



THE UK WASTE BATTERY REGULATIONS

BACKGROUND AND INTRODUCTION

On 6th September 2006 the European Parliament passed Directive 2006/66/EC on “batteries and accumulators and waste batteries and accumulators”. This set out a number of targets and other requirements which aim to increase the collection and recycling of waste batteries of all types, thereby providing further environmental protection and helping to prevent heavy metal pollution which can be caused by some batteries if not dealt with correctly.

All European member states were given until 26th September 2008 to transpose the detail of the Directive into each member’s local legislation.

The UK has transposed the European Directive by Statutory Instrument in 2 parts:-

- 1. 2008 No. 2164: The Batteries and Accumulators (Placing on the Market) Regulations 2008 – which came into force on the 26th September 2008; and**
- 2. 2009 No. 890: The Waste Batteries and Accumulators Regulations 2009 - which came into force on 6th May 2009.**

This guidance note seeks to summarise the regulations that have now been put in place in the UK, and what they mean for Producers, End Users, Compliance Schemes and the Waste Industry. Separate regulations affecting waste management will apply in Scotland, but this will not overlap or effect the UK legislation.

Note: this is a summary only, and does not go into very fine detail - we recommend you check the regulations themselves if you have any specific questions on how the Directive will affect your own situation.

THE PRINCIPLES OF THE EUROPEAN DIRECTIVE

The primary objective of the Directive is to minimise the negative impact of waste batteries and accumulators on the environment – thus it seeks mainly to prevent heavy metal and other pollution. It is not primarily a carbon reduction initiative, which came to the forefront of environmental policy some years after the Batteries Directive had begun its long and tortuous journey through the European legislative process.

The other main guiding principle of the Directive is that it is a Producer Responsibility piece of legislation, that is, any costs associated with meeting the requirements of the Directive must be met by the producers of the batteries, and it must be free of charge for end users to place their waste batteries in the system that will ensure those batteries are recycled.

The Directive sets targets in 2 categories:

- 1. for the collection volume of waste portable batteries.**
- 2. for the standard to which the collected batteries must be recycled (Recycling Efficiency). This target is different for lead acid batteries, nickel cadmium batteries, and all other batteries.**

The European Directive also classifies batteries into 3 groups:-

- Automotive Batteries
- Industrial Batteries
- Portable Batteries

each of which need to be dealt with slightly differently.



THE UK WASTE BATTERY REGULATIONS

THE UK REGULATIONS - DEFINITIONS

Automotive Battery - a battery used for automotive starter, lighting or ignition.

Industrial Battery - any battery or battery pack which is:

- designed exclusively for industrial or professional use;
- used to power an electric vehicle;
- unsealed but not automotive;
- sealed but not a portable battery.

Portable Battery - any battery or battery pack which is:

- sealed;
- can be hand-carried;
- not an automotive or industrial battery.

Producer - any person who places batteries, including those incorporated in appliances or vehicles, on the market in the UK for the first time.

THE UK REGULATIONS - PLACING ON THE MARKET

The Placing on the Market Regulations are mainly concerned with prohibitions of certain materials in batteries, and with the labelling requirements for selling new batteries.

Prohibitions on Mercury and Cadmium:

It is illegal to place on the market

- 1. any battery that contains more than 0.0005% of mercury by weight;**
- 2. a portable battery that contains more than 0.002% cadmium by weight**

There are some exceptions to these prohibitions, which include button cells containing mercury (up to 2% by weight is allowed), and also batteries containing cadmium are allowed for certain applications including emergency and alarm systems, medical equipment and cordless power tools. The Regulations also place certain labelling requirements on producers of portable batteries, and equipment should be designed so that batteries can be readily removed, but again with a number of exemptions.



THE UK WASTE BATTERY REGULATIONS

THE UK REGULATIONS - WASTE BATTERIES AND ACCUMULATORS

The UK Regulations' requirements are different for Portable, Automotive and Industrial Batteries, and so we will look at each of these battery categories separately.

PORTABLE BATTERIES - WHAT IT MEANS FOR PRODUCERS

- Producers must register, and provide sales data to the Environment Agency. They will also need to pay an annual charge.
- There is an exemption for “small producers” – these are producers who put less than 1 tonne of portable batteries on the market in a given year. Small producers still have to register, and pay a registration fee, but have no obligation to join a compliance scheme or pay towards the marketing, collection and recycling costs of waste batteries.
- Producers must join a Battery Compliance Scheme, which will be responsible for collecting, and then recycling the producers' obligated volume.

PORTABLE BATTERIES - WHAT IT MEANS FOR COMPLIANCE SCHEMES

- Compliance schemes must go through a single stage approval process (and pay an application fee plus an annual registration fee).
- Compliance schemes are required to collect batteries and get them recycled on behalf of their member producers.
- Compliance Schemes that collect in excess of their members' obligated volume will be able to trade the excess with Compliance Schemes that do not collect sufficient volume.
- The UK has set the following collection targets for producers (percentages are of the average quantity placed on the market in the current year plus the 2 previous years):
 - 2010 - 10%**
 - 2011 - 18%**
 - 2012 - 25% First target set in the European Directive**
 - 2013 - 30%**
 - 2014 - 35%**
 - 2015 - 40%**
 - 2016 - 45% Second target set in the European Directive**
- The interim targets (in 2010, 2011, 2013, 2014, 2015) are “soft”, that is, a Compliance Scheme will only be penalised (by de-registration) for drastic failure.
- Compliance Schemes are responsible for organising marketing and publicity to ensure that sufficient batteries are collect to meet their obligations. Schemes are invited by Government to work together on publicity.
- Schemes are required to collect free of charge from retailers, and retailers cannot charge Schemes for collections made from them.
- Schemes do not have to collect from local authorities, exempt retailers (those that sell less than 32kg p.a.) or other organisations that may end up with volumes of batteries, however, schemes can negotiate with these bodies to agree arrangements under which they will collect.
- Organisations, including local authorities etc. that do collect waste batteries can take them to any facility provided by a Compliance Scheme, and they must be accepted free of charge.
- A request for collection from an obligated retailer must be acknowledged within 21 days of the request. The collection does not have to be made within this time, but can be agreed between retailer and Scheme.



THE UK WASTE BATTERY REGULATIONS

- All waste batteries collected by a Scheme must be delivered to an approved battery treatment operator or approved battery exporter.
- The Recycling Efficiency targets (that is the standard to which batteries must be recycled) are as follows:-

Lead Acid Batteries	65% of the weight of batteries must be recovered as recycled material.
Nickel Cadmium Batteries	75% of the weight of batteries must be recovered as recycled material.
All other battery chemistries	50% of the weight of batteries

PORTABLE BATTERIES - WHAT IT MEANS FOR RETAILERS

- Retailers selling batteries are required to take waste batteries back free of charge from end users. This requirement started on 1st February 2010.
- Small retailers, who sell less than 32kg of batteries p.a., are exempt from the requirement to take batteries back.
- Retailers must inform end users about the possibility of take back.
- Retailers cannot oblige end users to buy a new battery when returning a used one.
- Retailers cannot charge Compliance Schemes to collect waste batteries from their premises.
- Retailers must not show the costs of collection, treatment and recycling separately to end users.

PORTABLE BATTERIES – WHAT IT MEANS FOR END USERS

- End users must be able to dispose of their waste batteries free of charge.

PORTABLE BATTERIES - WHAT IT MEANS FOR THE WASTE INDUSTRY

- The recycling of waste batteries will be monitored through the issue of “Batteries Evidence Notes”.
- Only Approved Battery Treatment Operators and Approved Battery Exporters will be able to issue Batteries Evidence Notes.
- Batteries must be treated and recycled to achieve the Recycling Efficiency standards (as detailed earlier).



THE UK WASTE BATTERY REGULATIONS

INDUSTRIAL BATTERIES

- Industrial batteries are not permitted to be disposed of through landfill or incineration.
- Producers do not have to join a compliance scheme, but must register with the Department for Business Innovation and Skills (BIS).
- There are no collection targets for Industrial batteries, but as there is a landfill and incineration ban, the collection target is effectively 100%.
- The Government recognised that with regard to Industrial batteries, a very high proportion of batteries are already collected and recycled, and they have tried to allow the current system to continue largely unaffected. Thus organisations that have waste industrial batteries can continue to deal directly with an approved battery treatment operator.
- Producers must take back, free of charge, and within a reasonable time, waste industrial batteries of any chemistry, on request from an end user when supplying new batteries.
- Producers must also publish details of how end-users should request take back of the batteries they sell.
- If the end user is unable to return waste batteries to the supplying producer (e.g. if not buying new batteries) any producer of Industrial batteries must take back the batteries if they sell batteries of the same chemistry.
- If the arrangements in the above 2 points cannot be met, the end-user is entitled to request take-back from any producer of Industrial batteries irrespective of chemistry.
- Nothing in the Regulations prevents a producer of industrial or automotive batteries from concluding an agreement under which the parties to the agreement make arrangements between themselves to finance the net costs of the collection, treatment and recycling of waste Industrial or Automotive batteries which differ from the arrangements provided for under the Regulations.
- All waste batteries returned to a producer must be delivered to an Approved Battery Treatment Operators or Approved Battery Exporters for final recycling.

AUTOMOTIVE BATTERIES

- Automotive batteries are not permitted to be disposed of through landfill or incineration.
- Producers do not have to join a compliance scheme, but must register with BIS.
- There are no collection targets for automotive batteries, but as there is a landfill and incineration ban, the collection target is effectively 100%.
- The Government recognised that with regard to Automotive batteries, a very high proportion of batteries are already collected and recycled, and they have tried to allow the current system to continue largely unaffected. Thus organisations that have waste Automotive batteries can continue to deal directly with an approved battery treatment operator.
- Producers must take back, free of charge, and within a reasonable time, waste automotive batteries of any chemistry, on request from an end user when supplying new batteries.
- Producers must also publish details of how end-users should request take back of the batteries they sell.
- Nothing in the Regulations prevents a producer of industrial or automotive batteries from concluding an agreement under which the parties to the agreement make arrangements between themselves to finance the net costs of the collection, treatment and recycling of waste Automotive or Industrial batteries which differ from the arrangements provided for under the Regulations.
- All waste batteries returned to a producer must be delivered to an Approved Battery Treatment Operators or Approved Battery Exporters for final recycling.