

Regulations on waste Batteries and Accumulators¹

Directive 2006/66/EC was implemented in Italy by Legislative Decree 20.11.2008 no. 188 .

The above regulation as of 18.12.2008 prohibits batteries and accumulators, whether or not incorporated in appliances, containing more than 0,0005 % by weight of mercury.

Concerning cadmium, portable batteries and accumulators, including those incorporated in appliances, with a cadmium content by weight of more than 0,002 % are equally prohibited .

The Directive applies to all types of batteries and accumulators, apart from those used in equipment to protect Member States' security or for military purposes, or in equipment designed to be sent into space. It therefore covers a wider range of products than Directive 91/157/EEC, which applied only to batteries containing mercury, lead or cadmium, and excluded button cells.

In addition, the waste batteries & accumulators regulation promotes a high rate of collection and recycling of waste batteries and accumulators and improvement in the environmental performance of all involved in the life-cycle of batteries and accumulators, including their recycling and disposal.

Producers albeit being individually responsible are encouraged to join collective systems for making arrangements enabling end-users to discard spent batteries and accumulators at collection points in their vicinity and have them taken back and disposed at no charge by the Producers, who must ensure that batteries and accumulators that have been collected are treated and recycled using best available TECHNIQUES. Energy recovery is not considered a recycling process.

As a minimum, treatment must include removal of all fluids and acids. Batteries and accumulators must be treated and stored (even if only temporarily) in sites with impermeable surfaces and weatherproof covering, or in suitable containers..

Collection rates of at least 25 % had to be reached by 26 September 2012 and 45 % by 26 September 2016 respectively.

According to Directive 2013/56/EU, it must be possible to remove batteries and accumulators readily and safely. Thus, appliances incorporating batteries and accumulators must be accompanied by instructions on how these can be safely removed by either the end-user or by independent qualified professionals.

The producers have to bear the cost of collecting, treating and recycling industrial, automotive and portable batteries and accumulators, as well as the costs of campaigns to inform the public of these arrangements. All producers of batteries and accumulators have to be registered.

End-users must receive information on several subjects and through different channels:

– on the potential effects on the environment and human health of the substances used in batteries and accumulators, and on the collection and recycling arrangements at their disposal, through campaigns or directly by distributors;

ALLEGATO 4

- on the capacity of the accumulator or the portable battery or – on the presence of chemicals above a certain threshold, information will be given using visible, legible and indelible markings on batteries, accumulators and battery packs;
- on the need to ensure separate collection for batteries or accumulators, the symbol of the crossed-out wheeled bin is to be used.

It should be noted that in accordance with Directive 2013/56/EU, aimed at clarifying the previous regulations, “*Producers of batteries and accumulators shall only need to register once in the Member State where they place batteries and accumulators for the first time on a professional basis....*” (Directive 2013/56/EU, Annex IV). However to date this provision does not seem to be applicable at all .

Given the above, the Italian legislation (D. Lgs. 188/2008, Annex III) states that the Producer established in another Member State or in a third Country (without any distinction in this respect) “.... *shall register in the National WEEE Register through a representative in Italy responsible for fulfilling the obligations*” set out by the legislation in question .

Eco Legal Counsel currently acts as the Waste Batteries Representative in Italy for producers established in another Member State or in a third Country and ERION Energy take care of all obligation placed on producers by the said waste batteries & accumulators legislation.

1 Largely taken from : <http://eur-lex.europa.eu/legal-content/IT/TXT/HTML/?uri=LEGISSUM:l21202&from=EN>