



**Implementation of the Batteries Directive in UK**  
**Proposed Comments to the Consultation Document**

**Final February 13<sup>th</sup>, 2009**

Brussels, February 13<sup>th</sup>, 2009

Mr. Peter Cottrell  
Department for Business, Enterprise & Regulatory Reform  
Sustainable Development & Regulation Directorate  
1 Victoria Street  
London  
SW1H 0ET

RE: RECHARGE's position.

**Consultation Document on the Implementation of the Batteries and Accumulators and Waste Batteries and Accumulators Directive (2006/66/EC) – Waste Battery Collection and Recycling Provisions**

Dear Mr Cottrell

You will find below the comments prepared by RECHARGE's Members on the Consultation Document.

Our Members are involved in the manufacture and the commercialization of Portable and Industrial Batteries as well as the manufacture and distribution of original equipment including such batteries.

We hope that you will be able to take our comments into consideration.

Would you have any specific question on these comments, we would be pleased to answer them.

With best regards

JP Wiaux

**RECHARGE aisbl**

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Question: What are your views on the proposed level of the small producer exemption?

**There shouldn't be any exemption for small producers.  
One should distinguish two issues: REGISTRATION and REPORTING.**

**REGISTRATION of producers.**

**One should remember that it is a mandatory requirement to REGISTER as a producer, small or large.**

**REPORTING of quantities of batteries placed on the market.**

**A simplified sheet for reporting yearly sales should be offered to small producers (e.g. those placing less than 1'000 units per year or 10.0 kg per year).**

**One should keep in mind that there are many different battery producers.**

- 1. Cells manufacturers**
- 2. Cells importers**
- 3. Pack assemblers**
- 4. Equipment manufacturers**
- 5. Equipment Importers**
- 6. Importers of articles incorporating batteries.**

**Battery sales statistics may show that 5 major producers/importers of cells are placing them on the market. But there are many equipment importers who will ignore that they are placing batteries on the market.**

**There will be 1000 smaller producers/importers of cells, batteries packs and equipment incorporating batteries.**

**If 1000 small importers place 1.0 Tonne on the market, they should register and report.**

**Creating an arbitrary limit for registration will open the door to free riders.**



Question: What are your views on the proposals for the issue of evidence of portable batteries treatment and recycling?

**All recyclers should comply with the same standards regarding working conditions and emissions. There is a need for developing a recycling certification standard that could be used for the certification of recycling operators located within and outside EU borders.** Hopefully this will come out of the recommendations of the review prepared by the Consultant hired by the Commission.

**TFS never defines or guaranties that companies abroad are working with EU standards. It just confirms that they are companies with minimum legal compliance, may be working according to local standards.**

The National Authority should perform an audit of recycling facilities to evaluate the specific plant operation standards.

Question: What are your views on the proposed interim targets in the draft regulations?

The increase in spent battery quantities collected in not linear with time: it more likely to be a sigmoïde type of evolution. Consequently, interim targets will not be helpful.

**If any, an interim target should not be based on the weight of batteries collected nor should it be based on a percentage of sales.**

**One should concentrate on setting an efficient logistic system for collection, this will take time. We are proposing that the intermediate target be the number of new collection points set up and serviced on a regular basis in the UK per year rather than the tonnage of batteries collected.**

**This is investment (capital) money that will only be rewarded 3-5-10 years after being invested! In addition, such interim targets should not be mandatory but operational and indicative.**



Question: What are your views on the proposed exemption for small distributors?

One should supply small collection boxes to small retailers and offer a free of charge picking logistic, when e.g. 20 kg of spent batteries are available from a collection point. The use of toll free numbers for requesting such a service is of common practise in other EU Member States.

Small retailers should participate at minimum cost to the collection network...it is an issue of education and opportunity.

Education of the end user who has to be informed that where he buys, he can also bring back spent batteries, and...because he needs to find a drop-off point at any sales, and Opportunity: because the end user needs to find a drop-off point at any sales point.

The alternative is the following...either you drop the spent battery in the home bin.. or you bring it back where your purchased it or where you need to purchase a new one, e.g. from small distributors...

This is why there should be a take back opportunity at any sales point...

In the Table below we have summarized the major collection routes used in various MS of the EU.

All of them have a role to play in the achievement of the collection efficiency.

Countries	A	B	D	F	L	NI	S
<b>Public collection locations</b>							
Kerb side collection (*)					■	■	■
Municipal Depot (**)	■	■	■	■		■	■
Administrative buildings	■	■	■	■			
School, hospital, post-office...	■	■	■	■		■	
<b>Private collection locations</b>							
Sales point	■	■	■	■			
School, hospital...	■	■	■	■		■	
Offices, Industries	■	■	■	■			
Waste Management and Collection Centers	■	■	■	■		■	

(\*) Together with other special household waste

(\*\*) Centralised Municipal Collection with Hazardous Waste Collection

A key factor : the number of inhabitants per coll. point



## **Industrial Batteries**

Question: Do you agree that these producer obligations – which result in an entitlement for end-users to request free take-back, while continuing to allow other arrangements to operate -- are the simplest means of providing the necessary producer responsibility safety net. If not, can you suggest a better alternative?

**Indeed, it is a mandatory requirement for the producer to take back those batteries at the request of the owner.**

**The take back obligation is mandatory for the producer. Even if there is no provision in the Directive on the financial conditions that should govern the take back of orphan products, the take back could occur either free of charge or should be part of an agreement between parties.**

**It is important to cover in Section 28 (p85) the special case of spent industrial batteries recovery via WEEE disassembly plants.**

**In the case of WEEE disassembly in a B2B context one needs to consider the case where there is neither a replacement of the spent battery nor of the equipment.**

**In this case there should be an obligation for the End User or the one acting on his behalf to search, at first , for the original battery producer that will most probably be the original equipment manufacturer (OEM).**

**This should reduce the possibility that the handling of “orphan” industrial batteries would be placed on the shoulders of the last Industrial Battery producer for a given type of batteries in a given country.**



Question: Do you agree with the proposal to dispense with the notion of producers of industrial batteries being required to become members of compliance schemes, and with the suggestion that such producers, when not members of portable Battery Compliance Schemes, should register with BERR, rather than the Environment Agencies?

**The collection system developed by the portable batteries compliance scheme could be ideally suited to ensure efficient end-of-life management for some segments of the professional or industrial batteries market, in particular for specific niche markets.**

Question: Do you agree that it is right to confine producer obligations to battery chemistries they place on the market?

**Being given the separation of Recycling Routes for various types of industrial batteries chemistries (Li-Ion, Ni-Mh, Ni-Cd, Pb-ac., Primary Batterie,...) it is appropriate to limit the producer obligation to the type of chemistry or chemistries that he is placing on the market.**

Question: Do you foresee difficulties in producers being able to submit accurate total sales data which reflects exports by their customers?

**The access to accurate information on batteries quantities placed on a National Market will be very difficult if the producer relies on data supplied by his clients. We are reporting below the case study of the Original Equipment Manufacturer (OEM).**

**An OEM is purchasing batteries from a (local) national Manufacturer or Importer or from a Pack Assembler in order to supply the End User market with equipment incorporating batteries or packs. In this case the OEM is not a producer, but companies supplying batteries to the OEM as producers.**

**The OEM may also purchase batteries and packs from suppliers located in another country (import) than the one where its commercial transaction is made to the End User market. In this case the OEM is the producer as he is the first one to place batteries on the National market.**

**He may also sell packs or equipment with battery packs incorporated to another country. This information about the import and export of batteries and/or packs is proprietary information of the OEM.**

**Therefore, it will be in practice very difficult for a National supplier of batteries to obtain import ratios from its clients as this request would require the communication of proprietary commercial information.**