



REPUBLIC OF SLOVENIA
MINISTRY OF ENVIRONMENT AND
SPATIAL PLANNING

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SECRETARIAT-GENERAL OF THE GOVERNMENT
OF THE REPUBLIC OF SLOVENIA
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SUBJECT: Decree on batteries and accumulators and waste batteries and accumulators – proposal for consideration

1. Proposal of government's decisions:

In compliance with paragraph two article 19 and paragraph five article 20 of the Environment Protection Act (Official Gazette of the Republic of Slovenia, no. 39/06 - official consolidated text, 49/06 – ZmetD, 66/06 – decision of the Constitutional Court and 33/07 – ZPNačrt), the Government of the Republic of Slovenia adopted the following decision at thesession on.....:

The Government of the Republic of Slovenia issues a Decree on batteries and accumulators and waste batteries and accumulators, which is to be published in the Official Gazette of the Republic of Slovenia.

2. Individuals, responsible for the professional elaboration and reconciliation of the material:

dr. Mitja Bricelj, state secretary

dr. Samo Kopač, acting state secretary

Government representatives, who will participate in the work of the National Assembly of the Republic of Slovenia:

3. The material can be published on the internet: YES.

4. Explanation of the proposed urgent respectively shortened procedure of reading of the draft act in the National Assembly of the Republic of Slovenia:

The proposal and explanation of reasons, why the shortening of deadlines, foreseen in the Rules of Procedure of the National Assembly, was proposed (paragraph three Article 17 of the Rules of Procedure of the Government of the Republic of Slovenia):

5. Short summary of the material:

Explanation is an attachment to the material

6. Evaluation of effects and harmonization of the government's material:

II. I declare that the submitted material:

a)	<i>Has no effect</i>	on public finance assets in the amount exceeding 40,000 EUR in the current and the next three years
b)	<i>Has an effect</i>	on the harmonization of the Slovenian legal order with the legal order of the European Union
c)	<i>Has an effect</i>	on the procedures respectively operations of the public administration/justice organs with clients (citizens and legal persons) or obligations of clients towards the public administration (administrative burdens)
d)	<i>Has no effect</i>	on the economy, size of state aid
e)	<i>Has an effect</i>	on the use of natural resources
f)	<i>Has no effect</i>	on the social status of individuals

g)	Was previously published on the web page of the submitter	YES
r	Date of publication: 16. June 2008	
e		
d		
h)	Were the received remarks considered in whole	-
i)	Was it proofread	YES
o		
j)	Is it coordinated between ministries: Ministry of Finance, Ministry of Health, Ministry of the Economy and Government Office for Legislation	YES
u		

The draft decree is part of the work program of the Government for 2008.

JANEZ PODOBNIK
MINISTER
of environment and spatial planning

Attachments:

- Statement of reasons, on which the decree is based,
- Draft decree,
- Assessment of financial consequences and
- Correlation chart.

In compliance with paragraph two Article 19 and paragraph five Article 20 of the Environment Protection Act (Official Gazette of the Republic of Slovenia, No. 39/06 – officially consolidated text, 49/06 – ZmetD, 66/06 – decision of the Constitutional Court and 33/07 – ZPNačrt), the Government of the Republic of Slovenia adopted the following decision at the.....session on.....:

DECISION:

The Government of the Republic of Slovenia issues the Decree on batteries and accumulators and on waste batteries and accumulators, which is to be published in the Official Gazette of the Republic of Slovenia.

**Božo Predalič, M. A.
SECRETARY-GENERAL**

Copy to:
- Ministry of Environment and Spatial Planning

EXPLANATION

1. Introduction

The legal basis for the adoption of the Decree on batteries and accumulators and waste batteries and accumulators is the second paragraph Article 19 and paragraph five Article 20 of the Environment Protection Act (Official Gazette of the Republic of Slovenia, No. 39/06 – officially consolidated text, 49/06 – ZmetD, 66/06 – decision of the Constitutional Court and 33/07 – ZPNačrt).

The Decree on batteries and accumulators and waste batteries and accumulators (hereinafter: Decree) regulates the separate system of collecting waste batteries among legal persons (companies) and as one of the separately collected fractions of communal waste.

The Decree transposes into the Slovenian legal order the Directive 2006/66/EC of the European Parliament and of the EU Council, of 6 September 2006, on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (Official Journal L No. 266, dated 26 September 2006, page 1) (hereinafter: Directive 2006/21/EC).

The decree defines that the organization of the scheme of collecting waste batteries and accumulators was the responsibility of producers, acquirers and importers of batteries and accumulators (hereinafter: agents of waste battery collection), while the persons liable for services organized by agents of waste battery collection are end users, private and legal persons.

2. The scheme of collecting waste portable batteries and accumulators

Transferring waste portable batteries and accumulators

As a separately collected fraction of communal waste, waste portable batteries and accumulators must be collected in special containers on the location of retail sale of batteries and accumulators and in collection centres for communal waste.

Collecting waste batteries and accumulators with direct takeover from end users

In agreement with the collector of waste batteries and accumulators, the takeover of waste portable batteries and accumulators is carried out directly also from end users of batteries and accumulators in case of companies, which either produce electronic or electrical equipment that includes portable batteries and accumulators or maintain such equipment.

Collecting waste portable batteries and accumulators – takeover in collection centres of communal waste

In collection centres of communal waste, the collector of waste portable batteries and accumulators assumes the collected waste portable batteries and accumulators free of charge and without demanding a payment for the takeover.

The collector of waste portable batteries and accumulators is an individual, who assumes waste portable batteries from operators of municipal economic public service of collecting and transporting communal waste in the name and for the account of individuals, who submitted portable batteries or accumulators for first use, namely from producers, acquirers and importers of portable batteries and accumulators.

Collectors of waste batteries and accumulators must assure processing with recycling for assumed waste batteries and accumulators.

Organization of treatment waste batteries and accumulators

Producers, acquirers and importers of batteries and accumulators must organize the scheme of treatment waste batteries and accumulators and assure its functioning in compliance with the principle that the producer is responsible for the treatment of the product in the entire life span of the product.

Directive 2006/21/EC names producers, acquirers and importers of batteries and accumulators with producers of batteries and accumulators, namely with individuals, which submit batteries and accumulators for first use in an individual EU member state, including those batteries and accumulators, which are built into equipment or vehicles.

The flow of treatment of waste batteries and accumulators as well as the organization scheme of treatment of waste batteries and accumulators are presented in Picture 1 and Picture 2.

Slika 1: snovni tok ravnanja z odpadnimi baterijami in akumulatorji

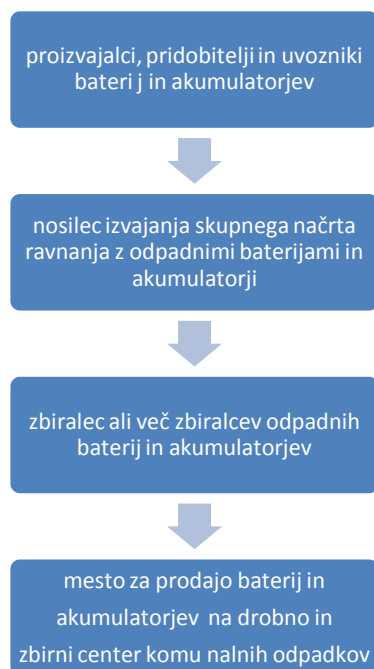


Picture 1: Process of treatment of waste batteries and accumulators

End users of batteries and accumulators

Public service for the collection and transport of communal waste – collection centres

Distributors of batteries and accumulators
Recycling and removal of processing residuals
Collector of waste batteries and accumulators



Slika 2: organizacijska shema ravnanja z odpadnimi baterijami in akumulatorji

Picture 2: Organization scheme of treatment of waste batteries and accumulators

Producers, acquirers and importers of batteries and accumulators

Agent for the realization of the joint plant of treatment of waste batteries and accumulators

Collector or several collectors of waste batteries and accumulators

Location for the retail sale of batteries and accumulators and the collection centre for communal waste

3. Assessment of financial means, necessary for the treatment of waste batteries and accumulators

The costs of treatment of waste batteries and accumulators, which are assumed by producers, acquirers and importers of batteries and accumulators on the basis of this Decree, are assessed:

- for the assumption of waste portable batteries and accumulators from locations for the retail sale of portable batteries and accumulators and operators of the public service for treatment communal waste to around 0.8 million EUR per year,
- for the processing of waste portable batteries and accumulators to around 0.7 million EUR per year.

For the costs of treatment of waste industrial batteries and accumulators, there is not enough data available for the elaboration of an assessment of the costs of implementation of Directive 2006/21/EC. With regard to the treatment of automotive accumulators, the collection system in Slovenia is set up in a way that the implementation of Directive 2006/21/EC will not considerably increase collection costs.

4. Assessment of administrative procedures

Producers, acquirers and importers of portable batteries and accumulators must in compliance with the Decree organize themselves for the treatment of waste batteries and accumulators and choose the agent for the implementation of the joint plan of treatment of waste portable batteries and accumulators.

The agent of implementation of the joint plan of treatment of waste batteries and accumulators can carry out all administrative procedures in the name of producers, acquirers and importers of batteries and accumulators and can for their account next to the handling of administrative procedures also organize collectors of waste batteries and accumulators as well as the processing of collected waste batteries and accumulators.

An individual producer, acquirer or importer of batteries and accumulators has on the basis of the scheme of treatment of waste batteries and accumulators in compliance with the Decree all possibilities to affect the economic efficiency of the system of treatment of waste batteries and accumulators.

The draft Decree incorporates into the sales costs of waste batteries and accumulators all external environmental costs of use of batteries and accumulators, while handling them is covered by means of municipal public services of handling communal waste only in the part referring to the collection of waste portable batteries and accumulators in collection centres of communal waste.

In compliance with paragraph two, Article 19 and paragraph five, Article 20 of the Environment Protection Act (Official Gazette of the Republic of Slovenia, No. 39/06 – officially consolidated text, 49/96 – ZmetD and 66/06 – decision of the Constitutional Court), the Government of the Republic of Slovenia issues

A DECREE
on batteries and accumulators and on waste batteries and accumulators

1. General provisions

Article 1
(content)

(1) This decree in compliance with Directive 2006/66/EC of the European parliament and the EU Council of 6 September 2006 on batteries and accumulators and on waste batteries and accumulators and on repealing Directive 91/157/EEC (Official Journal L No. 266, dated 26 September 2006, page 1) (hereinafter: Directive 2006/21/EC) defines with the purpose of increasing environmentally-friendly functioning of batteries and accumulators and activities of all economic participants included in the life span of batteries and accumulators, from producers and distributors to their end users and especially those participants, who directly participate in the processing and recycling of waste batteries and accumulators, to wit:

1. rules for placing batteries and accumulators on the market; especially the prohibition of marketing batteries and accumulators, which contain hazardous substances, and
2. special rules for collection, processing, recycling and removal of waste batteries and accumulators, which complete the regulation in the area of treatment waste and guidelines of operative programs of environment protection on promoting a high level of gathering, processing and recycling waste batteries and accumulators.

(2) For questions related to the collection, processing and removal of waste batteries and accumulators and general conditions of treatment waste batteries and accumulators, which are not specifically regulated by this decree, the regulation defining waste treatment is applied.

Article 2
(use)

(1) The provisions of this decree are applied to all types of batteries and accumulators, regardless of their form, size, weight, composition or use, whereby this decree does not interfere with the implementation of the regulation, which regulates the treatment of used vehicles, and the regulation, which regulates the treatment of waste electrical and electronic equipment.

(2) This regulation is not used for batteries and accumulators, which are used in:

1. equipment related to the protection of essential safety interests of the state, arms, ammunition and military material, safe for products, which are not foreseen for explicitly military purposes;
2. equipment, dedicated to use in space.

(3) Regarding requirements on collection, processing, recycling and removal of waste batteries and accumulators, this decree is used for all waste batteries and accumulators, regardless of the date of their placing on the market.

Article 3
(Definition of terms)

Terms, used in this decree, have the following meaning:

1. battery or accumulator means any source of electrical energy generated by direct conversion of chemical energy and consist of one or several primary battery cells (non-rechargeable) or consisting of one or more secondary cells (rechargeable);
2. battery pack means any set of batteries or accumulators that are connected together and/or 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 accumulator means any battery, button cell, battery pack or accumulator that:
 - is sealed, and
 - can be hand-carried, and
 - is neither an industrial battery or accumulator nor an automotive battery or accumulator;
4. button cell means any small, round and portable battery or accumulator, whose diameter is greater than its height and which is used for special purposes such as hearing aids, watches, small portable equipment and back-up power;
5. automotive battery or accumulator means any battery or accumulator used for automotive starter, lighting or ignition power;
6. industrial battery or accumulator means any battery or accumulator designed for exclusively industrial or professional uses or used in any type of electrical vehicle;
7. waste battery or accumulator means any battery or accumulator, which is waste in compliance with the regulation regulating waste management;
8. recycling is within the meaning of the regulation regulating waste management the process of processing waste, whereby waste materials are in the production process reprocessed for their initial or any other purpose, but excluding energy recovery;
9. disposal means any procedure of waste removal in compliance with the regulation regulating waste management;
10. treatment means any activity carried out on waste batteries and accumulators after they have been handed over to a facility for sorting, preparation for recycling or preparation for disposal;
11. appliance means any electrical or electronic equipment, as defined by the regulation regulating treatment of waste electrical and electronic equipment that is fully or partially powered by batteries or accumulators or is capable of being so;
12. producer means any legal person or private entrepreneur individual that, irrespective of the selling technique used, including by means of distance contracts as defined by legislation regulation consumer protection, on the territory of the Republic of Slovenia due to the realization of his activities places on the market for the first time batteries or accumulators, including those built into equipment or vehicles. A producer is any legal person or private entrepreneur individual that on the territory of the Republic of Slovenia places on the market for the first time batteries of accumulators acquired in other EU member states (hereinafter: EU), imported from third countries or produced on the territory of the Republic of Slovenia, including batteries and accumulators built into equipment or vehicles;
13. source producer means a person that produces and sells batteries or accumulators under its brand. A source producer also means a legal person or private entrepreneur individual that on the territory of the Republic of Slovenia places on the market for the first time batteries and accumulators built into equipment or vehicles under his own brand;
14. distributor means any person that providers batteries and accumulators to an end user as part of its operations;

15. placing on the market means supplying or making available, whether on return for payment or free of charge, to a third party within the Community and includes import into the customs territory of the Community;
16. cordless power tool means any hand held appliance powered by a battery or accumulator and intended for maintenance, construction or gardening activities;
17. collection rate means, for a given calendar year, the percentage obtained by dividing the weight of waste portable batteries and accumulators collected in the given calendar year, in compliance with this decree and in compliance with the regulation regulating treatment of waste electrical and electronic equipment, by the average annual weight of portable batteries and accumulators that producers placed on the market for the first time on the territory of the Republic of Slovenia, calculated as an annual average for the period of the given calendar year and two previous calendar years;
18. end user means any natural or legal person who produces waste batteries or accumulators due to the use of batteries and accumulators;
19. end user without prior supplier means any legal person or private entrepreneur individual that uses as end user batteries and accumulators, which he acquires himself in another EU member state or imports from a third country or produces, including those built into equipment or vehicles;
20. collector means any legal person or private entrepreneur individual that in compliance with this decree and in compliance with the regulation regulating waste management collects waste batteries and accumulators;
21. best available techniques means best available techniques in compliance with the Environment Protection Act;
22. operator of the municipal public service (hereinafter: public service operator) means the operator of the municipal public service of collecting and transporting communal waste;
23. collection centre of waste portable batteries and accumulators (hereinafter: collection centre) means an object or a room in an object managed by the collector of waste portable batteries and accumulators and is arranged for storage of waste portable batteries and accumulators prior to their submission for processing;
24. reservoir of waste portable batteries and accumulators means a container for the submission of waste portable batteries and accumulators placed in a position accessible to end users of portable batteries and accumulators and which is managed by the collector of waste portable batteries and accumulators;
25. agent of the joint plan of treatment waste portable batteries and accumulators means a legal person or private entrepreneur individual, with whom producers accessing to the joint plan of treatment waste portable batteries and accumulators agreed on their representation in the implementation of individual tasks in treatment waste portable batteries and accumulators in compliance with the joint plan of treatment waste portable batteries and accumulators and on other matters related with the implementation;
26. package of waste batteries and accumulators means the overall quantity of waste batteries and accumulators, which the collector assumes in the period of at the most 30 days from the same distributor or the same operator of public service. A package of waste batteries and accumulators also means the overall quantity of waste batteries and accumulators, which the collector assumes from the end user or which the collector hands over to the same processor of waste batteries and accumulators in one day.

Article 4

(environmental goals defined for the collecting of waste portable batteries and accumulators)

- (1) The rate of collection for the Republic of Slovenia is calculated for the first time in the third full calendar year after the implementation of this decree.

(2) Irrespective of the provisions of the regulation regulating treatment of waste electrical and electronic equipment, the calculation of the rate of collection must also include quantities of collected waste portable batteries and accumulators and quantities of sold portable batteries and accumulators built into the electrical and electronic equipment.

(3) The rate of collection must not be below:

1. 25 % by 26 September 2012;
2. 45 % by 26 September 2016.

(4) The rate of collection must be evaluated on the basis of a calculation from the table "Monitoring of compliance with collection objectives" in annex 1, which is a component part of this decree.

(5) The Ministry responsible for environment (hereinafter: the ministry) must report to the European Commission (hereinafter: Commission) about the rate of collection from the previous paragraph within six months after the end of the calendar year to which the report refers, whereby it must also state the manner of acquiring data necessary for the calculation of the rate of collection.

2. Production and placing of batteries and accumulators on the market

Article 5

(Prohibitions on placing on the market)

(1) Irrespective of the provisions of the regulation regulating the content of hazardous substances in materials and component parts of motor vehicles, it is prohibited to place on the market:

1. batteries and accumulators built into equipment or not that contain more than 0.0005 % of mercury with regard to overall weight, and
2. portable batteries or accumulators, including those built into equipment, that contain more than 0.002 % of cadmium with regard to overall weight.

(2) Prohibition from point 1 of the previous paragraph is not applied for button cells that can contain at the most 2 % of mercury with regard to overall weight.

(3) Prohibition from point 2 of paragraph one of this article is not applied for portable batteries and accumulators designed for:

1. security and alarm systems, including emergency lighting;
2. medical equipment or
3. cordless electrical tool.

(4) The producer must assure that the documentation on the fulfilment of requirements from paragraph one, two and three of this article is submitted to the competent inspector for insight upon his request for batteries and accumulators, which are placed on the market on the territory of the Republic of Slovenia for the first time.

(5) If batteries and accumulators are imported from a third country or acquired in another EU member state, the person, which as a producer places the batteries or accumulators on the market

of the Republic of Slovenia for the first time in compliance with this decree, must acquire documentation on the fulfilment of requirements from paragraphs one, two and three of this article from the source producer of batteries or accumulators and submit it to the competent inspector upon his request.

Article 6
(Technical progress)

In the production and placing of batteries and accumulators on the market it must be considered that an environment-friendly functioning must be assured throughout the entire life span of batteries and accumulators with the use of best available techniques that contribute to the reduction of hazardous substances in batteries or accumulators or the replacement of hazardous substances with substances less harmful for the environment, above all as a substitute for mercury, cadmium and lead.

Article 7
(Requirements for equipment containing batteries and accumulators)

(1) The source producer, which places batteries or accumulators built into equipment under his brand on the market of the territory of the Republic of Slovenia for the first time, must assure during planning and production of the equipment that the end user can take waste batteries and accumulators from the equipment and replace them with others.

(2) The source producer, which places batteries or accumulators built into equipment under his brand on the market of the territory of the Republic of Slovenia for the first time, must assure that instructions, which present the manner of safe removal of batteries and accumulators from the equipment, and inform the end user on the type of built-in batteries and accumulators, where appropriate, are enclosed to the equipment.

(3) A producer, which places batteries or accumulators built into equipment on the market of the Republic of Slovenia for the first time, must assure that all requirements from paragraphs one and two of this article are met.

(4) The provisions of paragraph two and three of this article are not applied when permanent supply of energy, which requires a constant connection between equipment and battery or accumulator, must be assured due to safety reasons, due to functioning or out of reason of medical or data integrity.

3. Rules for the treatment of waste portable batteries and accumulators

3.1 Obligations of the end user

Article 8
(*Obligations of the end user*)

(1) The end user must not leave waste portable batteries and accumulators to the operator of the public service as a mixed communal waste.

(2) The end user must do the following with waste portable batteries and accumulators:

- leave to the distributor of portable batteries and accumulators if the end user is a natural person,
- leave to the operator of the public service in collection centres in separately collected fractions of communal waste or in movable reservoirs with separately collected hazardous fractions of communal waste, if the end user is a natural person, a legal person or a private entrepreneur individual, whereby batteries and accumulators must not become waste due to repairs, maintenance or reprocessing of equipment, into which portable batteries or accumulators are built in, or
- submit to the collector of waste portable batteries and accumulators directly or in reservoirs of waste portable batteries and accumulators, if they are set up by the collector.

(3) The end user must store waste portable batteries and accumulators separately from other waste before he leaves them to the distributor or operator of a public service or submits to the collector of waste portable batteries and accumulators.

3.2 Obligations of the operator of the public service

Article 9

(Obligations of the operator of the public services)

(1) If mixed communal waste includes waste portable batteries or waste portable accumulators, the operator of the public service must assure that such mixed communal waste are assumed from the person producing the waste as hazardous communal waste.

(2) The operator of the public service must assure that end users have the possibility of free of charge dropping of waste portable batteries and accumulators in collection centres in separately collected fractions of communal waste or in a movable reservoir in separately collected hazardous fractions of communal waste.

(3) Irrespective of the provisions from the previous paragraph, the operator of the public service does not need to assure a free of charge takeover of waste portable batteries and accumulators produced by legal persons or private entrepreneurs as a consequence of performing economic activities:

- of production, repair and maintenance of equipment, into which batteries and accumulators were built in, or
- of processing waste equipment, into which batteries and accumulators were built in, including the processing of waste electrical and electronic equipment in compliance with the regulation regulating the treatment of waste electrical or electronic equipment.

(4) The operator of the public service must submit all waste portable batteries and accumulators collected as a separate fraction of communal waste to the collector of waste portable batteries and accumulators without a requirement for payment due to possible value of contained materials.

3.3 Obligations of the distributor of portable batteries and accumulators

Article 10

(Takeover of waste portable batteries and accumulators)

(1) The distributor must on the sales location assure free of charge takeover of waste portable batteries and accumulators from any end user, which wants to submit them, even if the end user submits waste portable batteries or waste portable accumulators of another producer than the producer of portable batteries and accumulator, which the distributor sells at his sales location or if the end user does not plan to purchase portable batteries or portable accumulators.

(2) The distributor must at the sales location set up special containers for separate collection and temporary storage of taken over waste portable batteries and accumulators. Containers must be of appropriate quality and form as well as bear a visible mark that their purpose is the collection of waste portable batteries.

(3) The distributor must in a visible place set up a notification to buyers on the possibility of free handing over of waste portable batteries and accumulators.

(4) Irrespective of the provision of paragraph one of this article, the distributor does not need to assure a free of charge takeover of waste portable batteries and accumulators, produced by legal persons or private entrepreneurs, which produce waste batteries and accumulators due to:

- the production, repair and maintenance of equipment, into which batteries and accumulators were built in, or
- processing of waste equipment, into which batteries and accumulators are built in, including the processing of electrical and electronic equipment in compliance with the regulation regulating the treatment of waste electrical and electronic equipment.

(5) The distributor must hand over the collected waste batteries and accumulators to the collector of waste portable batteries and accumulators without a requirement for payment due to the possible value of contained materials.

(6) The fulfilment of obligations of the distributor till the submission of collected waste portable batteries and accumulator and of the collector of the waste portable batteries and accumulator till the assumption of these waste is established on the basis of a review of data from the record sheets, which must be enclosed to every shipment of waste portable batteries and accumulators that the distributor submits to the collector of waste portable batteries and accumulators.

(7) Record sheets on shipments of waste portable batteries and accumulators must be submitted by the distributor and collector of waste portable batteries and accumulators to the ministry competent for environment (hereinafter: the ministry) or the competent inspector upon his request.

3.4 Obligations of the producer of portable batteries and accumulators

Article 11

(Obligations of the producer of portable batteries and accumulators)

(1) A producer of portable batteries and accumulators can place portable batteries and accumulators on the market of the Republic of Slovenia for the first time if he assures the collection of waste portable batteries and accumulators from end users, distributors and operators of public service as well as the processing and recycling of thus collection waste portable batteries and accumulators at his expenses.

(2) A producer of portable batteries and accumulators can assure the collection of waste portable batteries and accumulators itself as a collector of waste portable batteries and accumulators or transfer with a contract his obligations of collecting waste portable batteries and accumulators to the collector of waste portable batteries and accumulators.

(3) A producer of portable batteries and accumulators must assure that the collector of waste portable batteries and accumulators regularly sends data on collected, processed and recycled waste portable batteries and accumulators. If the joint plan of treatment waste portable batteries and accumulators from article 13 of this decree is concerned, the producer must assure that the collector of waste portable batteries regularly sends data on collected, processed and recycled portable batteries and accumulators to the operator of the joint plan of treatment waste portable batteries and accumulators.

(4) The obligation of the producer of portable batteries and accumulators from paragraph one of this article is not valid for portable batteries and accumulators, which the producer of portable batteries and accumulators places on the market of the Republic of Slovenia for the first time as built into electrical or electronic equipment, if the producer assures the collection of waste electrical and electronic equipment in compliance with the regulation regulating treatment of waste electrical and electronic equipment, and for portable batteries and accumulators, which are exported to third countries or carried out to other EU member states, including those built into equipment, which is exported or carried out of the Republic of Slovenia.

Article 12

(Register of producers of portable batteries and accumulators)

(1) A producer of portable batteries and accumulators assures treatment in relation with waste portable batteries and accumulators within the framework of this decree, if the producer is entered into the register of producers of portable batteries and accumulators, managed by the ministry.

(2) A producer of portable batteries and accumulators must next to data from first and second indent of paragraph four of this article also enclose to the application for entry into the register of producers of portable batteries and accumulators a plan of treatment waste portable batteries and accumulators as stated in paragraph three of this article.

(3) A plan of treatment waste portable batteries and accumulators must include at least the following data on:

- the foreseen manner and scope of taking over waste portable batteries and accumulators from end users, distributors and operators of public service,
- the name and central office of persons that intend to take over waste portable batteries and accumulators from previous indent as collectors,
- the type and capability of means and equipment for prior storage of waste portable batteries and accumulators with operators of public service in collection centres in separately collected fractions of communal waste,
- the type and capability of reservoirs of waste portable batteries and accumulators, which persons from second indent of this paragraph intend to manage or use,
- the type and capability of means and equipment of persons from second indent of this paragraph for the taking over of waste portable batteries and accumulators, for their

- submission and storage in collection centres and submission for processing and recycling,
- the anticipated quantity of annually acquired waste portable batteries and accumulators, expressed in kg and assessed from the data on the annual quantity of portable batteries and accumulators, which are placed on the market by persons for which a plan of treatment waste portable batteries and accumulators was elaborated,
 - the anticipated agents of processing and recycling of waste portable batteries and accumulators,
 - the advertising campaigns for the notification of end users on the purpose of collecting, processing and recycling waste portable batteries and accumulators, which are in compliance with paragraph two Article 22 of this decree carried out by persons from indent two of this paragraph, and
 - the consideration of guidelines from the operative program of environment protection in the area of treatment separately collected fractions of communal waste.

(4) An attachment to the plan of treatment waste portable batteries and accumulators are also statements of persons from second indent of the previous paragraph that they will in compliance with the plan of treatment waste portable batteries and accumulators collect waste portable batteries and accumulators and assure their recycling.

(5) The record of producers of portable batteries and accumulators contains the following data:

- company and central office of the producer of portable batteries and accumulators,
- annual quantity of portable batteries and accumulators, expressed in kg, placed on the market
- number of the plan of treatment waste portable batteries and accumulators from the record of plans of treatment waste portable batteries and accumulators from article 14 of this decree,
- company and central office of the person responsible for the realization of the plan of treatment waste portable batteries and accumulators, if it is a joint plan of treatment waste portable batteries and accumulators as stated in article 13 of this decree, and
- the date of entry into the register of producers of portable batteries and accumulators.

(6) The data from the register of producers of portable batteries and accumulators are accessible to the public over the web pages of the ministry.

(7) The ministry enters the producer of portable batteries and accumulators into the register of producers of portable batteries and accumulators on the basis of an application for entry and issues a certificate on the entry into the register, if it ascertains on the basis of a review of the documentation enclosed to the application for entry into the register that:

- it is evident from the plan of treatment waste portable batteries and accumulators or from the joint plan of treatment waste portable batteries and accumulators that obligations arising from this decree are being fulfilled and guidelines from the operative program of environment protection in the area of treatment separately collected fractions of communal waste are considered, and
- the collectors of waste portable batteries and accumulators, stated in the plan of treatment waste portable batteries and accumulators, fulfil the conditions for the entry into the register of collectors of waste portable batteries and accumulators in compliance with Article 16 of this decree.

(8) The ministry enters the producer of portable batteries and accumulators into the register of producers of portable batteries and accumulators for a period of 5 years.

Article 13

(Joint plan of treatment waste portable batteries and accumulators)

(1) Several producers of portable batteries and accumulators can due to the fulfilment of obligations, defined by this decree, prepare a joint plan of treatment waste portable batteries and accumulators and enclose it to the application for entry into the register of producers of portable batteries and accumulators.

(2) A component part of the joint plan of treatment waste portable batteries and accumulators are next to data from paragraph three of the previous article also data on the legal person, which was authorized by the producers of portable batteries and accumulators, which acceded to the realization of this plan, as the agent for the realization of the joint plan of treatment waste portable batteries and accumulators.

(3) A producer of portable batteries and accumulators, which accedes to the joint plan of treatment waste portable batteries and accumulators, must also enclose to the application for the entry into the register of producers of portable batteries and accumulators also the agreement on the accession to the joint plan of treatment waste portable batteries and accumulators. The agreement must state the jurisdictions, which the producer awarded to the agent for the realization of the joint plan of treatment waste portable batteries and accumulators.

(4) If the ministry establishes after the review of documentation that the fulfilment of obligations arising from this treaty is evident from the joint plan of treatment waste portable batteries and accumulators, it enters the joint plan into the register of plans of treatment waste portable batteries and accumulators, as stated in article 14 of this decree.

Article 14

(Register of plans of treatment waste portable batteries and accumulators)

(1) The register of plans of treatment waste portable batteries and accumulators from paragraph three article 12 of this decree is managed by the ministry.

(2) The record of plans of treatment waste portable batteries and accumulators include data on the address and serial number of the plan of treatment waste portable batteries and accumulators, data on the company and central office of the agent for the realization of this plan, if it is a joint plan of treatment waste portable batteries and accumulators.

(3) A producer must report to the ministry every change to the plan of treatment waste portable batteries and accumulators, which affects the fulfilment of obligations arising from this decree. If it is a joint plan of treatment waste portable batteries and accumulators, a change to the plan of treatment waste portable batteries and accumulators must be reported by the agent for the realization of the joint plan of treatment waste portable batteries and accumulators.

(4) The agent for the realization of the joint plan of treatment waste portable batteries and accumulators must managed a record of producers of batteries and accumulators that acceded to the realization of the joint plan of treatment waste portable batteries and accumulators and send it to the ministry or the competent inspector upon his request.

Article 15

(Removal from the record of producers of portable batteries and accumulators)

(1) The Ministry removes a producer of portable batteries and accumulators from the record of producers of portable batteries and accumulators, if it establishes that:

- it does not fulfil the requirements concerning the treatment of waste portable batteries and accumulators in compliance with the plan of treatment waste portable batteries and accumulators or in compliance with the joint plan of treatment waste portable batteries and accumulators,
- it does not provide reports on the treatment with acquired waste portable batteries and accumulators in compliance with this decree.

(2) In the event of first indent of the previous paragraph, the removal from the record of producers of portable batteries and accumulators can be carried out on the basis of a valid decision of the competent inspection organ.

3.5 The obligations of the collector of waste portable batteries and accumulators

Article 16

(Entry into the register of collectors of waste portable batteries and accumulators)

(1) A collector of waste portable batteries and accumulators can commence with the collection of waste portable batteries and accumulators after he acquires a certificate from the ministry on the entry into the register of collectors of waste in compliance with the regulation regulating waste management.

(2) The application for the entry into the register of collectors of waste must next to the plan of collecting waste portable batteries and accumulators, prepared in compliance with the regulation regulating waste management, also include the number of the plan of treatment waste portable batteries and accumulators or of the joint plan of treatment waste portable batteries and accumulators from the record of plans of treatment waste portable batteries and accumulators to which the plan of gathering waste portable batteries and accumulators refers.

Article 17

(Obligations of the collectors of waste portable batteries and collectors)

(1) A collector of waste portable batteries and accumulators must collect waste portable batteries and accumulators and assure their processing and recycling in the scope and manner, defined for the collector in the plan of treatment waste portable batteries and accumulators or in the joint plan of treatment waste portable batteries and accumulators.

(2) A collector of waste portable batteries and accumulators must take over waste portable batteries and accumulators from end users, distributors and operators of public service without requiring a payment due to possible costs arising from the collection and recycling of acquired waste portable batteries and accumulators.

(3) Irrespective of the provisions of the previous paragraph, a collector of waste portable batteries and accumulators does not need to provide a free of charge taking over of waste portable batteries and accumulators, which are produced during the processing of waste electrical and electronic equipment, in compliance with the regulation regulating the treatment of waste electrical and electronic equipment.

(4) If a collector of waste portable batteries and accumulators sets up a reservoir of waste portable batteries and accumulator, he does not need to acquire an environmental permit for the operations of the reservoir in compliance with the regulation regulating waste management.

(5) A collector of waste portable batteries and accumulators must assure processing or recycling for waste batteries and accumulators collected in a given calendar year until the end of the next calendar year.

Article 18 (Collection centres)

A collector of waste portable batteries and accumulators must set up one or more collection centre for the collection, categorization and storage of acquired waste portable batteries and accumulators, by considering:

1. the density of the population and the scope of formation of waste portable batteries and accumulators,
2. the distribution of sales locations of distributors and the quantities of formation of waste portable batteries and accumulators in an individual area, and
3. the spatial positioning respectively distance to objects, in which the collected waste portable batteries and accumulators are processed or recycled.

Article 19 (Assumption of waste portable batteries and accumulators from the operator of the public service)

(1) At the assumption of waste portable batteries and accumulators from the operator of the public service, the collector of waste portable batteries and accumulators and the operator of the public service must consider the following criteria for the ascertainment of costs in defining the mutual recognition of costs of treatment of waste portable batteries and accumulators:

1. the costs of the operator of the public service are the costs of setting up and maintaining a special container for prior storage of waste portable batteries and accumulators in the collection centre of separately collected fractions of communal waste,
2. the costs of the collector of waste portable batteries and accumulators are:
 - the costs of storage of waste portable batteries and accumulators in collection centers of separately collected fractions of communal waste for the time of storage exceeding 30 days,
 - the costs of assuming waste from the previous indent, to wit for loading and weighing of assumed waste portable batteries and accumulators and similar tasks,
 - all other costs for which the operator of the public service and the collector of waste portable batteries and accumulators agree upon due to the assumption of waste portable batteries and accumulators.

(2) The criteria for the defining of the costs from the previous paragraph, which must be paid by the collector of waste portable batteries and accumulators to the operator of the public service, are defined by the minister responsible for environment protection.

(3) If several collectors of waste portable batteries and accumulators assume waste portable batteries and accumulators from an individual operator of the public service, the ministry on its web pages publishes shares of assumption of waste portable batteries and accumulators for an individual collector of waste portable batteries and accumulators and other related obligations, whereby it considers the quantities of portable batteries and accumulators placed on the market by producers, for which the collector of waste portable batteries and accumulators carries out the task of assuming waste portable batteries and accumulators.

4. Rules for the treatment of waste industrial batteries and accumulators

Article 20

(Obligations of the producer of industrial batteries and accumulators)

(1) A producer of industrial batteries and accumulators, which places industrial batteries and accumulators on the market of the Republic of Slovenia for the first time, must provide for the collection of waste industrial batteries and accumulators from end users and the processing and recycling of collected waste industrial batteries and accumulators at his expense.

(2) A producer of industrial batteries and accumulators can provide for the collection of waste industrial batteries and accumulators himself as the collector of waste industrial batteries and accumulators or transfers his obligations with a contract to the collector of waste industrial batteries and accumulators.

(3) The obligation of the producer of industrial batteries and accumulators from paragraph one of this article is not valid for industrial batteries and accumulators, which the producer of industrial batteries and accumulators places on the market of the Republic of Slovenia for the first time built into electrical or electronic equipment, if he provides for the collection of waste electrical and electronic equipment in compliance with the regulation regulating treatment of waste electrical and electronic equipment, and for industrial batteries and accumulators, which are exported to third countries or carried out to other EU member states, including those built into the equipment exported or carried out of the Republic of Slovenia.

Article 21

(Register of producers of industrial batteries and accumulators)

(1) A producer of industrial batteries and accumulators assures treatment of waste industrial batteries and accumulators in compliance with the decree, if he is entered into the register of producers of industrial batteries and accumulators, managed by the ministry.

(2) Provisions from article 12 to article 15 of this decree are applied for the entry and removal from the register of producers of industrial batteries and accumulators and for the entry of plans of treatment of waste industrial batteries and accumulators.

(3) A producer of industrial batteries and accumulators must assure that the plan of treatment of waste industrial batteries and accumulators considers the guidelines from the operative program

of environmental protection in the area of treatment of waste industrial and automotive batteries and accumulators.

Article 22

(Assumption of industrial batteries and accumulators)

(1) A producer of industrial batteries and accumulators must assure that waste industrial batteries and accumulators are assumed from end users free of charge irrespective of their chemical composition or origin. The assumption must not be conditioned with the purchase of a new industrial battery or accumulator.

(2) Irrespective of the provision of the previous paragraph, the producer of industrial batteries and accumulators does not need to provide a free of charge assumption of waste industrial batteries and accumulators, which are produced during the processing of waste electrical and electronic equipment in compliance with the regulation regulating the treatment of waste electrical and electronic equipment.

(3) A producer of industrial batteries and accumulators or a person, which in their name collects waste industrial batteries and accumulators, can commence with the collection of waste industrial batteries and accumulators after he acquires a certificate from the ministry on the entry into the register of collectors of waste in compliance with the regulation regulating waste management.

(4) Provisions of articles 16, 17 and 18 of this decree are applied for the entry into the register of collectors of waste and for the obligations of the collector of waste industrial batteries and accumulators.

(5) Producers of industrial batteries and accumulators and end users of industrial batteries and accumulators can conclude a contract, which foresees a different regulation for the financing of costs of collection, processing or recycling waste industrial batteries and accumulators as the regulation foreseen in paragraph one of this article.

5. Rules of treatment of waste automotive batteries and accumulators

Article 23

(Obligations of the producer of automotive batteries and accumulators)

(1) A producer of automotive batteries and accumulators, which places automotive batteries and accumulators on the market of the Republic of Slovenia for the first time, must provide for the collection of waste automotive batteries and accumulators from end users and the processing and recycling of collected waste automotive batteries and accumulators at his expense.

(2) A producer of automotive batteries and accumulator can provide the collection of waste automotive batteries and accumulators himself as a collector of waste automotive batteries and accumulators or transfer his obligations with a contract to the collector of waste automotive batteries and accumulators.

(3) The obligation of the producer of automotive batteries and accumulators from paragraph one of this article is not valid for automotive batteries and accumulators, which the producer of automotive batteries and accumulators places on the market of the Republic of Slovenia for the first time built into electrical or electronic equipment, if he provides for the collection of waste

motor vehicles in compliance with the regulation regulating treatment of used motor vehicles, and for automotive batteries and accumulators, which are exported to third countries or carried out to other EU member states, including those built into motor vehicles, exported or carried out of the Republic of Slovenia.

Article 24

(Register of producers of automotive batteries and accumulators)

(1) A producer of automotive batteries and accumulators assures treatment of waste automotive batteries and accumulators in compliance with this decree, if he is entered into the register of producers of automotive batteries and accumulators, managed by the ministry.

(2) Provisions from article 12 to article 15 of this decree are applied for the entry and removal from the register of producers of automotive batteries and accumulators and for the entry of plans of treatment of waste automotive batteries and accumulators.

(3) A producer of automotive batteries and accumulators must assure that the plan of treatment of waste automotive batteries and accumulators considers the guidelines from the operative program of environmental protection in the area of treatment of waste industrial and automotive batteries and accumulators.

Article 25

(Assumption of automotive batteries and accumulators)

(1) A producer of automotive batteries and accumulators must assure that waste automotive batteries and accumulators are assumed from end users free of charge irrespective of their origin. The assumption must not be conditioned with the purchase of a new automotive battery or accumulator.

(2) Irrespective of the provision of the previous paragraph, the producer of automotive batteries and accumulators does not need to provide a free of charge assumption of waste automotive batteries and accumulators, which are produced during the decomposition of used motor vehicles in compliance with the regulation regulating the treatment of used motor vehicles.

(3) A producer of automotive batteries and accumulators or a person, which in their name collects waste automotive batteries and accumulators, can commence with the collection of waste automotive batteries and accumulators after he acquires a certificate from the ministry on the entry into the register of collectors of waste in compliance with the regulation regulating waste management.

(4) Provisions of articles 16, 17 and 18 of this decree are applied for the entry into the register of collectors of waste and for the obligations of the collector of waste automotive batteries and accumulators.

(5) Producers of automotive batteries and accumulators and end users of automotive batteries and accumulators can conclude a contract, which foresees a different regulation for the financing of costs of collection, processing or recycling waste automotive batteries and accumulators as the regulation foreseen in paragraph one of this article.

6. Informing the end user and labelling batteries and accumulators

Article 26
(Informing the end user)

(1) A collector of waste portable, industrial or automotive batteries and accumulators must inform the public and above all end users about the purpose and goals of collecting waste batteries and accumulators, correct handling, the possibilities of their free yielding or handing over and on the manners of their processing and recycling.

(2) Collectors of waste portable batteries and accumulators must assure with advertising campaigns that end users are informed about:

1. the possible effects of substances used in batteries and accumulators on the environment and health of people;
2. the fact that it is desired that waste batteries and accumulators are not disposed of as mixed communal waste and that cooperation in their separate collection is assured, which facilitates the processing and recycling of waste batteries and accumulators;
3. the available systems of collecting and recycling waste batteries and accumulators;
4. their contribution to the recycling of waste batteries and accumulators;
5. the importance of the sign with the crossed over movable container for waste from annex 2, which is a component part of this decree, and about chemical symbols Hg, Cd and Pb.

(3) Producers of portable batteries and accumulators must provide to collectors of waste portable batteries and accumulators the financing of all costs arising from advertising campaigns for the informing of the public on the collection, processing and recycling of waste portable batteries and accumulators from the previous paragraph.

Article 27
(Labelling batteries and accumulators)

(1) Producers must assure that batteries, accumulators and battery packs, which are placed on the market of the Republic of Slovenia for the first time, are labelled with the designation from annex 2 to this decree.

(2) Producers must assure that by 26 September 2009 the capability of the electricity sources is stated in a visible, eligible and non-erasable manner on portable and automotive batteries and accumulators, which are placed on the market of the Republic of Slovenia for the first time,

(3) Producers must assure that batteries, accumulators and button cells, which are placed on the market of the Republic of Slovenia for the first time, are labelled with a chemical symbol for the appropriate metal, to wit Hg, Cd or Pb if they contain more than 0.0005 % of mercury, more than 0.002 % of cadmium or more than 0.004 % of lead. The symbol, which marks the content of heavy metal, is printed under the sign from annex 2 to this decree, on a surface that equals at least one quarter of the area of the sign.

(4) Producers must assure that the label from annex 2 of this decree covers at least 3 % of the area of the largest surface of the battery, accumulator or battery pack, which is placed on the market, and that it does not exceed 5 x 5 cm. In the event of cylindrical cells, producers must assure that the sign from annex 2 to this decree covers at least 1.5 % of the area of the body of the battery or the accumulator and that it does not exceed the 5 x 5 cm.

(5) If the surface of the label is lower than 0.5 x 0.5 cm due to the size of the battery, accumulator or battery pack, producers can instead of marking batteries, accumulators or battery packs, which are placed on the market of the Republic of Slovenia for the first time, provide for the marking with a label with a surface of at least 1 x 1 cm, printed on the packaging.

(6) Producers must assure that batteries, accumulators, button cells and battery packs, which are placed on the market of the Republic of Slovenia for the first time, are protected with a legible label, printed on a visible place, and non-erasable.

(7) Producers must not display costs of collecting, processing and recycling separately from the sale price of portable batteries and accumulators at the sale of portable batteries and accumulators.

7. Obligations of the end user without prior supplier

Article 28

(Obligations of the end user without prior supplier)

(1) The end user without a prior supplier must do the following with batteries and accumulators, which he acquired or imported himself, after they become waste batteries and accumulators:

- leave to the distributor, operator of the public service or directly to the collector of waste portable batteries and accumulators, if these are waste portable batteries and accumulators, in compliance with this decree
- autonomously provide for the fulfilment of requirements from this decree, if these are waste industrial or automotive batteries and accumulators, or
- accede to the realization of the joint plan of treatment of waste industrial batteries and accumulators respectively with waste automotive batteries and accumulators.

(2) For the end user without a prior supplier, which autonomously assures treatment of waste batteries and accumulators, provisions of articles 21, 22 and 23 of this decree, which are valid for the producer of industrial batteries and accumulators, respectively provisions of articles 24, 25 and 26 of this decree, which are valid for the producer of automotive batteries and accumulators, are applied.

8. Processing and recycling of waste batteries and accumulators

Article 29

(Processing and recycling of waste batteries and accumulators)

(1) A collector of waste portable, industrial or automotive batteries and accumulators must assure that the processing and recycling of waste batteries and accumulators is carried out only by persons, who have an environmental licence for the processing of waste in compliance with regulation regulating waste management.

(2) Producers must assure that at the latest by 26 September 2009:

1. the processing and recycling of waste batteries and accumulators with the use of the best available techniques is enabled, and
2. the batteries and accumulators assumed in compliance with this decree, including those assumed from operators of processing waste electrical and electronic equipment in compliance

with the regulation regulating the treatment of waste electrical and electronic equipment, and those assumed from operators of decomposition of used motor vehicles in compliance with the regulation regulating used motor vehicles, are processed and recycled in a manner that is in conformity with the regulation in the area of environment protection especially concerning the health of people, environment protection and waste management.

(3) During the processing of waste batteries and accumulators, it must be assured that:

1. all liquids and acids are removed from batteries and accumulators,
2. the processing objects process and store, including temporary storage, batteries and accumulators on a surface with impermeable floor and appropriate coverage as protection from weather impacts, or in special containers.

(4) If batteries and accumulators are collected together with waste electrical and electronic equipment in compliance with the regulation regulating the treatment of waste electrical and electronic equipment, it must be assured that all batteries or accumulators are removed from the collected waste electrical and electronic equipment prior to its processing.

(5) Producers must assure that the following environmental goals as regards efficiency of recycling are realized by 26 September 2010:

1. rate of recycling 65 % with regard to the average weight of lead batteries and acid accumulations, including recycling lead in batteries and accumulators;
2. rate of recycling 75 % with regard to the average weight of nickel-cadmium batteries and accumulators, including recycling cadmium in batteries and accumulators, and
3. rate of recycling 50 % with regard to the average weight of other waste batteries and accumulators.

(6) The ministry must report to the Commission on attained rates of recycling and on whether environmental goals regarding the efficiency of recycling from paragraph five of this article were attained in every calendar year at the latest six months after the conclusion of the calendar year to which the data refers.

Article 30

(Removal of waste batteries and accumulators)

Removal of waste industrial and automotive batteries and accumulators by dumping them on dumping areas, incineration or co-incineration is prohibited, whereby remains of any batteries and accumulators, which are processed and recycled in compliance with paragraph two of the previous article can be disposed off by dumping on dumping group or with incineration respectively co-incineration.

Article 31

(Export of waste batteries and accumulators)

(1) Processing and recycling of waste batteries and accumulators can be carried out in another EU member state or in a third country under the condition that the sending of waste batteries and accumulators is carried out in compliance with Regulation (EC) No. 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (Official Journal L No. 190 on 12 July 2007, page 1), last changed by Commission regulation (EC) No. 1379/2007 of 26

November 2007 on amending Annexes IA, IB, VII and VIII to Regulation (EC) No. 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste, for the purposes of taking account of the technical progress and changes agreed under the Basel Convention (Official Journal L No. 309 on 27 November 2007, page 7) (hereinafter: Regulation 1013/2006/EC).

(2) Processing of waste batteries and accumulators, exported to third countries in compliance with the Regulation 1013/2006/EC considers that it fulfils the obligation and efficiency of recycling from paragraph five article 29 of this decree, if there is clear proof that recycling was carried out under the conditions equal to requirements from this decree.

9. Management of the register on the collection of waste batteries and accumulators and reports from collectors

Article 32

(Management of the register on the collection of waste batteries and accumulators)

(1) A collector of waste batteries and accumulators must in the register on the collection of waste batteries and accumulators next to data, which are defined in the regulation regulating waste management, also include data on:

- producers, for which waste batteries and accumulators are collected and for which the processing, recycling and removal of batteries and accumulators is assured,
- the overall weight of collected waste batteries and accumulators separately for collection centres, which the collector manages, and for operators of the public services, from which the operator assumes waste batteries and accumulators, if these are portable batteries and accumulators,
- the overall weight of waste batteries and accumulators submitted for processing, recycling and removal, separately for operators of processing, recycling and removal, and
- the costs of storage and assumption of waste portable batteries and accumulators paid to the operators of the public service.

(2) The collector of waste batteries and accumulators must report in compliance with the regulation regulating waste management.

10. Report on the treatment of waste portable, industrial and automotive batteries and accumulators

Article 33

(Report on the treatment of waste batteries and accumulators)

(1) Producers of portable, industrial and automotive batteries and accumulators must at the latest by 31 March in the current year submit to the ministry in electronic form a report on the treatment of waste portable, industrial or automotive batteries for the last calendar year in the form published by the ministry on its web pages.

(2) The report from the previous paragraph must include at least data on:

- the overall quantity of waste portable, industrial or automotive batteries and accumulators, expressed in kg, and assumed from end users, distributors and operators of the public service,

- the quantity, expressed in kg, and share of waste portable, industrial or automotive batteries and accumulators, which were recycled,
- quantity, expressed in kg, and share of waste portable, industrial or automotive batteries and accumulators, which was processed, separately for processing procedures,
- quantity and share of materials of waste portable, industrial or automotive batteries and accumulators, which were removed, separately for removal procedures and extent of prior processing.

(3) Irrespective of the provision of paragraph one of this article, the agent of realization of the joint plan of treatment of waste portable, industrial or automotive batteries and accumulators, submits a report on the treatment of waste batteries and accumulators for those producers, which meet the obligations arising from this decree with a joint plan, in the form of a joint report of all producers, who acceded to the plan.

(4) The report on the treatment of waste batteries and accumulators within the framework of the joint plan of treatment of waste portable, industrial or automotive batteries or accumulators must also include data on the fulfilment of the joint plan of treatment of waste batteries and accumulators.

11. Reporting to the Commission

Article 34 (Report on the implementation)

(1) The ministry sends to the Commission a report on the implementation of Directive 2006/21/EC every three years, whereby the first report includes the period until 26 September 2012.

(2) The ministry must prepare the report from the previous paragraph on the basis of a questionnaire or draft, which the Commission sends to member states six months before the beginning of the first period included in the report.

(3) The ministry also reports about all measures adopted for the promotion of development achievements referring to the impact of batteries and accumulators on the environment, especially about:

1. development achievements, which include voluntary measures of producers for the reduction of contents of hard metal and other hazardous substances in batteries and accumulators;
2. new technologies of recycling and processing;
3. cooperation of economic subjects in environmental action systems;
4. research in the area, and
5. measures for the promotion of prevention of waste production.

(4) The report from paragraph one of this article must be submitted to the Commission at the latest in nine months after the end of the three-year period to which the report refers, in the event of the first report at the latest till 26 June 2013.

12. Supervision

Article 35

(Inspectors)

(1) The supervision over the implementation of this decree is carried out by inspectors responsible for environment protection.

(2) Irrespective of the provision of the previous paragraph, supervision over the implementation of provisions of articles 5 and 27 of this decree is carried out by inspectors of the Market inspectorate of the Republic of Slovenia.

Article 36
(Violations)

(1) A producer, which a legal person or a private entrepreneur individual, is penalized for a violation with a fine ranging from 4,000 to 40,000 EUR, if:

- he places on the market, in opposition to paragraph one article 5 of this decree, batteries or accumulators, built into equipment or not that contain more than 0.0005 % of mercury in relation to overall weight, or portable batteries or accumulators, including those built into equipment, which contain more than 0.02 % of Cadmium in relation to overall weight;
- he does not assure that the documentation on the fulfilment of requirements from paragraphs one, two and three of article 5 of this decree is submitted to the competent inspector for insight upon his request in compliance with paragraph four article 5 of this decree;
- he does not assure that the documentation on the fulfilment of requirements from paragraphs one, two and three of article 5 of this decree is acquired from the source producer of batteries or accumulators and submitted to the competent inspector upon his request in compliance with paragraph five article 5;
- he does not assure that the requirements from paragraph one and two article 7 of this decree are fulfilled in compliance with paragraph three article 7, if batteries or accumulators built into equipment are placed on the market of the Republic of Slovenia for the first time;
- he places portable batteries and accumulators on the market of the Republic of Slovenia for the first time, without providing for the collection of waste portable batteries and accumulators from end users, distributors and operators of the public service as well as processing and recycling of such collected waste portable batteries and accumulators at his expense, in opposition to paragraph one article 11 of this decree;
- he does not assure in compliance with paragraph three article 11 of this decree that the collector of waste portable batteries and accumulators regularly sends data on collected and processed and recycled waste portable batteries and accumulators respectively that these data are sent to the agent of the joint plan of treatment of waste portable batteries and accumulators in case of the joint plan of treatment of waste portable batteries and accumulators;
- he, in opposition to paragraph one article 12 of this decree, places on the market batteries and accumulators without being in the register of producers of portable batteries and accumulators;
- he does not report to the ministry, in compliance with paragraph three article 14 of this decree, every change to the plan of treatment of waste portable batteries and accumulators that affect the fulfilment of his obligations arising from this decree;
- he does not provide for the collection of waste industrial batteries and accumulators from end users as well as the processing and recycling of collected waste industrial batteries and accumulators in compliance with paragraph one article 20 of this decree;

- he, in opposition to paragraph one article 21 of this decree, assures actions related to waste industrial batteries and accumulators without being in the register of producers of industrial batteries and accumulators;
- he does not assure that waste industrial batteries and accumulators are in compliance with paragraph one article 22 of this decree assumed from end users free of charge regardless of their chemical composition or origin, or if he conditions the assumption of waste industrial battery or accumulator with the purchase of a new industrial battery or accumulator;
- he, in opposition to paragraph three article 22 of this decree, collects waste industrial batteries and accumulators without acquiring the certificate of the ministry on the entry into the register of waste collectors;
- he does not assure the collection of waste automotive batteries and accumulators from end users as well as processing and recycling of collected waste automotive batteries and accumulators in compliance with paragraph one article 23 of this decree;
- he, in opposition to paragraph one article 24 of this decree, assures actions related to waste automotive batteries and accumulators without being in the register of producers of automotive batteries and accumulators;
- he does not assure that the waste automotive batteries and accumulators are in compliance with paragraph one article 25 of this decree assumed from end users free of charge regardless of their origin or if they condition the assumption of waste automotive battery or accumulator with the purchase of a new automotive battery or accumulator;
- he, in opposition to paragraph three article 25 of this decree, collects waste automotive batteries and accumulators without acquiring a certificate from the ministry on the entry into the register of waste collectors;
- he does not assure to collectors of waste portable batteries and accumulators the financing of all costs arising from advertising campaigns for the informing of the public about the collection, processing and recycling of waste portable batteries and accumulators in compliance with paragraph three article 26 of this decree;
- he does not assure that batteries, accumulators and battery packs, which are placed on the market of the Republic of Slovenia for the first time, are labelled with the label from annex 2 of this decree in compliance with paragraph one article 27 of this decree;
- he does not assure that the capability of the electrical sources is in compliance with paragraph two article 27 of this decree stated on portable and automotive batteries and accumulators in a visible, legible and non-erasable manner at the latest by 26 September 2009;
- he does not assure that batteries, accumulators and button cells, which are placed on the market of the Republic of Slovenia for the first time, are in compliance with paragraph three article 27 of this decree labelled with the chemical symbol for the appropriate metal, to wit Hg, Cd or Pb, if batteries, accumulators and button cells contain more than 0.0005 % of mercury, more than 0.002 % of cadmium or more than 0.004 % of lead. The symbol, which marks the content of hard metal, must be printed below the mark from annex 2 of this decree, on an area that equals at least one quarter of the surface of this symbol;
- he does not assure that the label from annex 2 of this decree, in compliance with paragraph four article 27 of this decree, covers at least 3 % of the area of the largest surface of the battery, accumulator or battery pack, which is placed on the market of the Republic of Slovenia for the first time, and does not exceed 5 x 5 cm, whereby the label from annex 2 of this decree covers at least 1.5 % of the surface of the body of the battery or accumulator and must not exceed 5 x 5 cm in the case of cylinder cells;
- he does not assure that batteries, accumulators, button cells and battery packs, which are placed on the market of the Republic of Slovenia for the first time, are labelled with a legible label, printed in a visible position, and non-erasable, in compliance with paragraph six article 27 of this decree;

- he, in opposition to paragraph seven article 27 of this decree, shows the costs of collection, processing and recycling separately from the sales price of portable batteries and accumulators at the sale of portable batteries and accumulators;
- he does not assure in compliance with paragraph two article 29 of this decree that at the latest by 26 September 2009:

1. the processing and recycling of waste batteries and accumulators with the use of the best available techniques is enabled, and

2. the batteries and accumulators, assumed in compliance with this decree, including those assumed from operators of processing waste electrical and electronic equipment in compliance with the regulation regulating the treatment of waste electrical and electronic equipment, and those assumed from operators of decomposition of used motor vehicles in compliance with the regulation regulating used motor vehicles, are processed and recycled in a manner that is in conformity with the regulation in the area of environment protection especially concerning the health of people, environment protection and waste management;

- he does not assure that the following environmental goals as regards efficiency are fulfilled by 26 September 2010:

1. rate of recycling 65 % with regard to the average weight of lead batteries and acid accumulations, including recycling lead in batteries and accumulators;

2. rate of recycling 75 % with regard to the average weight of nickel-cadmium batteries and accumulators, including recycling cadmium in batteries and accumulators, and

3. rate of recycling 50 % with regard to the average weight of other waste batteries and accumulators;

- he does not send a report on the treatment of waste portable, industrial or automotive batteries to the ministry for the last calendar year in the deadline and form published by the ministry on its web pages, in compliance with paragraph one article 33 of this decree.

(2) A source producer, which a legal person or a private entrepreneur individual, is penalized for a violation with a fine ranging from 4,000 to 40,000 EUR, if:

- he does not provide for in the planning and production of equipment, into which batteries or accumulators were built in, that the end user can be compliance with paragraph one article 7 of this decree remove waste batteries and accumulators from the equipment and replace them with others;

- he does not enclose, in compliance with paragraph two article 7 of this decree, to the equipment, into which batteries or accumulators were built in, instructions that demonstrate a safe removal of batteries or accumulators from the equipment, and, where appropriate, inform the end user on the type of built in batteries and accumulators.

(3) The end user of batteries or accumulators, which a legal person or a private entrepreneur individual, is penalized for a violation with a fine ranging from 4,000 to 40,000 EUR, if:

- he, in opposition to paragraph one article 8 of this decree, leaves waste portable batteries and accumulators to the operator of the public service as a mixed communal waste;
- he does not leave or submits waste batteries and accumulators in compliance with paragraph two article 8 of this decree;
- he does not store waste portable batteries or accumulators separately from other waste, in compliance with paragraph three article 8 of this decree, prior to submitting them to the

distributor or operator of the public service of handing them to the collector of waste portable batteries and accumulators.

(4) The operator of the public service, which a legal person or a private entrepreneur individual, is penalized for a violation with a fine ranging from 4,000 to 40,000 EUR, if:

- he does not assure that mixed communal waste is in compliance with paragraph one article 9 of this decree assumed from the producer of waste as hazardous communal waste, if the mixed communal waste contains waste portable batteries or waste portable accumulators;
- he does not assure that end users, in compliance with paragraph two article 9 of this decree, have the possibility of free handing over of waste portable batteries and accumulators, which are classified into separately collected fractions of communal waste, in collection centres in separately collected fraction of communal waste or in a movable reservoir of separately collected hazardous fractions of communal waste;
- he does not hand over portable batteries and accumulators, which he collects as a separately collected fraction of communal waste, to the collector of waste portable batteries and accumulators without a request for payment due to the possible value of contained materials, in compliance with paragraph four article 9 of this decree;
- he does not recognize the costs of treatment of waste portable batteries and accumulators at the submission of waste portable batteries and accumulators to the collector of portable batteries and accumulators and in the calculation of these costs does not consider the criteria from paragraph one article 19 of this decree.

(5) The agent for the realization of the joint plan of treatment of waste batteries and accumulators, which a legal person or a private entrepreneur individual, is penalized for a violation with a fine ranging from 4,000 to 40,000 EUR, if:

- he does not report to the ministry, in compliance with paragraph three article 14 of this decree, every change to the joint plan of treatment of waste portable batteries and accumulators that affect the fulfilment of their obligations arising from this decree;
- he does not, in compliance with paragraph four article 14 of this decree, manage a register of producers of portable batteries and accumulators that have acceded to the implementation of the joint plan of treatment of waste portable batteries and accumulators, or does not send it to the ministry or the competent inspector upon his request;
- he does not send a report on the treatment of waste portable, industrial or automotive batteries to the ministry for the last calendar year in the deadline and form published by the ministry on its web pages, in compliance with paragraph three article 33 of this decree, on whether producers meet their obligations arising from this decree according to the joint plan of treatment of waste portable, industrial or automotive batteries or accumulators;
- he does not assure, in compliance with paragraph four article 28 of this decree, that the report on the treatment of waste batteries and accumulators within the framework of the joint plan of treatment of waste portable, industrial or automotive batteries and accumulators also includes data on the fulfilment of the joint plan of treatment of waste batteries and accumulators.

(6) The distributor, which a legal person or a private entrepreneur individual, is penalized for a violation with a fine ranging from 4,000 to 40,000 EUR, if:

- he does not assure, in compliance with paragraph one article 10 of this decree, at the sales location a free of charge assumption of waste portable batteries and accumulators from any end user, who wants to leave them, even if the end user leaves waste portable batteries or waste portable accumulators of another producer than the producer of portable batteries and

- accumulators, which the distributor sells at its sales location, or if the end user has no intention of buying portable batteries or portable accumulators;
- he does not set up, in compliance with paragraph two article 10 of this decree, at the sales location special containers for separate collection and temporary storage of assumed waste portable batteries and accumulators, whereby the containers must be of appropriate quantity and form as well as visibly marked that their purpose is the collection of waste portable batteries;
 - he does not set up on a visible location, in compliance with paragraph three article 10 of this decree, a notification to buyers on the possibility of a free handing over of waste portable batteries and accumulators;
 - he does not hand over assumed waste batteries and accumulators in compliance with paragraph give article 10 of this decree to the collector of waste portable batteries and accumulators without a request for payment due to possible value of contained materials;
 - he does not submit record sheets on shipments of waste portable batteries and accumulators in compliance with paragraph seven article 10 of this decree to the ministry or the competent inspector upon his request.

(7) The collector of waste batteries and accumulators is penalized for a violation with a fine ranging from 4,000 to 40,000 EUR, if:

- he does not submit record sheets on shipments of waste portable batteries and accumulators in compliance with paragraph six article 10 of this decree to the ministry or competent inspector upon his request;
- he, in opposition to paragraph one article 16 of this decree, collects waste portable batteries and accumulators without acquiring a certificate from the ministry on the entry into the register of waste collectors in compliance with the regulation regulating waste management;
- he does not collect waste portable batteries and accumulators and does not assure their processing and recycling in the scope and manner defined for the collector in the plan of treatment of waste portable batteries and accumulators or in the joint plan of treatment of waste portable batteries and accumulators, in compliance with paragraph one article 17 of this decree;
- he does not assume waste portable batteries and accumulators in compliance with paragraph two article 17 of this decree from end users, distributors and operators of the public service without requesting payment due to possible costs arising from the collection and recycling of assumed waste portable batteries and accumulators;
- he does not provide for the processing or recycling till the end of the next calendar year, in compliance with paragraph five article 17 of this decree, for those waste portable batteries and accumulators collected in a given calendar year;
- he does not set up one or more collection centres for the collection, categorization and storage of assumed waste portable batteries and accumulators in compliance with the criteria from article 18 of this decree;
- he does not recognize costs of treatment of waste portable batteries and accumulators at the take over of waste portable batteries and accumulators from the operator of the public service and in the calculation of these costs fails to consider the criteria from paragraph one article 19 of this decree;
- he, in opposition to paragraph three article 22 of this decree, collects waste industrial batteries and accumulators without acquiring a certificate from the ministry on the entry into the register of waste collectors;
- he, in opposition to paragraph three article 25 of this decree, collects waste automotive batteries and accumulators without acquiring a certificate from the ministry on the entry into the register of waste collectors;

- he does not inform the public and end users on the purpose and goals of collecting waste batteries and accumulators, correct handling, possibilities of their free handing over or submission and on the manners of their processing and recycling, in compliance with paragraph one article 26 of this decree;
- he does not assure that end users are informed about contents from paragraph two article 26 of this decree through advertising campaigns;
- he does not assure that the processing of waste batteries and accumulators is in compliance with paragraph one article 29 of this decree carried out only by persons with an environmental licence for the processing of waste in compliance with regulation regulating waste management;
- he does not manage a record on the collection of waste batteries and accumulators in compliance with paragraph one article 32 of this decree.

(8) The end user without a prior supplier, which is a legal person or private entrepreneur individual, is penalized for a violation with a fine ranging from 4,000 to 40,000 EUR, if he does not assure treatment in compliance with paragraph one article 28 of this decree for batteries and accumulators, which he acquired or imported himself after they turn into waste batteries and accumulators.

(9) The processor or remover of waste batteries and accumulators, which is a legal person or private entrepreneur individual, is penalized for a violation with a fine ranging from 4,000 to 40,000 EUR, if:

- he does not assure, in compliance with paragraph three article 29 of this decree, that:
 1. all fluids and acids are removed from batteries and accumulators, and
 2. objects for processing process and store, including temporary storage, batteries and accumulators on a surface with impermeable ground and appropriate coverage as protection from weather impacts, or in special containers;
- he does not assure, in compliance with paragraph four article 29 of this decree, that all batteries or accumulators are removed from the collected waste electrical and electronic equipment if batteries and accumulators are collected together with waste electrical and electronic equipment in compliance with the regulation regulating the treatment of waste electrical and electronic equipment;
- he, in opposition to article 30 of this decree, removes waste industrial and automotive batteries and accumulators by dumping them on dumping grounds or by incineration or co-incineration.

(10) The responsible person of the producer, source producer, end user, operator of the public service, agent of the joint plan of treatment of waste batteries and accumulators, distributor, collector of waste batteries and accumulators, end user without prior supplier or processor or remover of waste batteries and accumulators is penalized with a fine ranging from 1,200 to 4,100 EUR for a violation of paragraphs one to nine of his article.

13. Transitional and final provision

Article 37

(Validity of certificates on the entry into the register of waste collectors)

Persons, who have acquired a certificate on the entry into the register of waste collectors for collecting waste batteries and accumulators, prior to the entry into force of this decree can

continue with the collection of waste batteries and accumulators till the expiry of validity of the certificate.

Article 38
(Obligations of current producers)

(1) Current producers must enter the register of producers of batteries and accumulators by 31 March 2009.

(2) Distributors, operators of public services, producers and collectors of waste batteries and accumulators must assure the fulfilment of obligations related to the treatment of waste batteries and accumulators according to this decree by 26 September 2009.

(3) End users without prior supplier must assure the fulfilment of obligations related to the treatment of waste batteries and accumulators according to this decree by 26 September 2009.

(4) Provisions of articles 5 and 27 of this decree are applied for batteries and accumulators which are placed on the market of the Republic of Slovenia for the first time after 26 September 2008.

Article 39
(Application of the current operative program of treatment of waste batteries and accumulators)

The guidelines from the Operative program of treatment of waste batteries and accumulators for the period from 2003 till the end of 2006, which was confirmed by the Government of the Republic of Slovenia on 10 April 2003, are applied until the adoption of the operative program of environmental protection in the area of treatment of separately collected fractions of communal waste and the operative program of environmental protection in the area of treatment of waste industrial and automotive batteries and accumulators.

Article 40
(Expiration)

With the day of entry into force of this decree, the Rules on the management of batteries and accumulators containing dangerous substances (Official Gazette of the Republic of Slovenia, No. 104/00 and 41/04 – ZVO-1) will expire.

Article 41
(Entry into force)

This decree enters into force on the 15th day after publication in the Official Gazette of the Republic of Slovenia.

Number:
Ljubljana, June 2008
EVA

The Government of the Republic of Slovenia
Janez Janša, l. r.,
Prime Minister

ANNEX 1

Chart: monitoring compliance with collection goals.

Leto	Zbiranje podatkov		Izračun	Zahteve glede poročanja
X (*)+1	Prodaja v letu 1 (S1)			
X+2	Prodaja v letu 2 (S2)	-	-	
X+3	Prodaja v letu 3 (S3)	Zbiranje v letu 3 (C3)	Stopnja zbiranja (CR3) = $3 \cdot C3 / (S1 + S2 + S3)$	
X+4	Prodaja v letu 4 (S4)	Zbiranje v letu 4 (C4)	Stopnja zbiranja (CR4) = $3 \cdot C4 / (S2 + S3 + S4)$ (Postavljen cilj: 25 %)	
X+5	Prodaja v letu 5 (S5)	Zbiranje v letu 5 (C5)	Stopnja zbiranja (CR5) = $3 \cdot C5 / (S3 + S4 + S5)$	CR4
X+6	Prodaja v letu 6 (S6)	Zbiranje v letu 6 (C6)	Stopnja zbiranja (CR6) = $3 \cdot C6 / (S4 + S5 + S6)$	CR5
X+7	Prodaja v letu 7 (S7)	Zbiranje v letu 7 (C7)	Stopnja zbiranja (CR7) = $3 \cdot C7 / (S5 + S6 + S7)$	CR6
X+8	Prodaja v letu 8 (S8)	Zbiranje v letu 8 (C8)	Stopnja zbiranja (CR8) = $3 \cdot C8 / (S6 + S7 + S8)$ (Postavljen cilj: 45 %)	CR7
X+9	Prodaja v letu 9 (S9)	Zbiranje v letu 9 (C9)	Stopnja zbiranja (CR9) = $3 \cdot C9 / (S7 + S8 + S9)$	CR8
X+10	Prodaja v letu 10 (S10)	Zbiranje v letu 10 (C10)	Stopnja zbiranja (CR10) = $3 \cdot C10 / (S8 + S9 + S10)$	CR9
X+11	itd.	itd.	itd.	CR10
itd.				

(*) Leto X je leto, ki vključuje datum iz člena 26.

ANNEX 2

Label for separate collection of batteries, accumulators and battery backs

The label for “separate collection” for all batteries and accumulators is a crossed over extraction waste container, shown below:

