

The Regulations on Solid and Hazardous Wastes (Batteries or Accumulators) of 2009, which were issued by the Ministerial Council, according to Article 5 of the Laws on Solid and Hazardous Wastes of 2002 to 2006, after being submitted to the House of Representatives and approved by same, were published in the Official Gazette of the Republic according to section (3) of Article 3 of the Law on Submitting to the House of Representatives, Regulations that are Issued by Authorisation of Law (Law 99 of 1989 as amended by Law 227 of 1990).

THE LAW ON SOLID AND HAZARDOUS WASTES

Regulations based on Article 5

For harmonisation purposes with European Community act titled-

E.C. Official gazette: Directive 2006/66/EEC of the European Parliament and of the Council, of 6 September 2006, on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC of the European Parliament and the Council of 11 March 2008 and corrected,
L 266 of 26 Sep 2006, page 1, L339, 6 December 2006, page 39,
L76, 19 Mar 2008, page 39.

215(1) of 2002
196(1) of 2004
162(1) of 2005
17(1) of 2006

the Ministerial Council, exercising the powers vested to it according to Article 5 of the Laws on Solid and Hazardous Wastes of Laws 2002 to 2006, issues the following Regulations.

Brief title. 1. The present Regulation refers to the Regulations on Solid and Hazardous Wastes (Batteries or Accumulators) of 2009.

Interpretation. 2. - (1) In the present Regulations, unless arising otherwise from the text -

'recycling' means the reprocessing in a production process of waste materials for their original purpose or for other purposes, excluding energy recovery;

Annex IIB. 'utilisation' means any action, to the extent that it can be applied to batteries or accumulators, which is stipulated in Annex IIB of the Law;

'waste battery or accumulator' means any battery or accumulator which is waste within the meaning of Article 2 of the Law;

'cordless power tool' means any hand held appliance powered by a battery or accumulator and intended for maintenance, construction or gardening activities;

Annex IIA. 'disposal' means any of the applicable operations provided for in Annex IIA of the Law;

'placing on the market' means supplying or making available, whether in return for payment or free of charge, to a third party within the Community and includes import into the customs territory of the Community;

'distributor' means any person that provides batteries and accumulators on a professional basis to an end-user;

'treatment' means any activity carried out on waste batteries and accumulators after they have been handed over to a facility for sorting, preparation for recycling or preparation for disposal;

'battery' or 'accumulator' means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) or consisting of one or more secondary battery cells (rechargeable);

'automotive battery or accumulator' means any battery or accumulator used for automotive starter, lighting or ignition power;

'industrial battery or accumulator' means any battery or accumulator designed for exclusively industrial or professional uses or used in any type of electric vehicle;

'Law' means the Law on Solid and Hazardous Wastes of 2002 to 2006;

'Directive 2006/66/EEC' means the European Community Act titled 'Directive 2006/66/EEC of the European Parliament and of the Council, of 6 September 2006, on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC' as amended by Directive 2008/12/EEC of the European Parliament and the Council of 11 March 2008 and corrected;

'producer' means any person that, irrespective of the selling technique used, including by means of distance communication as defined in the Laws of Signing Distance Consumer Contracts of 2000 to 2008, places batteries or accumulators, including those incorporated into appliances or vehicles, on the market for the first time within the territory of that Member State on a professional basis;

14(1) of 2000
237(1) of 2004
93(1) of 2007
16(1) of 2008.

Official Gazette of
the Republic
Annex Three (I):
30 Jul 2004.

'collection rate' means, in a given calendar year, the percentage obtained by dividing the weight of waste portable batteries and accumulators collected in accordance with Paragraph 1 of Regulation 7 of the present regulations or according to the Regulations on Solid and Hazardous Wastes (Waste Electrical and Electronic Equipment) of 2004 in that calendar year by the average weight of portable batteries and accumulators that producers either sell directly to end-users or deliver to third parties in order to sell them to end-users in that Member State during that calendar year and the preceding two calendar years;

'Waste Management Advisory Committee' or 'SEDA' means the committee that is established pursuant to Article 33 of the Law;

'button cell' means any small round portable battery or accumulator whose diameter is greater than its height and which is used for special purposes such as hearing aids, watches, small portable equipment and back-up power;

'appliance' means any electrical or electronic equipment, as defined by the Regulations on Solid and Hazardous Waste (Waste Electrical and Electronic Equipment) of 2004 and 2008, which is fully or partly powered by batteries or accumulators or is capable of being so;

'battery pack' means any set of batteries or accumulators that are connected together and/or encapsulated within an outer casing so as to form a complete unit that the end-user is not intended to split up or open;

'economic operators' means any producer, distributor, collector, recycler or other treatment operator;

'management body' means the legal entity which is established by the producers or the local government authorities for the purpose of organising and operating a collective waste management system for batteries and accumulators;

'portable battery or accumulator' means any battery, button cell, battery pack or accumulator that-

- (a) is sealed; and
- (b) can be hand-carried; and
- (c) is neither an industrial battery or accumulator nor an automotive battery or accumulator;

(2) Reference to the present Regulations, to a Directive, Regulation or other act of the European Community or the European Union, means the reference to such act, which is amended or replaced every time.

(3) Any other terms that are included in the present Regulations and which are not interpreted otherwise by the text, have the definition given by those terms of the Law.

Scope of the present Regulations. 157(1) of 2003.

3.-(1) Without prejudice to the provisions of the Law on Vehicles at the End of Their Life-Cycle of 2003, the present regulations shall apply to all types of batteries and accumulators, regardless of their shape, volume, weight, material composition or use.

(2) Irrespective of paragraph (1), the present Regulation does not apply to batteries and accumulators used in-

(a) equipment connected with the protection of the Democracy's essential security interests, arms, munitions and war material, with the exclusion of products that are not intended for specifically military purposes;

b) equipment designed to be sent into space.

Prohibition for placing on market

4. – (1) Without prejudice to the provisions of the Law on Vehicles at the End of Their Life-Cycle of 2003, shall prohibit the placing on the market of-

(a) all batteries or accumulators, whether or not incorporated into appliances, that contain more than 0.0005% of mercury by weight; and

(b) portable batteries or accumulators, including those incorporated into appliances that contain more than 0.002% of cadmium by weight.

(2) The prohibition set out in paragraph 1(a) shall not apply to button cells with a mercury content of no more than 2% by weight.

(3) The prohibition set out in paragraph 1(b) shall not apply to portable batteries and accumulators intended for use in-

(a) emergency and alarm systems, including emergency lighting;

(b) medical equipment; or

(c) cordless power tools.

Increased Environmental Performance

5. The Minister shall promote research and encourage improvements in the overall environmental performance of batteries and accumulators throughout their entire life cycle as well as the development and marketing of batteries and accumulators which contain smaller quantities of dangerous substances or which contain less polluting substances, in particular as substitutes for mercury, cadmium and lead.

Recycling Target

6. The Minister may, through a decree that is published in the Republic's Official Gazette, and after taking into consideration the environmental impact of transport of waste batteries and accumulators, determine measures that aim to-

(a) maximise, as much as possible, the separate collection of waste batteries and accumulators; and

(b) minimise the disposal of batteries and accumulators as mixed municipal waste in order to achieve a high level of recycling for all waste batteries and accumulators.

Collection Schemes for Waste Portable

7. - (1) For waste portable batteries and accumulators, the manufacturers or economic operators are obligated to apply and

Batteries and Accumulators.	<p>maintain collection schemes that are approved by the competent authorities which-</p> <p>(a) shall enable end-users to discard waste portable batteries or accumulators at an accessible collection point in their vicinity, having regard to population density:</p> <p>It is implied that the collection points corresponding to the requirements of this subsection, are not subject to the registration or licensing requirements of the Law, considering that those are controlled through the approval terms of the collection schemes;</p> <p>(b) shall require distributors to take back waste portable batteries or accumulators at no charge when supplying portable batteries or accumulators, unless an assessment, which is published in the Official Gazette of the Republic, shows that alternative existing schemes are at least as effective in attaining the environmental aims of the present Regulations;</p> <p>(c) shall not involve any charge to end-users when discarding waste portable batteries or accumulators, nor any obligation to buy a new battery or accumulator;</p> <p>(d) may be run in conjunction with the schemes referred to in Article 5(2) of the Regulation on Solid and Hazardous Wastes (Waste Electrical and Electronic Equipment) of 2004 and 2008.</p>
	<p>(2) The producers of industrial batteries and accumulators, or third parties acting on their behalf, shall not refuse to take back waste industrial batteries and accumulators from end-users, regardless of chemical composition and origin. Independent third parties may also collect industrial batteries and accumulators.</p>
	<p>(3) The producers of automotive batteries and accumulators, or third parties, set up schemes for the collection of waste automotive batteries and accumulators from end-users or from an accessible collection point in their vicinity, where collection is not carried out under the schemes referred to in Article 4 of the Law on Vehicles at the End of Their Life-Cycle of 2003.</p>
	<p>(4) In the case of automotive batteries and accumulators from private, non-commercial vehicles, such schemes shall not involve any charge to end-users when discarding waste batteries or accumulators, nor any obligation to buy a new battery or accumulator.</p>
Collection targets Annex I.	<p>8 -(1) The Minister shall calculate the collection rate for the first time, according to Annex I of the present Regulations, after the lapse of four years following the entry into force of the present Regulations.</p>
Official Gazette of the Republic, Annex Three: 30 Jul 2004	<p>2(a) Without prejudice to the provisions of the Regulations on Solid and Hazardous Wastes (Waste Electrical and Electronic Equipment) of 2004, the information on annual collection and sales figures shall</p>

include batteries and accumulators incorporated into appliances.

(b) The information on the annual collection and sales stated in subparagraph (a) are published annually in the Official Gazette of the Republic.

(3) Without prejudice to the provisions of Regulation 7, the producers shall achieve the following minimum collection rates for batteries and accumulators-

(a) 25% by 26 September 2012; and

(b) 45% by 26 September 2016.

Economical Instruments

9. -(1) The Minister may use economic instruments to promote the collection of waste batteries and accumulators or to promote the use of batteries and accumulators containing less polluting substances, for instance by adopting differential tax rates.

(2) The measures pertaining to the implementation of the instruments mentioned in paragraph (1), are notified to the Commission.

Removal of Waste Batteries and Accumulators.

10. The manufacturers are obligated to design appliances in such a way that waste batteries and accumulators can be readily removed. Appliances into which batteries and accumulators are incorporated shall be accompanied by instructions showing how they can be removed safely and, where appropriate, informing the end-user of the type of the incorporated batteries and accumulators. These provisions shall not apply where, for safety, performance, medical or data integrity reasons, continuity of power supply is necessary and requires a permanent connection between the appliance and the battery or accumulator.

Treatment and Recycling

11. - (1) All producers or third parties acting on their behalf shall ensure, no later than 26 September 2009-

(a) to set up schemes using the best available techniques, in terms of the protection of health and the environment, to provide the treatment and recycling of waste batteries and accumulators; and

(b) to treat and recycle, through schemes approved by the competent authority, all identifiable batteries and accumulators collected, in accordance to paragraphs (1) to (3) of Regulation 7 of the present Regulations or the Regulations on Solid and Hazardous Wastes (Waste Electrical and Electronic Equipment) of 2004 and 2008.

Annex III Section A.

(2) The treatment corresponds to the minimum requirements of Section A of Annex III.

(3) When batteries or accumulators are collected together with waste electrical and electronic equipment on the basis of Regulations on Solid and Hazardous Wastes (Waste Electrical and Electronic

Equipment), of 2004 and 2008, batteries or accumulators shall be removed from the collected waste electrical and electronic equipment.

Annex III
Section B.

(4) Recycling processes shall, no later than 26 September 2011, meet the recycling efficiencies and associated provisions set out in Annex III, Part B.

Management
Schemes of Waste
Batteries and
Accumulators.

12. - (1) The schemes stated in paragraphs (1) and (3) of Regulation 7 and paragraph (1) of Regulation 11, can be stand-alone or collective, however approval by the Minister requires approval.

(2) (a) The approval stated in paragraph (1) is given after SEDA reasoning, for a time duration that does not exceed six years, to entrepreneurs, natural or legal entities, companies or associations of entrepreneurs, provided that they meet the requirements set out by the present Regulations.

(b) During the provision of the approval stated in paragraph (1), every necessary term is specified, which is an integral part of the approval, including the type of collection bin and location of same.

(3) The criteria for approving the waste management schemes, stated in paragraph (1), by the competent authority, as well as the reasons for recalling the approval of those schemes, are specified by a decree issued by the Minister and which is published in the Official Gazette of the Republic.

Collective
Management
Schemes of Waste
Batteries and
Accumulators.

13. - (1) The producers are obligated to participate in a collective management scheme-

(a) If they are not participating in a stand-alone management scheme according to Regulation 7 and 11; or

(b) if the stand-alone scheme they have planned, fails to achieve the goals stated in Regulation 8 (1).

(2) A collective management scheme is organised by a management body which consists of producers of waste batteries and accumulators or producers of waste batteries and accumulator jointly with local government authorities, and which is a non-profit organisation.

(3) The participation in a collective management scheme requires the payment of a contribution, which is approved by the competent authority, to the scheme of the participating producers of waste batteries and accumulators.

(4) The producers of waste that participate in collective management

scheme, approved according to the present Regulations, are released from any responsibility to manage waste batteries and accumulators and the relevant responsibility is transferred to the management body in which they are participating.

(5) In the event that the waste producers or the management body wish to amend in any way the approved management scheme, they are obligated to submit an application for that purpose to the competent authority.

(6) The competent authority examines the application stated in paragraph (5) and is obligated to decide within a reasonable time period and take into consideration the SEDA reasoning.

New Recycling Technologies

14. -1 (1) The Minister shall encourage the development of new recycling and treatment technologies, and promote research into environmentally friendly and cost-effective recycling methods for all types of batteries and accumulators.

E.C. Official gazette: L 114 24 Apr 2001, page 1, L 32 4 Feb 2006, page 4.

(2) The Minister shall provide special incentives to treatment facilities to introduce certified environmental management schemes in accordance with Regulation (EEC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community ecomanagement and audit scheme (EMAS), as amended by Regulation (EEC) No. 196/2006 by the Commission of 3 February 2006, regarding the amendment of annex I of Regulation (EEC) No. 761/2001 of the European Parliament and of the Council, in order to take into consideration the European Standard EN ISO 14001:2004, as well as cancel decision 97/265/EEC.

Disposal

15. -(1) The disposal in landfills or by incineration of waste of industrial and automotive batteries and accumulators is prohibited.

(2) The residues of any batteries and accumulators that have undergone both treatment and recycling in accordance with paragraph (1) of Regulation 11, are excluded from prohibition of paragraph (1) and may be disposed of in landfills or by incineration.

Exports

E.C. Official gazette: L 190 12 Jul 2006, page 1.

16. - (1) Treatment and recycling may be undertaken outside the Republic or outside the Community, provided that the shipment of waste batteries and accumulators is in compliance with Council Regulation (EC) No 1013/2006 of the European Parliament and the Council of 14 June 2006 on shipments of waste.

E.C. Official gazette: L 166, 1 Jul 1999, page 6, L 20, 22 Jan 2005, page 9.

(2) Waste batteries and accumulators exported out of the Community in accordance with Regulation (EEC) No 1013/2006 by the European Parliament and the Council of 14 June 2006, Council Regulation (EEC) No 1420/1999 of 29 April 1999 establishing common rules and procedures to apply to shipments to certain non-OECD countries of certain types of waste and as amended by Commission Regulation (EEC) No 1547/1999 of 12 July 1999 determining the control

E.C. Official gazette: L 185, 17 Jul 1999,

page 1, L 20, 22 Jan 2005, page 9.

Annex III.

procedures under Council Regulation (EEC) No 259/93 to apply to shipments of certain types of waste to certain countries to which OECD Decision C(92)39 final does not apply shall count towards the fulfilment of the obligations and efficiencies laid down in Annex III to this Directive only if there is sound evidence that the recycling operation took place under conditions equivalent to the requirements of this Directive.

Financing

17. - (1) The producers, or third parties acting on their behalf, are obligated to ensure at least the financing of all of the net costs arising from-

(a) the collection, treatment and recycling of all waste portable batteries and accumulators collected in accordance with paragraph (1) of Regulation 8 of the present Regulations; and

(b) the collection, treatment and recycling of all waste industrial and automotive batteries and accumulators collected in accordance with paragraphs (2) and (3) of Regulation 7 of the present Regulations;

(c) public information campaigns regarding collection, treatment and recycling of waste portable batteries and accumulators.

(2) The Ministry shall ensure that the implementation of paragraph 1 avoids any double charging of producers in the case of batteries or accumulators collected under schemes set up in accordance with Regulations on Solid and Hazardous Wastes (Waste Electrical and Electronic Equipment) of 2004 and 2008.

(3) The costs of collection, treatment and recycling shall not be shown separately to end-users at the time of sale of new portable batteries and accumulators.

(4) Producers and users of industrial and automotive batteries and accumulators may conclude agreements stipulating financing arrangements other than the ones referred to in paragraph 1, which are approved by the competent authority.

(5) This Article shall apply to all waste batteries and accumulators, irrespective of the date of their placing on the market.

Registration of Producers

18. - (1) The Minister shall ensure that each producer is registered. The registration procedure is specified by a decree issued by the Minister and is published in the Official Gazette of the Republic.

(2) To this purpose the Minister sets up the Register of Producers of Waste Batteries and Accumulators, in which all producers are obligated to register and provide the necessary information.

(3) The criteria for registering in the Register of Producers of Waste Batteries and Accumulators as well as the information included in the registration application for the Register of Producers of Waste Batteries and Accumulators, are specified by a decree issued by the

Minister and is published in the Official Gazette of the Republic.

Participation in
Collection,
Treatment and
Recycling Schemes.

19. - (1) All economic operators and all competent public authorities participating in the collection, treatment and recycling schemes stated in Regulation 7 and 11 of the present Regulations

(2) These schemes shall also apply to batteries and accumulators imported from third countries under non-discriminatory conditions and shall be designed to avoid barriers to trade or distortions of competition.

Information for the
End-User.

20. - (1) Producers or third parties acting on their behalf, shall ensure, in particular through information campaigns, that end-users are fully informed of-

(a) the potential effects on the environment and human health of the substances used in batteries and accumulators;

(b) the desirability of not disposing of waste batteries and accumulators as unsorted municipal waste and of participating in their separate collection so as to facilitate treatment and recycling;

(c) the collection and recycling schemes available to them;

(d) their role in contributing to the recycling of waste batteries and accumulators;

(e) the meaning of the symbol of the crossed-out wheeled bin shown in Annex II and the chemical symbols Hg, Cd and Pb.

(2) The Minister may require economic operators to provide some or all of the information referred to in paragraph 1.

(3) The distributors required to take back waste portable batteries and accumulators pursuant to Article 8, they shall ensure that such distributors inform end-users about the possibility of discarding waste portable batteries or accumulators at their sales points.

Labelling

21. - (1) Producers or third parties acting on their behalf shall ensure that all batteries, accumulators and battery packs are appropriately marked with the symbol shown in Annex II.

Annex II.

(2) The producers shall ensure that the capacity of all portable and automotive batteries and accumulators is indicated on them in a visible, legible and indelible form by 26 September 2009.

Batteries, accumulators and button cells containing more than 0.0005 % mercury, more than 0.002 % cadmium or more than 0.004 % lead, shall be marked with the chemical symbol for the metal concerned: Hg, Cd or Pb. The symbol indicating the heavy metal content shall be printed beneath the symbol shown in Annex II and

Annex II.	shall cover an area of at least one quarter the size of that symbol.
Annex II.	<p>(4) The symbol shown in Annex II shall cover at least 3 % of the area of the largest side of the battery, accumulator or battery pack, up to a maximum size of 5 x 5 cm. In the case of cylindrical cells, the symbol shall cover at least 1.5% of the surface area of the battery or accumulator and shall have a maximum size of 5 x 5 cm.</p> <p>(5) Where the size of the battery, accumulator or battery pack is such that the symbol would be smaller than 0.5 x 0.5 cm, the battery, accumulator or battery pack need not be marked but a symbol measuring at least 1 x 1 cm shall be printed on the packaging.</p> <p>6. Symbols shall be printed visibly, legibly and indelibly.</p>
Briefing and Submission of Reports.	<p>22.-(1) The producers of waste batteries and accumulators or the third parties acting on their behalf, will draw up and submit to the Minister, no later than 30 April of next year, a detailed annual report regarding the implementation of the stand-alone or collective management schemes and the manner in which they met the obligations deriving from the present Regulations.</p> <p>(2) The form of the report mentioned in paragraph (1) of the present Regulation and the information included in same are specified by a decree issued by the Minister and is published in the Official Gazette of the Republic.</p> <p>(3) The Minister may ask for clarifications from the producers for evaluation purposes on the report mentioned in paragraph (1) of the present Regulation.</p> <p>(4) Once the Minister evaluates the report mentioned in paragraph (1) and bears or provisions the amendments deemed necessary, such as the producers would bear, then the report stipulated in Article 10, paragraph 3 of Directive 2006/66/EEC, is sent to the Commission of the European Communities.</p>
Implementation of Specific Provisions of Directive 2006/66/EEC.	<p>23. The Minister implements the following provisions of Directive 2006/66/EEC:</p> <p>(a) Article 12, paragraphs 5, 6 and 7</p> <p>(b) Article 22</p>
Repeal. Official Gazette of the Republic, Annex Three (I): 31 Jan 2003.	<p>24. The Regulations on Solid and Hazardous Wastes (Batteries or Accumulators) of 2003 are repealed.</p>

ANNEX I

Monitoring compliance with the collection targets

(Regulation 8)

Year	Information collection		Calculation	Report submission requirement
2009	Sales during 2008 (S1)			
2010	Sales during 2009 (S2)			
2011	Sales during 2010 (S3)	Collection during 2010 (C3)	Collection percent (CR3) = $3 \cdot C3 / (S1 + S2 + S3)$	
2012	Sales during 2011 (S4)	Collection during 2011 (C4)	Collection percent (CR4) = $3 \cdot C4 / (S2 + S3 + S4)$ (Target set at 25%)	
2013	Sales during 2012 (S5)	Collection during 2012 (C5)	Collection percent (CR5) = $3 \cdot C5 / (S3 + S4 + S5)$	CR 4
2014	Sales during 2013 (S6)	Collection during 2013 (C6)	Collection percent (CR6) = $3 \cdot C6 / (S4 + S5 + S6)$	CR 5
2015	Sales during 2014 (S7)	Collection during 2014 (C7)	Collection percent (CR7) = $3 \cdot C7 / (S5 + S6 + S7)$	CR 6
2016	Sales during 2015 (S8)	Collection during 2015 (C8)	Collection percent (CR8) = $3 \cdot C8 / (S6 + S7 + S8)$ (Target set at 45%)	CR 7
2017	Sales during 2016 (S9)	Collection during 2016 (C9)	Collection percent (CR9) = $3 \cdot C9 / (S7 + S8 + S9)$	CR 8
2018	Sales during 2017 (S10)	Collection during 2017 (C10)	Collection percent (CR 10) = $3 \cdot C10 / (S8 + S9 + S10)$	CR 9
2019	Etc.	Etc.	Etc.	CR 10
Etc.				

ANNEX II

Symbols for batteries, accumulators and battery packs for separate collection

(Regulation 21)

The symbol indicating 'separate collection' for all batteries and accumulators shall be the crossed-out wheeled bin shown below:

ANNEX III

Detailed treatment and recycling requirements

(Regulations 11 and 16)

PART A: TREATMENT

1. Treatment shall, as a minimum, include removal of all fluids and acids.
2. Treatment and any storage, including temporary storage, at treatment facilities shall take place at sites with impermeable surfaces and suitable weatherproof covering or in suitable containers.

SECTION B: RECYCLING

3. Recycling processes shall achieve the following minimum recycling efficiencies:
 - (a) recycling of 65% by average weight of lead-acid batteries and accumulators, including recycling of the lead content to the highest degree that is technically feasible while avoiding excessive costs
 - (b) recycling of 75% by average weight of nickel-cadmium batteries and accumulators, including recycling of the cadmium content to the highest degree that is technically feasible while avoiding excessive costs, and
 - (c) recycling of 50% by average weight of other waste batteries and accumulators.