

Transposition of Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators, as amended by Directive 2008/12/EC

**Consultation Paper on the transposition of Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators, as amended by Directive 2008/12/EC**

**The purpose of this public consultation is to seek views and comments on the Maltese Government's preferred option for transposition of Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators, as amended by Directive 2008/12/EC, and repealing Directive 91/157/EEC**

Summary of Directive:

A proposal for a new Batteries Directive was made by the European Commission on 24 November 2003, covering all batteries and accumulators and waste batteries and accumulators. The Commission proposed that as the existing legislation covered only an estimated 7% of consumer batteries and accumulators on the EU market, all batteries and accumulators should be brought within scope, for environment and trade reasons. Following negotiation, the new Directive was adopted and published in the Official Journal of the European Communities on 6 September 2006 and came into force on 26 September 2006.

Member States were required to bring into force the laws, regulations and administrative provisions necessary to comply with the new Batteries Directive by 26 September 2008

This Directive introduced a limited range of environmental and product design requirements, including restrictions on the use of certain potentially dangerous substances, the labelling of batteries containing lead, mercury or cadmium, and the collection and recycling of those batteries, when they become waste.

The Batteries Directive applies to all types of batteries irrespective of their shape, weight, composition or use, except those used in certain military or space applications. It seeks to improve the environmental performance of batteries and of the activities of all economic operators involved in the life cycle of batteries, e.g. producers, distributors and end users and, in particular, those operators directly involved in the treatment and recycling of waste batteries.

Council Directive 2006/66/EC aims to approximate the laws of the Member States on the recycling and controlled disposal of spent batteries and accumulators by:

- Restricting the use of mercury and cadmium in batteries;
- Introducing labelling requirements for new batteries to aid consumer choice and recycling;
- Introducing a 25% collection rate for waste portable batteries to be met by September 2012, rising to 45% by September 2016;
- Prohibiting the disposal by landfill or incineration of waste industrial and automotive batteries
- Introducing "producer responsibility" obligations;
- Setting recycling efficiencies to ensure that a high proportion of the weight of waste batteries is recycled;
- Setting waste battery treatment standards

Some provisions, which fall under the remit of the Malta Standards Authority, have already been transposed under the Product Safety Act.

The Directive affects:

1. **Ministries:** Office of the Prime Minister; Ministry for Resources and Rural Affairs; Ministry of Finance, the Economy and Investment; Ministry of Gozo
2. **Local Authorities:** Malta Standards Authority; Local Councils Department
- 3a. **Industry:** Malta Chamber of Commerce, Enterprise, & Industry; General Retailers Trade Union; Malta Enterprise; Malta Business Bureau
- 3b. **Private Sector:** WasteServ Malta Ltd.

**Producers:** any person in Malta who, irrespective of the selling technique used, including by means of distance communications, places batteries or accumulators, including those incorporated into appliances or vehicles, on the market.

**Recyclers/treatment operators/temporary storage:** WasteServ; Green Skips (temporary storage)

4. **Others:**

General Public; Local Councils Association; NGOs: FOE, GreenPeace, Nature Trust, Din I-Art Helwa

This consultation is being undertaken jointly by the Office of the Prime Minister and the Malta Environment and Planning Authority.

## How to respond

The Office of the Prime Minister and the Malta Environment and Planning Authority welcomes views on the transposition set out in this consultation paper, and welcomes any responses to the specific questions set out at Section 4.

Your response must be received by 2 December 2009 and may be sent by e-mail to: [batteries@mepa.org.mt](mailto:batteries@mepa.org.mt) or by post to: MEPA, UNIT D, St. Francis Ravelin, Floriana, P.O. Box 200, Marsa, MRS 1000.

Your responses will be considered by the Office of the Prime Minister and the Malta Environment Authority, in preparing the regulations that will transpose this Directive.

## Section 1: Introduction

- 1.1 This Directive entered into force on the date of its publication in the Official Journal of the European Communities on 26 September 2006. By 26 September 2008, Member States were required to bring into force the laws, regulations and administrative provisions necessary to comply with this Directive and repealing Directive 91/157/EEC.

## Section 2: Proposal for a Directive of the European Parliament and of the Council on Waste Electrical and Electronic Equipment

5. The main amendments to the Directive 91/157/EEC were the:

- specific prohibitions which were already transposed under the Product Safety Act);
- requirement for Member States to maximise the separate collection of the batteries and accumulators and to minimize the disposal of batteries and accumulators as mixed municipal solid waste in order to achieve a high level of recycling for all waste batteries and accumulators;
- requirement for Member States to ensure that appropriate collection schemes are in place for waste portable batteries and accumulators;
- requirement for Member States to use economic instruments to promote the collection of waste batteries and accumulators or to promote the use of batteries and accumulators containing less polluting substances;
- requirement for Member States to calculate the collection rate for the first time in respect of the fifth full calendar year following the entry into force of this Directive. Member States shall achieve the following minimum collection rates:
  - (a) 25 % by 26 September 2012;
  - (b) 45 % by 26 September 2016.
- Member States shall monitor collection rates on a yearly basis according to the scheme set out in Annex I. Member States shall transmit reports to the Commission within six months of the end of the calendar year concerned. Reports shall indicate how they obtained the data necessary to calculate the collection rate;
- requirement for Member States to ensure that manufacturers design appliances in such a way that waste batteries and accumulators can be readily removed;
- requirement for Member States to ensure that, no later than 26 September 2009:
  - (a) producers or third parties set up schemes using best available techniques, in terms of the protection of health and the environment, to provide for the treatment and recycling of waste batteries and accumulators; and
  - (b) all identifiable batteries and accumulators collected in accordance with Article 8 of this Directive or with Directive 2002/96/EC undergo treatment and recycling through schemes that comply, as a minimum, with Community legislation, in particular as regards health, safety and waste management;

- encouragement for the development of new recycling and treatment technologies, and promote research into environmentally friendly and cost-effective recycling methods for all types of batteries and accumulators;
- encouragement for treatment facilities to introduce certified environmental management schemes in accordance with Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS);
- prohibition of the disposal in landfills or by incineration of waste industrial and automotive batteries and accumulators;
- requirement for Member States to ensure that producers, or third parties acting on their behalf, finance any net costs arising from:
  - (a) the collection, treatment and recycling of all waste portable batteries and accumulators collected; and
  - (b) the collection, treatment and recycling of all waste industrial and automotive batteries and accumulators collected;
- requirement for Member States to ensure that each producer is registered;
- exemption of producers which, relative to the size of the national market place very small quantities of batteries or accumulators on the national market, on the condition that this does not impede the proper functioning of the collection and recycling schemes set up;
- requirement for Member States to ensure that all economic operators and all competent public authorities may participate in the collection, treatment and recycling schemes;
- requirement for Member States to ensure, in particular through information campaigns, that end-users are fully informed of:
  - (a) the potential effects on the environment and human health of the substances used in batteries and accumulators;
  - (b) the desirability of not disposing of waste batteries and accumulators as unsorted municipal waste and of participating in their separate collection so as to facilitate treatment and recycling;
  - (c) the collection and recycling schemes available to them;
  - (d) their role in contributing to the recycling of waste batteries and accumulators;
  - (e) the meaning of the symbol of the crossed-out wheeled bin shown in Annex II of this Directive and the chemical symbols Hg, Cd and Pb.
- requirement for Member States to ensure that all batteries, accumulators and battery packs are appropriately marked with the symbol shown in Annex II of this Directive;

- requirement to send a report to the Commission on the implementation of this Directive every three years. However, the first report shall cover the period until 26 September 2012.

## Section 3: The Consultation Questions

- 4.1 Do you agree with the proposed interim collection rates and targets?
- 4.2 Should the registration form for Batteries and Accumulators be incorporated in the WEEE Registration form? What are your views?
- 4.3 Do you agree with the penalties as proposed?

## Annex A. Consultation Code of Practice

The Malta Environment and Planning Authority has adopted a Code of Practice for Public Consultation which is intended to be used for consultation on all policy, plan and programme formulation that takes place at the Malta Environment & Planning Authority

### **The Consultation Criteria**

- 1. Consult widely throughout the process.**
- 2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.**
- 3. Ensure that your consultation is clear, concise and widely accessible.**
- 4. Give feedback regarding the responses received and how the consultation process influenced the policy.**
- 5. Monitor your unit's effectiveness at consultation, including through the use of a designated consultation co-ordinator.**

The full consultation code may be viewed at: [http://www.mepa.org.mt/public\\_consultation](http://www.mepa.org.mt/public_consultation)