

<b>BD</b>	<b>Luxemburg draft law</b>
<b>Scope</b>	
Art.2 - all battery types except military/sent to space	<b>Art. 1</b> - 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	<b>Art. 2</b> Identical to BD except - Producer Any person who, on a professional basis, independently of the selling technique used, including distance selling, puts on the Luxemburg market for the first time batteries or accumulators, including those integrated in appliances or vehicles. <i>Equally, a producer is any person resident in another country, and who on a commercial basis offers batteries or accumulators, including those incorporated in appliances or vehicles, directly to a user in Luxembourg.</i>  - placing on the market Offering or making available to third parties, for money or free, including import  → Comment: it does not specify whether it is on the Luxemburg market or on the EU market  - national regrouping centre – storage(s) for problematic waste - minister – government member in charge of environment - administration – environment administration
<b>Prohibitions</b>	
Art.4 - less 0,0005% Hg - less 0,002% Cd - button cells – no more than 2% Hg Exception - emergency and alarm systems - medical equipment - cordless power tools	<b>Art. 4</b> Same as Directive

<b>A</b>	
Art.5 - MS to promote research	<b>Art 5</b> Same as in Directive
<b>Placing on the market</b>	
Art.6 - MS should not prohibit placing on market of batteries that meet the requirements - MS to ensure not placing/withdrawn from the market of batteries that do not meet the requirements	<b>Art.6</b> This does not take into account the requirements of the amended Directive i.e. that batteries placed on the market before 28/09/08 can stay on the market
<b>Collection schemes</b>	
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	<b>Art.7</b> <u>Part 1: Take back and selective <b>collection</b> – portable batteries</u> <ul style="list-style-type: none"> <li>- collection of waste portable batteries and accumulators is done by means of the <b>existing public infrastructures</b> on selective collection of problematic waste</li> <li>- distributors – when they sell portable batteries - have to take back for free waste portable batteries and accumulators</li> <li>- producers, <b>individually or collectively</b>, can organise alternative or complementary collection systems <b>if these systems guarantee the same national coverage and at least the same collection frequency.</b></li> <li>- No charge to end-user for bringing back spent portable batteries nor obligation to buy new batteries</li> </ul> <u>Par 2: take back industrial batteries</u>  <u>Par 3: take back automotive batteries</u>  <b>Art 16</b>  Par 1) Collection, treatment, recycling and financing can be done on a collective or individual basis  Par 2) For an individual scheme, the parties have to obtain an approval from the Ministry

	<p>Par 3)                  For a collective scheme, the parties concerned outsource their legal requirements to an association. The producers have to prove that they have a contractual agreement with the association</p> <p>Par 4 – 11)                  Requirements and procedures for the approval of the Ministry of the collective scheme</p> <p><b>Art 17</b></p> <p>Non-discrimination principle</p>
<b>Economic instruments</b>	
<p>Art. 9                  - MS may use economic instruments to promote the collection or usage of products with less polluting substances</p>	
<b>Collection targets</b>	
<p>Art.10  <b>Minimum collection rates:</b></p> <ul style="list-style-type: none"> <li>- 25% by 26 September 2012</li> <li>- 45% by 26 September 2016</li> </ul> <p>- transitional agreements can be laid down                  - common methodology for calculation of annual sales of portable batteries by 26 September 2007</p>	<p><b>Art 8</b></p> <p>Same as Directive</p>
<b>Removal of waste batteries and accumulators</b>	
<p>Art.11                  MS shall ensure that manufacturers design appliances in such a way that batteries are easily removable</p>	<p><b>Art.9</b></p> <p>Same as Directive</p>
<b>Treatment &amp; Recycling</b>	
<p>Art. 12                  Deadline <b>26 September 2009</b></p> <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> <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"> <li>- no viable end market id available</li> <li>- as part of a strategy to phase out heavy metals</li> </ul>	<p><b>Art.10</b></p> <p>Par 1)                  Deadline <b>26 September 2009</b></p> <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> <p>Par 2)                  Treatment will respect minimum requirements of Annex III, A</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>	<p>Par 3)                  Batteries collected with waste appliances according to WEEE shall be removed from the appliances.</p> <p>Par 4)                  By 26/09/2011, the recycling efficiencies of Annex III, B have to be achieved</p>
<p><b>New recycling technologies</b></p>	
<p>Art.13</p> <p>MS shall encourage development of new recycling and treatment technologies</p>	<p><b>Art.11</b></p> <p>The state encourages the use of new recycling and treatment technologies and promote research concerning environmentally friendly recycling methods.</p>
<p><b>Disposal</b></p>	
<p>See <i>Treatment and recycling</i> Art. 12</p>	<p><b>Art.12</b></p> <p>Landfill or incineration of waste automotive and industrial batteries is forbidden.                  However, waste batteries which are subject to treatment and recycling as required by art. 10, par 1, may be disposed of in landfills or by incineration.</p>
<p><b>Exports</b></p>	
<p>Art. 15</p> <p>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><b>Art.13</b></p> <p>Same requirements as in Directive</p>
<p><b>Financing</b></p>	
<p>Art. 16</p> <p>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,</p>	<p><b>Art. 14</b></p> <p>Par 1 &amp; 3)                  Producers, individually or collectively, ensure the financing of all net costs arising from collection, treatment and recycling + information campaigns</p> <p>Par 2)                  Double changing is to be avoided.</p>

treatment and recycling	Par 4) No visible fee  Par 5) Automotive & industrial baterries  Par 6) Art 14 applies to all spent batteries regardless of date of placing on the market
<b>Registration</b>	
Art.17 MS should ensure that each producer is registered.	<b>Art 15</b>  Producers have to be registered. The requirements will be determined by a Decree
<b>Small producers</b>	
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.	-
<b>Information for end-users</b>	
Art.20 MS should ensure through information campaigns that end-users are fully informed + requirements	<b>Art 18</b>  Same as in Directive
<b>Labelling</b>	
Art.21 MS shall ensure that all batteries are marked with the symbol: <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> MS shall ensure that the capacity of all portable and automotive batteries is indicated on them by 26 September 2009.  Batteries containing more than the allowed percentages shall be marked with the chemical symbol.	<b>Art 20</b>  Same as directive
<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><b>Voluntary agreements</b></p>	
<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><b>Reporting</b></p>	
<p>-</p>	<p><b>Art. 19</b></p> <p>Producers &amp; distributors (or third parties acting on behalf) have to inform the authorities annually with:</p> <ul style="list-style-type: none"> <li>- quantities and categories <b>placed on the market</b></li> <li>- quantities and categories of spent batteries <b>collected</b> via the different channels</li> <li>- quantities and categories of spent batteries <b>recycled</b> with the indication of the intermediate and final destination</li> <li>- quantities and categories of spent batteries <b>exported</b></li> <li>- <b>recycling efficiencies</b></li> </ul>