

The Batteries Regulations – What You Should Know

Legislation

On 26 September 2006 the [agreed text of Directive 2006/66/EC on Batteries and Accumulators and Waste Batteries and Accumulators](#) was published in the Official Journal of the European Communities.

This Directive repeals the existing Batteries Directive 91/157/EEC which in comparison had a more limited range of provisions.

The Directive aims to maximise the separate collection and recycling of spent batteries and accumulators, and to reduce the disposal of batteries and accumulators in the municipal waste stream. This aspiration is consistent with the UK Government sustainable development and waste strategies.

Key requirements of the Directive include:

- A partial ban on portable nickel-cadmium batteries that excludes batteries used in medical equipment, emergency lighting and alarm systems, and cordless power tools. However, the exemption for power tools is subject to review after four years.
- Collection targets for spent portable batteries of 25% of average annual sales 4 years after the directive is implemented in the UK, rising to 45% after 8 years.
- Bans the disposal of untreated automotive and industrial batteries in landfill or by incineration.
- Member States had until 26 September 2008 to transpose the Directive.

The [Waste Batteries and Accumulators Regulations 2009](#) (“the Regulations”) came into force on 5th May 2009 and implement in the UK the waste battery provisions of the EU Directive on Batteries and Accumulators and Waste Batteries and Accumulators 2006/66/EC (“the Directive”).

The Regulations set out requirements for waste battery collection, treatment, recycling and disposal for all battery types including arrangements by which the UK intends to meet portable battery collection targets of 25% by 2012 and 45% by 2016. The Regulations also affect battery distributors/retailers, and waste battery collectors, recyclers and exporters.

The [Waste Batteries \(Scotland\) Regulations 2009](#) will ban the landfill or incineration of industrial and automotive batteries from 1 January 2010. They will also exclude collection points for **portable batteries** from criminal offences in terms of s31(a) and (b) - deposit, keep etc. essentially to exempt these collection points from waste management licensing and directly insert into any WML in force on 6 July 2009 conditions related to storage and treatment of waste batteries (impermeable pavements, weatherproof covering, containers and removal of fluids).

What batteries are covered?

A battery or accumulator is defined as any source of electrical energy generated by direct conversion of chemical energy and consisting of either

- one or more primary battery cells (non-rechargeable or disposable batteries); or
- one or more secondary battery cells (accumulators or rechargeable batteries).

Batteries are classified as industrial, automotive or portable batteries:

- An **automotive battery** means a battery of any size or weight that is used for the starting or ignition of the engine of a road going vehicle or for providing power for any lighting used by such a vehicle.
- An **industrial battery** means a battery or battery pack of any size or weight which is:
 - designed exclusively for industrial or professional uses;
 - used as a source of power for propulsion in an electric vehicle
- A **portable battery** means any battery or battery pack which is:
 - sealed;
 - can be hand-carried by a typical adult without difficulty; and
 - is neither an automotive battery or accumulator nor an industrial battery.

Discussions on the scope of the regulations and whether particular batteries are portable or industrial are on-going. A group has been set up consisting of the EA, SEPA, NIEA, BIS, NMO (National Measurements Office) and Defra to discuss issues arising and to ensure that decisions are made consistently and communicated to those who need to know.

Who is affected?

The main groups who will be affected by the regulations are people who place batteries or equipment containing batteries on the market in the UK.

The requirements may differ depending upon whether the batteries in question are automotive, industrial or portable.

i) Producers

Producers are:

- Companies with a UK presence that import batteries into the UK and then sell them wholesale (i.e. not to the end user) in the UK
- Companies with a UK presence which import equipment which includes batteries, e.g. laptop computers, into the UK and then sells them wholesale in the UK

SEPA Information Note

- UK manufacturers of batteries that sell to the general public and/or to retailers
- UK manufacturers equipment which includes batteries that sell to the general public and/or to retailers

Portable battery producers must:

- Finance the collection, treatment and recycling of portable batteries.

This will be done through Battery Compliance Schemes (BCS) which all producers who place more than 1 tonne of batteries on the market in a year must join. BCSs will fulfill producers' obligations under the Batteries Regulations, which include registration, reporting of sales data, publicity and collection, treatment and recycling of portable batteries.

Producers who place less than 1 tonne of batteries onto the market will have to register with the relevant Environment Agency (SEPA, EA or NIEA depending on their location) and provide details of the tonnage of batteries placed on the market each year.

Industrial Battery producers must:

- register their company details with the Department for Business, Enterprise and Regulatory Reform (BERR)
- take back waste industrial batteries free of charge from end users, on request, when supplying new industrial batteries to that end user or when that end user is not able to return waste industrial batteries to his supplier (for example, when not purchasing new batteries).
- ensure that waste industrial batteries for which they have taken responsibility are treated or recycled by an approved treatment facility within the UK or sent by an approved exporter for treatment or recycling outside the UK.

Automotive battery producers must:

- register their company details with the Department for Business, Enterprise and Regulatory Reform (BERR)
- offer to take back waste automotive batteries free of charge, on request, from final holders, such as garages, scrap-yards, end-of-life vehicle Authorised Treatment Facilities or Civic Amenity Sites. (Generally speaking, final holders would expect to receive payment for waste automotive batteries from commercial collectors, but the "free collection" entitlement will ensure that collection and recycling by producers takes place when waste battery material value falls short of collection, treatment and recycling costs.)
- ensure that waste automotive batteries for which they have taken responsibility are treated and recycled by an approved treatment facility or sent by an approved exporter for treatment and recycling outside the UK.

ii) Distributors

Distributors are:

- Retailers that buy batteries from a UK supplier and then sell them to end users.
- Online retailers that buy audio equipment (with batteries included) from a UK supplier and then sells them over the internet to end users
- Wholesalers that buys batteries from a UK supplier and sells both to end users and retail outlets

Companies can be both Distributors and Producers for example a shop that only sells batteries purchased from UK suppliers (distributor) but also sells calculators that include batteries that it imports into the UK (producer).

Distributors must:

- From 1 February 2010, those who sell more than 32 kilogrammes a year of batteries will need to accept waste portable batteries without charge. This is regardless of the method of sale used.
- Distributors must provide information to end-users at their sales points about their arrangements for taking back waste batteries.

Distributors who sell equipment containing batteries do not have to take back batteries from end-users, unless they also sell batteries separately.

Effects on Local Authorities

Local authorities do not have obligations under the Batteries Regulations. Some local authorities already collect batteries and others wish to do so. Through the financing duty on producers, the Batteries Regulations provide a potential source of funding to deliver a batteries collection service to local residents. Local authorities will be key partners for schemes because of their collection infrastructure, expertise in waste collection and potential access to batteries in household waste. Local authorities may wish to work with the same scheme that they work with under the Waste Electrical and Electronic Equipment (WEEE) Regulations, provided the scheme has been approved under the Batteries Regulations.

Effects on end users of batteries

Householders will be able to take their portable batteries back to some retailers (distributors who sell more than 32kg of batteries a year) free of charge. Other take back facilities may be available in their area such as Civic Amenity Sites or other drop off points. Details of these may be available from your Local Authority. Automotive batteries may be returned to Civic Amenity Sites.

SEPA Information Note

Users of industrial batteries should be able to have them treated and recycled at no cost. They therefore should make themselves familiar with the entitlement for take back listed above.

Consumers (e.g. householders) of automotive batteries are not entitled to free take back of their waste batteries from battery producers. However, householders (but not businesses) are allowed to deposit was automotive batteries at Civic Amenity Sites without charge. Businesses such as, garages, breakdown companies and ELV treatment facilities are not obliged to take batteries from consumers free of charge but may do so since they are entitled to free take back by battery producers. Producers do not have to take back batteries from individual consumers.

Operators of businesses where waste automotive batteries arise in significant volumes as part of the day to day business (such as garages, scrap-yards, end-of-life vehicle Authorised Treatment Facilities or Civic Amenity Sites) are entitled to have their automotive batteries removed free of charge. As above, such businesses may be paid for waste automotive batteries from commercial collectors, but the “free collection” entitlement will ensure that collection and recycling by producers takes place when waste battery material value falls short of collection, treatment and recycling costs.

Timeline

- Schemes must have approval by 30th September 2009.
- Producers must join a compliance scheme for compliance year 2010 by 15th October 2009.
- Distributers must start accepting waste portable batteries in-store on 1st February 2010. Take back for industrial and automotive batteries starts on 1st January 2010.
- Battery treatment operators and exporters must be approved by the Agencies by 1st January 2010 if they want to issue evidence of treatment or recycling. Applications should be made by the end of September to ensure that approval is granted in time.