

BD	FRANCE
Scope	
Art.2 - all battery types except military/sent to space	Art R. 543-124 Same as in BD
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 R. 543-125 Definitions (in line with directive) are provided for - batteries/accumulators - battery pack - portable battery or accumulator - automotive battery or accumulator - Industrial battery or accumulator - Button cell - Producer: The private label owner is considered as producer - Distributor
Prohibitions	
Art.4 Are prohibited all batteries and accumulators containing: - more than 0,0005% Hg - more than 0,002% Cd - button cells with more than 2% Hg Exceptions: - emergency and alarm systems - medical equipment - cordless power tools	Art R. 543-126 Batteries shall not contain more than - 0,0005% HG (2% by weight for button cells) - 0,002% Cd Exceptions for Cadmium to be given in further decree
Increased environmental performance	
Art.5	

- MS to promote research	
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 - MS should not prohibit placing on market of batteries that meet the requirements - MS to ensure not placing/withdrawn from the market of batteries that do not meet the requirements 	
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>Art R. 543-128</p> <p>First collection and storage to be done by:</p> <ol style="list-style-type: none"> (1) Distributors of portable batteries and accumulators free of charge of the same type as those that they market, (2) Municipalities, groupings thereof and competent mixed syndicates or other holders (particularly WEEE collection schemes) (3) Producer are responsible for the collection of the batteries collected following Art R. 543-128(1) & Art R. 543-128(2) Producer responsibility can be done through an individual system or collective scheme <p>For both a collective and individual scheme, a detailed plan have to be submitted to the government</p>
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		
Removal of waste batteries and accumulators		
Art.11 MS shall ensure that manufacturers design appliances in such a way that batteries are easily removable	Art 543-176 Same as BD	
Treatment and recycling		
Art. 12 Deadline 26 September 2009 <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>	Art R. 543-131 <ul style="list-style-type: none"> - The processing of waste portable, automobile and industrial batteries and accumulators shall be done in installations operated pursuant to Title I of Book V of the Environmental Code in accordance with the best techniques available and satisfying the technical requirements laid down by Order of the Minister responsible for ecology. - Such Order shall also lay down the minimum efficiency of recycling processes for waste batteries and accumulators and, where needed, the methods for calculating such efficiency. 	
New recycling technologies		
Art.13 MS shall encourage development of new recycling and treatment technologies	Art R. 543-128, II, 3° Producers have to conduct studies intended to optimise collection, pick up and processing systems for waste portable batteries and accumulators	
Disposal		
See <i>Treatment and recycling</i> Art. 12		
Exports		
Art. 15 Treatment and recycling can take place outside MS or EU if in compliance with regulations	Art R. 543-131, II Reference is made to the relevant EU legislation	

<p>Waste exports shall count towards fulfilment of obligations if there is evidence of the same standards as outlined in the directive.</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 R. 543-128, II, 4° Liability for defining communication means is in the hands of the producers.</p>
<p>Registration</p>	
<p>Art.17 MS should ensure that each producer is registered.</p>	<p>Art R. 543-132</p> <ul style="list-style-type: none"> - A further decree will establish the detailed registration requirements - Register will be kept by ADEME
<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>Information for end-users</p>	
<p>Art.20 MS should ensure through information campaigns that end-users are fully informed + requirements</p>	<p>Art R. 543-128, 1° Distributors shall inform users of the option of returning waste portable batteries. The containers put at the disposal of users for this purpose shall be clearly marked and easily accessible.</p> <p>Art R. 543-128, II, 4° Through media campaigns</p> <ul style="list-style-type: none"> - the collection and recycling systems at their disposal - the importance of not disposing of waste portable batteries and accumulators with unsorted municipal waste, with a view to processing and recycling them

	<ul style="list-style-type: none"> - the meaning of the labelling symbols - the potential effects of the substances used in batteries and accumulators on the environment and human health 	
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>	<p>Art R. 543-127</p> <ul style="list-style-type: none"> - Crossed out dustbin: same as BD - Chemical symbol: same as BD - Capacity marking to be regulated in a later decree 	
Reporting obligations for Member States		
<p>Art. 22 1. MS shall send the Commission a report on the implementation of the directive every 3 years. The first report shall cover the period until 26 September 2012.</p>		
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 R. 543-133 The penalties are related to:</p> <ul style="list-style-type: none"> - marking - registration - distributors not taking back waste batteries - not respecting export requirements - placing a battery on the market not respecting the prohibitions - not picking up or processing waste batteries 	

	- not respecting the processing conditions	
Voluntary agreements		
Art.27 Requirements for agreements between competent authorities and economic operators: <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 		
Reporting		