

SEPA Regulatory Position Statement - Licensing Requirements for Battery Collection Points

Introduction

The EU Directive on Batteries and Accumulators and Waste Batteries and Accumulators ([2006/66/EC](#)) (the "Batteries Directive") was implemented in the UK by [The Waste Batteries and Accumulators Regulations 2009](#) ("the Batteries Regs") and [The Waste Batteries \(Scotland\) Regulations 2009](#) ("the Scottish Batteries Regs") which came into force on 14 April and 6 July respectively.

This legislation requires that, among other things, waste portable batteries and accumulators are separately collected to avoid their disposal as municipal waste. Duties of distributors and other economic operators in respect of the collection of waste portable batteries and accumulators come into effect on 1 February 2010.

Questions have been raised about the licensing requirements for points that are established for the separate collection of such batteries.

Requirement in the Directive

The Batteries Directive requires that appropriate collection schemes are in place for waste portable batteries and accumulators. It also requires that end-users are able to discard waste portable batteries or accumulators at an accessible collection point in their vicinity (having regard to population density).

Requirements in the UK Regulations

From 1 February 2010 the Batteries Regs require distributors of portable batteries to take back waste portable batteries at any place it supplies such batteries to end-users at no charge and with no obligation on the end-user to buy a new battery. This obligation does not apply to 'small distributors' (defined as retail outlets that supply less than 32kg of portable batteries to end-users in a year from each individual store).

There may also be waste portable battery collection points at other places such as community facilities and civic amenity sites.

Section 33(1)(a) and (b) of the Environmental Protection Act 1990 (as amended) provides that the deposit and/or keeping (i.e. storing) of waste requires a waste management licence. Regulation 17 of the Waste Management Licensing Regulations 1994 (as amended) allows exemptions from this requirement for a licence for certain activities in certain circumstances.

The Batteries Directive states that collection points set up to comply with its requirements shall not be subject to the registration or permit requirements of the Waste Framework Directive (2006/12/EC as amended) or the Hazardous Waste Directive (91/689/EEC as amended). To implement this exclusion, Regulation 3 of the Scottish Batteries Regs amends section 33(1) of the Environmental Protection Act 1990 to dis-apply the requirement for a waste management licence for the

deposit or keeping of a waste portable battery or accumulator at these collection points.

Licensing of Battery Collection Points

Operators of collection points that allow end users to deposit waste portable batteries and accumulators are not required to hold a waste management licence or to register an exemption for receiving and storing such waste portable batteries and accumulators. However, if such collection points also receive other types of waste for recycling, such as waste electrical and electronic equipment, they must hold an appropriate waste management licence or exemption.

Once the collected waste batteries and accumulators are moved for subsequent bulking up/ storage/ treatment (for example at distribution centres) then some form of authorisation will be needed for the site where such activities take place. Such authorisation may be in the form of an exemption under Schedule 3 to the Waste Management Licensing Regulations 1994 or a waste management licence.

Note that the requirements of the Special Waste Regulations 1996 (as amended) will apply to movements of mixed waste portable batteries and accumulators from the end-user collection points onwards. Batteries that contain lead, nickel cadmium or mercury are classed as special (i.e. hazardous) waste. Separately collected alkaline batteries and other chemistries are not special wastes. Mixtures of different types of waste portable batteries and accumulators should be treated as special waste as there may be hazardous waste batteries in the mixture.

Sources of Information

Special Waste Information:

http://www.sepa.org.uk/waste/waste_regulation/special_waste.aspx

Producer Responsibility Aspects of the Batteries Regulations:

http://www.sepa.org.uk/waste/waste_regulation/producer_responsibility/batteries.aspx.

Registration of exempt activities:

http://www.sepa.org.uk/waste/waste_regulation/application_forms/exempt_activities.aspx