

BD	Danish law (February 09)
Scope	
Art.2 - all battery types except military/sent to space	Art. 1 (executive order) All type of batteries and accumulators; Art 2 (executive order) Exemptions are the same
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 19 par 9t (law) Art.3 (executive order) Art. 3 (executive order on sale and export of batteries & accumulators) Definitions are given as in the directive except: Placing on the market means handling over or making available to a third party in return for payment or otherwise, including import into the customs territory of Denmark.
Prohibitions	
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	Art 4 & 5 (executive order on sale and export of batteries & accumulators) Same as in the directive

Increased environmental performance	
Art.5 - MS to promote research	
Placing on the market	
Art.6 - MS should not prohibit placing on market of batteries that meet the requirements - MS to ensure not placing/withdrawn from the market of batteries that do not meet the requirements	
Collection schemes	
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	<p>Art 4 (executive order)</p> <ul style="list-style-type: none"> - The local authority shall ensure that easily accessible collection schemes are set up for waste portable batteries <p>Art 6 - allocation scheme for waste portable batteries (executive order)</p> <ul style="list-style-type: none"> - Producers have to take back a proportional share of waste portable batteries (based on the annual share of portable batteries placed on the market) - <i>The Danish Producer Liability System</i> allocates to producers the collection points from where waste portable batteries have to be collected <p>Art. 30 (executive order) A collective scheme may take over:</p> <ul style="list-style-type: none"> - obligations in accordance with environmental protection law - registration and reporting - obligation to provide information to end users
Economic instruments	
Art. 9 - MS may use economic instruments to promote the collection or usage of products with less polluting substances	<p>Art. 1 par. 9u (LAW)</p> <p>Producers and importers of portable batteries must arrange for the taking back of batteries in proportion to their market share. Producers and importers must finance local authority collection of batteries. The cost of collection shall amount to 2.70 kr. per Kg of batteries placed on the market. The amount shall be adjusted annually on 1 January, in accordance with prices and wages, by the rate of the general prices and wages index determined by the Ministry of Finance.</p> <p>Ministry of Environment shall lay down regulations on</p> <ul style="list-style-type: none"> - how the market share shall be determined; - allocation scheme for waste batteries including time limits for removal;

	<ul style="list-style-type: none"> - report on the fulfilment of the taking back and separate treatment obligation; - <i>de minimis</i> rule - how payment from producers and importers shall be distributed among local authorities.
Collection targets	
<p>Art.10 Minimum collection rates:</p> <ul style="list-style-type: none"> - 25% by 26 September 2012 - 45% by 26 September 2016 <p>- transitional agreements can be laid down - common methodology for calculation of annual sales of portable batteries by 26 September 2007</p>	
Removal of waste batteries and accumulators	
<p>Art.11 MS shall ensure that manufacturers design appliances in such a way that batteries are easily removable</p>	<p>Art. 35 (executive order) Appliances shall be constructed in such a way that waste batteries can easily be removed and they shall be accompanied by instructions describing how to safely remove batteries.</p>
Treatment and recycling	
<p>Art. 12 Deadline 26 September 2009</p> <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 id 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>	<p>Art. 36 (executive order) Any person treating waste batteries shall set up schemes for the treatment and recycling using the best available technologies.</p> <p>Art 37 (executive order) Recycling efficiencies – targets are same as in Directive</p> <p>Art 39 (executive order) For the first time by 31 March 2010, reporting on recycling efficiencies need to be done (this deadline is not in line with the BD)</p>

New recycling technologies	
Art.13 MS shall encourage development of new recycling and treatment technologies	
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 Waste exports shall count towards fulfilment of obligations if there is evidence of the same standards as outlined in the directive.	Art 39 (par 2-4) Requirements for exported batteries are less stringent than BD
Financing	
Art. 16 MS to ensure that producers finance any net costs arising from collection, treatment and recycling MS to ensure that double charging of producers under different schemes is avoided (WEEE, end-of-life) MS to ensure producers or third parties on their behalf finance any net costs of public information campaigns on collection, treatment and recycling	Art. 40 (executive order) Producers and importers shall pay an annual fee for the administration of the allocation scheme and for the Danish Producer Liability System in accordance with the quantity of batteries placed on the market, the minimum amount paid being 250 kr. annually.
Registration and reporting	
Art.17 MS should ensure that each producer is registered.	Art 19 (executive order) The Danish Producer Liability System shall set up and operate a producer register for producers and importers of batteries. Producers and importers have to register by 31 March 2009 . Producers and importers that commence to place batteries on the market after 1 January 2009 shall apply for registration at the latest 14 days before placing on the market begins. Distributors may not deal in batteries from non-registered producers.

	<p>Art 30 par 2 (executive order) A collective scheme shall register producers individually and report information for each producer</p> <p>Art. 23 (executive order) By 31 March 2009 producers and importers shall inform the Danish Producer Liability System on quantities of batteries expected to be placed on the market in 2009 and thereafter in the preceding calendar year. Producers and importers with a maximum turnover of 500,000 kr. for batteries and accumulators are exempted.</p> <p>Art 40 (executive order) A single fee of 1,000 kr. per producer or importer shall be paid for registration in the producer register. If he is already registered in producer WEEE register the fee is of 500 kr.</p>
Small producers	
<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>Art. 1 par 9u (Law) The Minister of environment may lay down regulations for producer or importer placing small quantities of batteries on the market in Denmark in comparison with the size of the Danish market.</p> <p>Art 24 par 2 (executive order) Producers with an annual turnover of max 500,000 DKK are exempted from the requirement of certification of reported data</p>
Information for end-users	
<p>Art.20 MS should ensure through information campaigns that end-users are fully informed + requirements</p>	<p>Art. 33 (executive order) Producers, importers and distributors shall inform end-users on:</p> <ul style="list-style-type: none"> - potential effects on environment - desirability of not disposing of waste batteries with unsorted domestic waste - the role played by end-users in connection with recycling of waste batteries - collection and recycle schemes available - meaning of labels <p>Art 34 (executive order) Producers and importers shall organise public information campaigns. The type of campaign depends on the size of the producers/importers.</p>

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. 6 (executive order on sale and export of batteries & accumulators) Same as in the directive</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. 44 (executive order) Person importing or selling non-compliant batteries will be punished with a fine. The penalty ay be increased to imprisonment for up to 2 years if the offence was committed deliberately or through gross negligence.</p>
Voluntary agreements	
<p>Art.27 Requirements for agreements between competent authorities and economic operators:</p> <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 	

Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators (6 September 2006) /
Law amending the law on environmental protection and repealing the law on reimbursement in connection with the collection of hermetically-sealed
nickel-cadmium accumulators (closed nickel-cadmium batteries)