

Executive Order on the sale and export of batteries and accumulators

1)

In pursuance of § 8, para. 1, § 22, para. 4, § 30, para. 2, § 45, para. 1, § 59, para. 4, and § 60 of the Law on Chemical Substances and Products, cf. Executive Order No. 1755 of 22 December 2006, the following is laid down:

Field of application and definitions

§ 1. This Executive Order applies to the import and sale and the export within the EU of batteries and accumulators irrespective of their form, volume, weight, material composition and use.

§ 2. The Executive Order does not cover batteries and accumulators used in

- 1) equipment connected with the protection of essential Danish security interests, arms, munitions and other equipment, with the exception of products that are not manufactured for specific military purposes, or
- b) equipment designed to be sent into space.

§ 3. In this Executive Order the following shall be understood to mean:

- 1) Battery or accumulator: Any source of electrical energy generated by direct conversion of chemical energy, and consisting of one or more primary battery cells that cannot be recharged or of one or more secondary battery cells that can be recharged.
- 2) Battery pack: Any set of batteries or accumulators that are connected together, encapsulated or connected together and encapsulated within an outer casing so as to form a complete unit that the end-user cannot split up or open.
- 3) Portable battery or portable accumulator: Any battery or button cell or any battery pack or accumulator, that
 - a) is sealed,
 - b) can be hand-carried and
 - c) is not an industrial battery or an industrial accumulator or an automotive battery or an automotive accumulator.
- 4) Button cell: Any small round portable battery or any small round portable accumulator, whose diameter is greater than its height, for use in special equipment, including hearing aids, watches, small portable equipment and back-up power.
- 5) Automotive battery or automotive accumulator: Any battery or any accumulator that supplies power for starter motors, lights and ignition equipment.
- 6) Industrial battery or industrial accumulator: Any battery or any accumulator, designed for exclusively industrial or professional uses or used in any type of electric vehicle.
- 7) Appliance: any kind of electrical or electronic equipment as defined in the Environmental Protection Law § 9 i, para. 1, No. 1, which is fully or partly powered by or can be powered by batteries or accumulators.
- 8) Placing on the market : handing over or making available to a third party in return for payment or otherwise, including import into the customs territory of Denmark.

9) Battery-powered hand tools: any equipment that can be carried by hand, powered by batteries or accumulators and which is designed for maintenance, construction or gardening activities.

Import and sale and export within the EU of batteries and accumulators

§ 4. Import and sale and export within the EU of all batteries and accumulators with more than 0.0005 per cent mercury by weight is prohibited. The prohibition shall also apply when the batteries and the accumulators are incorporated into appliances.

Para. 2. The prohibition in para. 1 shall not apply to button cells with a maximum of 2 per cent mercury by weight.

§ 5. . Import and sale and export within the EU of portable batteries and accumulators with more than 0.002 per cent cadmium by weight is prohibited. The prohibition shall also apply when the batteries and the accumulators are incorporated into appliances.

Para. 2. The prohibition in para. 1 shall not apply to portable batteries and accumulators intended for use in

- 1) emergency and alarm systems, including emergency lighting,
- 2) medical appliances, or
- 3) battery-powered hand tools.

§ 6. In the case of import and sale and export within the EU batteries and accumulators shall be marked with the symbol shown in Appendix 1. The symbol shall be affixed in a visible, legible and indelible manner.

Para. 2. In the case of import and sale and export within the EU of batteries, accumulators and button cells containing more than 0.0005 % mercury, more than 0.002 % cadmium or more than 0.004 % lead, the batteries and the accumulators shall be marked with the chemical symbol for the metal concerned, Hg, Cd or Pb, respectively. The symbol for the heavy metal content shall be shown under the symbol shown in Appendix 1 and shall take up at least one quarter of the size of that symbol.

Para. 3. The symbol in Appendix 1 shall cover at least 3 % of the surface of the largest side of the battery, the accumulator or the battery pack and be of a maximum size of 5 x 5 cm. On cylindrical cells the symbol shall cover at least 1.5 % of the surface of the battery or the accumulator and be of a maximum size of 5 x 5 cm.

Para. 4. If the battery, the accumulator or the battery pack is of such a size that the area of the symbol is less than 0.5 x 0.5 cm, no marking of the battery, the accumulator or the battery pack shall be required. Instead a symbol of at least 1 x 1 cm shall be placed on the packaging.

Para. 5. Battery packs shall be marked in accordance with the above regulations on the battery pack itself and not on the individual battery cells.

Supervision and control

§ 7. Supervision and control of the regulations in the Executive Order shall be carried out by the Environmental Protection Agency, cf. the regulations in the law on this matter.

Penalty provisions

§ 8. Unless higher penalties are prescribed under other legislation, a person who imports, sells or exports within the EU batteries or accumulators that do not comply with the requirements in §§ 4-6 shall be punished by a fine.

Para. 2. The penalty may be increased to imprisonment for up to 2 years if the offence was committed deliberately or through gross negligence and if, through the offence, :

- 1) damage is caused to the environment or a danger thereof is created or
- 2) a financial advantage is obtained or intended for the person concerned himself or for others, including through savings.

Para. 3. Companies etc. (legal persons) may incur criminal liability under the regulations in Chapter 5 of the Penal Code.

Effective date and transitional provisions

§ 9. The Executive Order shall come into force on 26 September 2008, but see § 10, para. 1.

Para. 2. Executive Order No. 1044 of 16 December 1999 on certain batteries and accumulators containing hazardous substances is repealed, but see § 10, para. 2.

§ 10. The Executive Order shall not apply to batteries and accumulators placed on the market for the first time within the EU before 26 September 2008.

Para. 2. Executive Order No. 1044 of 16 December 1999 on certain batteries and accumulators containing hazardous substances shall continue to apply to batteries and accumulators placed on the market for the first time within the EU before 26 September 2008.

Ministry of the Environment, 23 September 2008

Troels Lund Poulsen

/ Claus Torp



Official notes

¹⁾ The Executive Order contains provisions implementing parts of Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC, (European Journal 2006 L 266, page 1).