

Follow-up

Issues raised by the NBA delegates.

Denmark.

HH collection and payment of Producers to Retailers for collection

Spain

Labelling issue NB This Article 21 is covered by A 95 of the Treaty.

Switzerland.

Mercury level average for EU-producers.

Collection rate

Follow-up Position Paper

Double Charging & Capture of batteries from WEEE.

Removability

Producer & Placing on the market

Industrial Batteries vs Portable = B2B business context

Recycling of collected batteries

Replacement batteries

GP Batteries raised again the definition issue.

His arguments are weak but as they open the door to uncertainty they are receiving some attention.

We should counter this v

The change in the definition does not only damage the Ni-Cd , but also the lead-acid and other chemistries, such as lithium –ion or nickel –metal hydride batteries.

Indeed would a sealed battery be always classified as portable this would inevitably classified the following batteries as portable:

Sealed batteries used in HEV, airplanes, etc...

Those sealed batteries are sold in B2B contract. They are not placed on the consumer market. They are used in professional applications.

Consequently, they have been exclusively design for pro or indu purpose.

If a company is proposing standard consumer cells for being used in professional equipment it is the responsibility of this company to demonstrate that it can perform the same function with the same performance as those batteries exclusively design for that purpose.

When such a competing entity proposes his products that can be purchased on the consumer market, it is his duty to classify his batteries as portable as long as indeed they have not been design for pro application.

The position of company does not preclude the right of any other company to classify a battery that is not found on the consumer market to classify his battery as professional.

When the dedicated case of Ni-Cda are mentioned, I defended the case with Mr

That if some one wants to operate a replacement of a Ni-Cd battery installed in an E-lighting Unit, it cannot find that battery anymore on the consumer market.

It is an additional evidence that those batteries are placed only on professional markets.

1. The Battery Directive requires from Producers the application of their responsibilities to two different types of issues.

Manufacturing features such as design, optimisation of performances (energy consumption optimization), chemical content,...

Placing on the market features: sales quantities, quantities collected, financing of C&R,...

In the Battery Directive those types of features are placed under the responsibility of one legal entity... the producer.

The market reality of products entering the commercial chain calls for a separation of the two functions: manufacturer and commercial actor.

In this context we could propose to the Commission that the producer in the sense of the Battery directive should fulfil obligations of

While the commercial actor should fulfil the obligations of

Such an approach would be based on the Bluebook....

It was agreed to investigate the following routes : Paul Didcott will contact Mr Marc Bogers, in order to identifying if one person in DG Enterprise would support our views on a technical basis.

A legal opinion could also be requested for obtaining a back-up support and an analysis of the historical development of the producer responsibility in recent legislation on waste. RECHARGE shall investigate this route.

JP will organize a follow-up CC