 para. 3.

Any party that hands over batteries in a mail order business must give the information under sentence 1 in the presentation media it uses (brochure, catalogue, Internet, television) or include it in writing in the goods shipment.

(2) The manufacturers are obliged to inform the final consumer about the provisions stated in paragraph 1 no. 2 to 4, about the possible effects of substances contained in batteries on the environment and human health as well as the importance of separate collection and the recycling of end-of-life batteries for the environment and health.

(3) Insofar as the joint recovery system carries out information campaigns under paragraph 2, manufacturers of device batteries which do not belong to the joint recovery system must also be obliged to participate in the costs of the campaigns in a suitable proportion to their market share of the new device batteries brought into circulation. Publication under § 6 para. 6 is of decisive importance.

(4) If manufacturers who do not belong to the joint recovery system are called on to finance information campaigns by the joint recovery system under paragraph 3, these information campaigns are to be organised with a neutral competitive effect.

Section 4 Commissioning of third parties, irregularities, concluding provisions

§ 16 Commissioning of third parties

The parties bearing an obligation under this law can commission third parties to fulfil their obligations; § 16 para. 1 sentences 2 and 3 of the Recycling and Waste law apply correspondingly. The commissioned third party can also be the joint recovery system or a manufacturer-specific recovery system, but not the joint centre, however.

§ 17 Financial penalty provisions

(1) A violation is committed by any who deliberately or negligently:

1. brings batteries into circulation in breach of § 4 para. 1 sentence 1 or para. 2 sentence 1,
2. brings batteries into circulation in breach of § 4 para. 3,
3. hands over batteries to the final consumer in breach of § 4 para. 4,
4. does not recover end-of-life batteries in breach of § 7 para. 1 sentence 1,
5. does not recycle recovered end-of-life batteries in breach of § 7 para. 1 sentence 1 or does not dispose of them in breach of § 7 para. 1 sentence 2,
6. does not hand over device end-of-life batteries to a recovery system in breach of § 7 para. 2 sentence 2,
7. does not ensure the recovery of end-of-life batteries in breach of § 7 para. 3 sentence 1 or in breach of § 7 para. 8,
8. does not prepare, incorrectly prepares, incompletely prepares, does not prepare in the stipulated way or does not prepare on a timely basis the required information in breach of § 7 para. 3 sentence 2,
9. does not draw up, incorrectly draws up, incompletely draws up, does not draw up in the stipulated way or does not draw up on a timely basis a notice in breach of § 7 para. 3 sentence 3,
10. does not recover end-of-life batteries or does not do so in the stipulated way in breach of § 8 para. 1 or does not hand these over to a recovery system in breach of § 8 para. 2,

11. reports the costs for recovery, sorting, recycling or disposal of device batteries separately in breach of § 8 para. 4,
12. does not collect a deposit or does not repay it or does not do so on a timely basis in breach of § 8 para. 5 sentence 1 or sentence 2,
13. disposes of vehicle or industrial end-of-life batteries by incineration in breach of § 11 para. 2,
14. does not present, incorrectly presents, incompletely presents or does not present on a timely basis documentation in breach of § 12,
15. does not label batteries, incorrectly labels batteries or does not label these on a timely basis in breach of § 14,
16. does not issue instructions, incorrectly or incompletely issues instructions, or does not issue these in the stipulated way in breach of § 15 para.1.

(2) Violations can be penalised with a fine of up to fifty thousand euros in the cases of paragraphs 1 no. 1 to 14, and in the other cases with a fine of up to ten thousand euros.

(3) The administrative authority in the sense of § 36 para. 1 no. 1 of the Law on violations is the Federal Environment Office in the cases of paragraphs 1 no. 2, 4, 7, 8 and 14.

§ 18 Responsible civil authorities Unless stipulated otherwise, the responsibility for enforcing this law is borne by the public authorities responsible under § 63 of the Recycling and Waste law. § 58 of the Recycling and Waste law applies correspondingly.

§ 19 Transitional provisions

(1) §§ 4 para. 1 and 2, 14 para. 1 and 6 sentence 1 do not apply to batteries, which were initially brought into circulation in a Member State of the European Community before this law enters force.

(2) The publication under § 6 para. 6 occurs first on 1 July 2009.

(3) The quotas to be reached by the joint recovery system in the 2009 calendar year shall initially act as a basis for the stipulation under § 7 para. 6 sentence 2.

(4) § 3 para. 17 applies for the identification of the collection quota under § 12 para. 1 sentence 1 no. 4 for the 2008 calendar year with the proviso that only the weight of the device batteries brought into circulation in this year is to be set in relation to the weight of the device end-of-life batteries collected in this calendar year.

(5) Paragraph 4 applies to the 2009 calendar year with the proviso that the average annual weight of the device batteries brought into circulation in the years 2008 and 2009 is to be set in relation to the weight of the device end-of-life batteries collected in the 2009 calendar year.

§ 20 Entry into force, termination of force This law enters into force on 26 September 2008. At the same time the battery regulation of 27 March 1998 (BGBl. I p. 658), last amended by Article 7 of the Law of 9 September 2001 (BGBl. I p. 2331) and the law on the participation of the public in the organisation of battery programmes of 9 December 2006 (BGBl. I p. 2819, 2824; 2007, p. 195) ceases to be in force.

Closing formulation signatures **Annex I Labelling**