



EEB voting recommendations on proposal for a directive on batteries and accumulators and spent batteries and accumulators (COM(2003)723)

April 2004

The EEB welcomes Mr Bloklands report on the Commission proposal for new directive proposal on batteries and accumulators and spent batteries and accumulators repealing 91/157/EEC

EEB calls 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)

It makes no sense to ban its use in WEEE and ELV and continue to support its use in the product sector which takes up **75% of cadmium use 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 Article 16 discharges, **emissions and losses have to be ceased within 20 years.** Recently the CSTEEL 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** (higher costs, some extreme temperature limitations are NOT a socially and environmentally acceptable reason for blanket exclusions!).

Therefore, the EEB calls on the European Parliament to vote for:

- 1) The **appropriate legal basis – Article 175** and clear priority to hazardous waste prevention in objectives
Please SUPPORT amendments **1,2,3,8** on recitals and preamble and **9**, 67 to article 1
- 2) **A ban** 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 amendments 56, **109 (2nd option 5, 16)**, 110,112,114,115, 117-120 on article 4.2 and amendments 49 (2nd option 247) on annex I/II – list exemptions(consolidated amendments **4 and 9** only as fallback)

Please Reject 106 –108, 111,113,116,131,132

...and reject the Commission's alternative of monitoring the of MSW for NiCd batteries.

Please SUPPORT amendment 4 (recital 7) and 19,130 (article 6 monitoring)

The Cadmium from banned applications should be removed from the production cycle into permanent storage.

Please SUPPORT amendments 105 (on 3.14 Closed loop definition), **133** (article 8 closed loop) and 142/145 (art 11 on disposal), 183 (art 15.2 Treatment operations)

- 2) Introduction of **individual producer responsibility** for batteries and accumulators (in line with the approach established in article 8 of the WEEE directive) and include the collection of spent batteries and accumulators

Please SUPPORT amendments **199,201,202** (article 20 portable battery financing), 215, 220 (article 22.1 guarantees) covered by compromise amendment 8, 58 (recital 11 historical waste)

Please Reject 6 (recital 11 historical waste), 227, 228 (article 23 historical waste) 212,213,214,216,219 (article 22.1 guarantees) covered by compromise amendment 8 and **222** (article 22.1 guarantees)

Producer responsibility should include the most expensive part of battery collection – the information campaigns

Please SUPPORT amendments 61 (recital 16) and **238** (article 25 Consumer information)

- 3) An **obligatory deposit system** to support enforce take back and collection of the (banned) batteries to address the hoarding issue

Please SUPPORT amendments 56 (recital 10) and **175** (article 14) or alternatively 139, 138 – in order of importance

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

Please SUPPORT 146, 159,168(review clause) covered by compromise amendment 6, 48 (article 29) and 248-263 (table 2 in annex 1 - statistics)

Please reject 147-157, 159-167, 169 covered by compromise amendment 6

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

Please SUPPORT amendments **177, 178**

Please reject amendment 179

- 6) **Voluntary agreements are not acceptable** basis for achieving the objectives of this proposal

Please SUPPORT amendment 31 (article 21)

- 7) **No undermining of the ELV directive** battery provisions – necessity for review is already undergoing consultation

Please reject amendment 64 (recital 21)

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 to 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.

Voluntary Agreements

Experience in Germany proves that voluntary schemes are not sufficient. The current approach, a free take-back system based on the principle of producer responsibility is only achieving a collection rate of 40%. A voluntary approach may also risk potential trade-barriers, since certain Member States may be willing to go for a more effective approach

For more information please contact

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