



GREENPEACE



**EEB / Greenpeace / WWF plenary voting recommendations
for Blokland report on
a directive on batteries and accumulators and spent batteries
and accumulators (COM(2003)723)**

VOTE 20 APRIL 2004

18 April 2004

Environmental organisations European Environmental Bureau, Greenpeace and the WWF welcome Mr Blokland's report on the Commission proposal for new directive on batteries and accumulators and spent batteries and accumulators, repealing 91/157/EEC

Marketing phase-out on batteries containing cadmium that can be substituted

The EEB, Greenpeace and WWF call for the European Parliament to **continue its good work on cadmium phase out by supporting the ban of marketing of batteries and accumulators containing more than -20 ppm of cadmium**. This is in line with the Parliaments achievements so far:

- 1) cadmium ban in new Electrical and Electronic Equipment appliances under de ROHS directive (2002/95/EC),
- 2) the NiCd ban in electric cars batteries by 2005 (ELV Directive, 2000/53/EC)

We would like to stress that, having banned the use of cadmium in WEEE and ELV, it is logical to restrict its use in the batteries product sector which accounts for use of **75% of cadmium produced in the EU**

Such a ban is necessary to reach the goals and targets of existing EU Policy. The **Water Framework Directive** lists cadmium and its compounds as one out of **10 priority hazardous substances** in Annex X, for which according to its Art.16 discharges, **emissions and losses have to cease within 20 years**. Recently the CSTEE reinforced the concern stating that more restrictions are needed to curb human exposure to the substance.

Viable alternatives for several applications, including most power tools, are already available; the main challenge to their uptake is the cheaper cadmium technology. Under the substitution principle exemptions should only be foreseen for those applications where **no substitute is technically available**. We do not believe that higher costs or some extreme temperature limitations are socially and environmentally acceptable reasons for blanket exclusions!

Therefore, the EEB, Greenpeace and WWF call on the European Parliament to vote for:

- 1) **a) A phase-out of use and marketing of batteries and accumulators containing more than 20 ppm of Cadmium,** 5 ppm Mercury and 40 ppm Lead with only those exemptions strictly necessary

Please **SUPPORT** amendment 23 (the phase-out - art.4);

Amendment 111 (specifying collection target is to be specifically achieved by NiCd batteries too - otherwise the collection target could be respected with zero NiCd batteries collected- art. 13) and

Amendments 115, 116,117, (related adjustments to statistics in Annex I)

Please **Reject** amendment 101 (additional list of exemptions to phase-out),

b) **Delete the Commission's alternative of monitoring** the MSW for NiCd batteries.

Please **SUPPORT** amendments **1** (recital 7); **26** (art.6 monitoring), **69,70** (annex I monitoring table)

c) The **Cadmium and other hazardous heavy metals from banned applications should be removed from the production cycle** into permanent storage.

Please **SUPPORT** amendments **33** (final storage in dedicated hazardous waste landfill cells - art 11 on disposal),

Please **Reject** amendment **93** (parts of or treated batteries can be landfilled – art 11)

2) A clear **priority for hazardous substance use prevention and hazardous waste prevention in objectives** of directive

Please **SUPPORT** amendment **8** (Art.1)

3) a) Introduction of **individual producer responsibility (IPR)** for batteries and accumulators (in line with the approach established in art.8 of the WEEE directive), **including the collection** of spent batteries and accumulators

Please **SUPPORT** amendment **44** (introduces date for financing art.20),
Amendment **45** (individual PR for future portable battery financing art.20),
Amendment **48** (art.22.1 on IPR guarantees), and
amendments **103 , 104** (recital 11 on historical waste collective financing and
recital 14 on IPR)

Please **Reject** amendment **48 – last part** (MS may disregard guarantee if self financing - art.22.1 guarantees),

Amendments **123, 124** (no guarantees required– art.22 and 23),
Amendment **97** (financing only 'arranged' not 'provided' - art.23), and
Amendment **122** (taxes instead of financing by producers art.20)

b) Producer responsibility should cover the most expensive part of battery collection – the end-user information campaigns

Please **SUPPORT** amendment **55** (art.25 Consumer information)

4) An **obligatory deposit system** and **facilitated end-user collection** to support ensure high levels of take back and collection of the (banned) batteries and **to address the hoarding** issue

Please **SUPPORT** amendments **110** (deposits to achieve closed loop - art.9.2 - OR as 2nd option amendment **32** – vaguer wording on deposits) and **102** (recital 10) and **105** (art.3.14 – closed loop definition) .

Also Amendments **28,29,30, 31** (facilitated collection article 9)

Amendment **113** (member States required to take measures to encourage consumers – including deposits and mechanisms of high-end user take-back convenience – such as hanging bags regularly on wheely bins art.25)

- 5) A **collection system for ALL-** batteries and accumulators **with collection targets set in terms of consumption** (by %age sales) rather than volume (grams)

Please **SUPPORT** amendment **111** (collection targets and review clause including **wording to ensure collection target is to be specifically achieved by NiCd batteries too –builds on compromise amendment 34 - art 13**) – if 111 falls, please support **71,72, and 76** as fallback.

Amendment **66** (art.29)

Amendments **73,74,75 and 115, 116,117**, (related adjustments to statistics in Annex I , and Amendments **86 and 87** (deletes derogations from collection targets art.14)

Please **reject** amendment-**119** (collection targets in grams art.13) and Amendments **35,36,37** (reinforces derogations from collection targets art.14)

- 6) **Recycling based on best available technology for health and environment** as well as efficiency

Please **SUPPORT** amendments **38 (art.15)**

Please **reject** amendment **94 and 95** (best available techniques based on ‘no excessive costs’ art. 14)

- 7) **Voluntary agreements are not acceptable basis for** achieving the objectives of this proposal , especially provisions forseen under **the waste shipment regulation**

Please **SUPPORT** amendment **114** (art.33)

- 8) **No undermining of the End-of-Life Vehicle Directive** battery provisions –

Please **reject** amendment **90, 91** (recitals 21 and 24)

- 9) **Labelling on battery performance to allow consumer choice -**

Please **SUPPORT** amendment **58**

For more information please contact

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Some detailed comments

Ban on marketing of cadmium in batteries

Several industry documents are circulating claiming that batteries and some applications such as power tools should be given a blanket exemption due to a variety of reasons – cost, temperature resistance, charge storage time and peak delivery of power.

The alternatives to NiCd batteries have now been on the market for quite some years, in most product categories, they have advantages or disadvantages compared with NiCd, depending on which producer you talk to. The fact is they have NOT globally been withdrawn, and they OR **other** alternatives still to be developed need to be promoted, including improvements if necessary. The way to do this is to send the correct political signal that use and marketing of batteries and accumulators containing more than 20 ppm of Cadmium, 5 ppm Mercury and 40 ppm Lead will be phased out and NOT to offer a blanket exemption to the category with the biggest usage of Cadmium – power tools.

Individual Producer Responsibility

Each individual economic operator should be responsible for the financing (but not necessarily operating) the costs of management of their OWN batteries in the system (the collection, recycling and treatment schemes) to ensure clarity in the transposition **into** national legislation of producer responsibilities and the possibilities for incentives to design better products (feedback of end-of-life impacts to the design phase – so called 'eco-design feedback').

Take-back and mechanisms for high collection rates– the deposit

The establishment of a high collection rate is crucial for the success of the Directive. The directive should ensure the use of instruments ensuring the highest return rate for spent batteries. Deposits have proved to be the best way to achieve high collection targets in other product categories, existing battery systems are reaching the point that they are driven to introducing financial incentives (prizes etc) in order to **get around the hoarding effect**. The hoarding effect is a considerable barrier to high collection rates and ensuring that the batteries stay out of unsorted waste. There are few other solutions available to address hoarding. Costs for such a deposit system may seem considerable but as the economic model of the study of Bio Intelligence shows¹, this is also the case with other systems if high collection rates should be reached.

Recycling –best technology for health and environment

The technology for recycling should be based on basis of the best available technology – making clear that 'best' is associated also to worker health and environmental performance. There are some recycling technologies with very poor environmental and health performance which is of great concern when handling such potentially toxic substances.

¹ “Impact assessment on selected policy options for revision of the battery directive, Bio Intelligence, July 2003)