

Attachment I Regulatory Changes

Regulation on changes to Regulation on Recycling and Processing of Waste (Waste regulation)

The following changes are made to the waste

regulation: New chapter 3 is amended as

follows:

Chapter 3. Discarded batteries

I. Introductory provisions

§ 3-1 Purpose

The purpose of the provisions in this chapter is to reduce the environmental problems caused by batteries when they end up as waste. This shall take place through separate collection, processing and a high degree of recycling.

§ 3-2 Scope

The provisions of this chapter regulate collection, reception, processing and recycling of discarded batteries,

The provisions in this chapter do not concern batteries used in equipment manufactured specifically for military purposes or for being sent into space.

§ 3-3 Definitions

- a) **battery:** source for electrical energy, where the energy is produced by direct transformation of chemical energy, and which consists of *one* or more primary battery cells (non-rechargeable) or one or more secondary battery cells (rechargeable, also called accumulators),
- b) **loose batteries:** any battery not mounted in products,
- c) **battery category:** the three battery categories are portable batteries, industrial batteries and lead batteries,
- d) **portable battery:** sealed battery which can be hand held and which is neither an industrial battery nor a lead battery,
- e) **industrial battery:** battery manufactured specifically and exclusively for industrial or professional use or for propulsion of electrical vehicles,
- f) **lead battery:** battery containing lead, used for starter, ignition and light in vehicles, etc., which is not an industrial battery,
- g) **material recycling:** any form of recycling where waste is turned into a product,
- h) **processing:** activities performed for recycling or end processing waste, including preparations for recycling or end processing and storage pending recycling or end processing,
- i) **manufacturer:** anyone who commercially imports or in Norway manufactures batteries for the Norwegian market, including batteries built into other products,
- j) **vendor:** anyone who commercially sells loose batteries to an end user,

II. Duties of a vendor

§ 3-4 Duty to accept discarded batteries

Vendors shall accept discarded batteries free of charge in the shop or other location in the immediate vicinity.

The duty is limited to the categories of batteries the vendor sells, but is not limited to brand or manufacturer. The receiving duty does not obligate the buyer to buy a new battery.

§ 3-5 Duty to ensure sorting and storage

The vendor shall make sure that loose discarded batteries received are separated from other waste and stored in an appropriate place without danger to environment, health or safety. Storage shall not impair the possibility for processing, including recycling, of the discarded batteries.

§ 3-6 Duty to inform

Vendor shall inform that loose batteries are not to be thrown out with other waste and of the vendor's receiving duty. Information shall be posted in shops. The text shall be prominent, easily readable and distinct from other information.

III. Duties of a manufacturer

§ 3-7 Duty to be member of a recycling company

Importers and manufacturers of batteries shall fulfil their manufacturer responsibility by membership in an approved recycling company for discarded batteries. The membership shall cover the battery categories which the manufacturer imports to or produces in Norway.

Manufacturers of batteries embedded in EE products or vehicles who are members of an approved recycling company according to chapters 1 and 45 of this regulation do not need, as these batteries are concerned, to be a member of a recycling company approved according to § 3-8.

IV. Duties of recycling companies for batteries

§ 3-8 Requirements for approval of recycling companies for batteries

Anyone who wishes to run a recycling company for discarded batteries must be approved by the Climate and Pollution Agency. It is possible to apply for approval for limited categories of batteries. The application shall demonstrate that the recycling scheme fulfils the obligations in §§ 3-9 to 3-14.

The Climate and Pollution Agency can set further conditions for approval. The approval can be withdrawn if the obligations in §§ 3-9 to 3-14 or the conditions of the approval are not fulfilled.

§ 3-9 Duty of equal treatment and funding

All battery manufacturers shall be able to participate in the recycling company under the same conditions. It is still possible to differentiate the participation fee depending on the cost of administering the scheme, collecting, processing and recycling the various batteries.

§ 3-10 Duty of establishing a collection scheme and collecting

Each recycling company shall make sure that a sufficient collection scheme is established in the geographical areas of the country where the members' products are or have been sold or delivered. The system can be limited to the categories of batteries the members sell.

Recycling companies shall ensure collection free of charge of discarded batteries from vendors.

§ 3-11 Collection duty

Recycling companies shall collect at least 95 percent every year of the members' total import and manufacturing of lead batteries and industrial batteries.

As for portable batteries, recycling companies shall collect 30 percent of the members' total import and manufacturing of loose batteries.

The Climate and Pollution Agency can decide to change the percentages in this provision in order to ensure appropriate collection of discarded batteries.

The collection rate shall be calculated by dividing the weight of all batteries within the same category, collected by the recycling company in the current calendar year, with the weight of the members' total contribution within the same category in the previous calendar year. Supply of goods shall be calculated based on domestic manufacturing and import and export data from Norwegian Customs and Excise. Deduction in the supply of goods shall be calculated for batteries exported before they are sold to the end user.

§ 3-12 Duty to process and recycle

Recycling companies shall make sure that all batteries collected are processed and recycled in accordance with the requirements in § 3-17.

§ 3-13 Duty to report

The recycling companies shall report to the Climate and Pollution Agency at least once a year. The reports shall contain

- a) data on which manufacturers are members, on their amounts of import, export and domestic manufacturing of batteries as well as an overview of receiving countries for export,
- b) data on achieved collection rate and the amount of discarded batteries collected and sent to recycling.
- c) which processing plants have been used, which amounts have been processed by whom, as well as the achieved recycling rate achieved.

The Climate and Pollution Agency can decide further requirements to the contents of the report.

§ 3-14 Duty to inform

Recycling companies shall inform the public on

- a) the potential health and environmental effects of batteries
- b) the purpose of source separation of batteries
- c) that the batteries are part of a system for return and recycling and that discarded batteries can be delivered to the vendor free of charge

- d) how the recycling company contributes to recycling discarded batteries
- e) what the labelling in chapter 3, attachment 1, of the product regulation means.

V. Duties of recycling companies for EE waste and

discarded vehicles § 3-15 Requirements for disassembly,

processing and reporting

Recycling companies for EE waste and discarded vehicles are obligated to ensure disassembly of batteries, cf. this regulation's chapter 1, attachment 2 part c, item 6.23 d) and chapter 4, attachment 1 no. 3.

§§3-12 and 3-13 also concern recycling companies for EE waste or discarded vehicles approved in accordance with chapters 1 and 4 of this regulation.

VI. Duties of reception, sorting and processing plants

§ 3-16 Requirements for permission

Those who handle batteries which are hazardous waste must have permission, cf. §§ 11-6 and 11-7 of this regulation.

Whoever shall operate a storage yard or a processing plant for discarded batteries which are not hazardous waste must have permission in accordance with § 29, cf. § 11 of the Pollution Control Act if the facility can lead to pollution or be unsightly.

§ 3-17 Requirements for processing plants

Processing or storage, including temporary storage, in processing plants shall happen in places with impenetrable surfaces and suitable weatherproof coverage or in suitable containers.

Pre-processing at the recycling plant shall at least include extraction of all liquids and acids where relevant.

The recycling rate shall be

- a) at least 65 percent material recycling of the average weight of the lead battery, including material recycling of the lead content as far as is technically possible without too high costs,
- b) at least 75 percent material recycling of the average weight of the nickel-cadmium battery, including material recycling of the cadmium content as far as is technically possible without too high costs,
- c) at least 50 percent material recycling of the average weight of other batteries.

§ 3-18 Duty to report

Processing plants for batteries shall report annually to the Climate and Pollution Agency on which amounts are processed and the obtained recycling rate. When sending batteries or fractions of batteries, to other processing plants, the plant's name location and processing methods must be stated in the report.

This reporting duty is void if the plant is associated with an approved recycling company which reports the plant's full processing and recycling activity according to § 3-13.

The Climate and Pollution Agency can decide further requirements to the contents of the report.

VII. Final Provisions

§ 3-19 Supervisory and decision authority

The County Governor or whoever the Environmental authorities appoint, supervise that the vendor's obligations in §§ 3-4 to 3-6 are met and give permission and supervise the facilities which must have approval according to §3-16 second paragraph.

The Climate and Pollution Agency or whoever the Environmental authorities appoint, supervise and make decisions in accordance with other provisions in this chapter.

Chapter 9 § 9-4 is amended as follows:

Chapter 9. Land filling

§ 9-4 Ban on land filling of certain types of waste

Land filling is forbidden for the following types of waste:

- g) industrial batteries and lead batteries, with the exception of remnants of processing and recycling of such batteries

Chapter 10 § 10-5 is amended as follows:

Chapter 10. Incineration of waste

§ 10-5 Registration and control

It is forbidden to incinerate industrial batteries and lead batteries, with the exception of remnants of processing and recycling of such batteries

Chapter 11 § 11-7 is amended as follows:

§ 3-19 Supervisory and decision authority

Chapter 11. Hazardous waste

§ 11-7 Exemption from the requirement for permission

- f) vendors receiving smaller amounts of batteries and operators having agreements with recycling companies and collect portable batteries from vendors. The requirement is also void for smaller sorting facilities and smaller collection points having agreements with recycling companies in accordance with chapter 3.

Regulation on amendments to regulations on the limitation of the use of chemicals and other products hazardous to health and environment (product regulation)

Chapter 3 of the product regulation is amended as follows:

The new § 3-13 shall read as follows:

§ 3-13 Batteries - scope and definitions

§§ 3-13, 3-14 and 3-14a is valid for all batteries, including the embedded ones, except for batteries used in equipment manufactured specifically for military purposes or for being sent into space.

In §§ 3-13, 3-14, 3-14a and attachment I the following definitions shall be applied:

- a) battery: source for electrical energy, where the energy is produced by direct transformation of chemical energy, and which consists of one or more primary battery cells (non-rechargeable) or one or more secondary battery cells (rechargeable, also called accumulators),
- b) portable battery: sealed battery which can be hand held and which is neither an industrial battery nor a lead battery,
- c) industrial battery: battery manufactured specifically for industrial or professional use or for propulsion of electrical vehicles,
- d) lead battery: battery containing lead, used for starter, ignition and light in vehicles, etc., which is not an industrial battery,
- e) button cell battery: small, round batteries with a diameter greater than its height used in small portable appliances like hearing aids and watches and for backup power,
- f) battery operated product: products running completely or partially on batteries,

The new § 3-14 shall read as follows:

§ 3-14 Batteries and battery operated products - labelling, construction and information

Manufacturers and importers are obligated to make sure that batteries are labelled as described in attachment I of this chapter with:

- symbol with crossed-out waste bin,
- the chemical symbols Hg, Cd and Pb; this concerns batteries and embedded batteries containing more than 5 ppm mercury, 20 ppm cadmium or 40 ppm lead respectively,
- capacity; this only concerns portable batteries and lead batteries.

The labelling shall be durable and easily visible on the battery's surface.

Manufacturers and importers of battery operated products are obligated to make sure that they are constructed so that batteries can be easily removed.

Manufacturers and importers of products with embedded batteries are obligated to make sure that the products are distributed with instructions on how to remove the batteries without danger. Information on battery type must be included if necessary. The requirements in this paragraph do not concern products requiring continuous power supply for safety, performance, medical reasons or to protect

data.

Additional fees for possible costs of handling discarded batteries shall not be stated when batteries are sold to the end user.

It is illegal to sell batteries and battery operated products which do not meet the requirements in the first, second and third paragraph of this section.

The new § 3-14a shall read as follows:

§ 3-14a Batteries - prohibitions

It is forbidden to manufacture, import, export or sell

- a) batteries with more than 5 ppm or more mercury content. For button cell batteries the limit is 2 ppm of mercury,
- b) portable batteries containing more than 20 ppm of cadmium. The prohibition does not concern batteries for emergency lights and alarm systems
 - medical equipment
 - portable power tools.

New attachment I shall read as follows:

Attachment I Batteries - labelling

Symbol with crossed-out waste bin:



The area of the symbol should be at least 3% of the largest side of the battery or the packaging surface, 5 x 5 cm at the most. For cylindrical batteries the symbol shall cover at least 1.5% of the side surface, 5 x 5 cm at the most. If the symbol is smaller than 0.5 x 0.5 cm it is not required to label the battery, but the packaging shall be labelled with a 1 x 1 cm symbol.

The symbol for heavy metal content, Hg, Cd or Pb, shall be printed under the crossed-out waste bin symbol. The area shall be at least 25% of the crossed-out waste bin symbol area.