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The revision of the Battery Directive

General remarks

The CEMR welcomes the underlying principal with the forthcoming revision of the Battery Directive, which is to collect all batteries and accumulators to ensure that the ones containing hazardous substances are under control. Experiences have shown that it is difficult for consumers to identify the harmful batteries from the others. Therefore only a comprehensive system will allow minimising the health and environmental hazards related to batteries and accumulators. The initiative can thus contribute to the achievement of the objective of the 6th EAP of reducing the generation of hazardous waste. For that purpose and where feasible, the establishment of closed-loop systems should be required and specific measures must be adopted for the management of spent batteries and accumulators containing cadmium. The CEMR will also welcome the establishment of labelling requirements clearly indicating the content of heavy metals.

In line with the latest developments of Community waste policies, an extended producer responsibility should provide with the financing of the costs related to the collection and the recycling of all spent batteries and accumulators. According to industry, the life span of certain types of batteries and accumulators is as long as 10-15 years. The CEMR has the view that deposit schemes would therefore not be appropriate. Other economic instruments such as eco-tax or collection bonus might prove better adapted to on the one hand establish the financing of the collection and recycling of spent batteries and accumulators and on the other hand to provide incentives ensuring high collection rates.

The decade during which this revision of the Batteries Directive has been under consideration has not seen any clear proposals for the introduction of voluntary agreements that sufficiently tackle the scale of the problem of disposal. On the contrary all stakeholders have been able to witness the successful efforts expended by producers to delay the adoption of legislative measures. The CEMR encourages the Commission to adapt legally binding measures at Community level to regulate the management of this problematic waste stream.

Specific remarks

1. Collection targets:

The calculation method of the collection targets for all spent batteries and accumulators other than those containing cadmium should be based on annual sales and establish targets per weight.

a. A collection target for all spent batteries and accumulators can be established reflecting on results achieved so far by the systems in place in Member States. The Belgian BEBAT system has achieved a collection rate of 68% before the entry in force of the End-of-life Vehicle and the Waste Electric and Electronic Equipment Directives. These two directives establish collection and dismantling requirements that will allow for even higher collection rates.

The Community should thus establish collection targets that are at the same time ambitious and feasible. This is why the CEMR will favour an overall collection target in the range 70%-80%.

b. The establishment of a closed-loop system for the automotive batteries and accumulators is not only feasible but it can also ensure a collection of these products in the range 90%-100%

c. Due to the varying life span of batteries and accumulators containing cadmium, the method adopted to calculate the quantities that can potentially be collected will be determining. In designing the calculation method, the Commission should pay particular attention to the availability and reliability of data and to the choice of the reference year. The calculation method for the collection targets for this type of batteries and accumulators could build on a combination of annual sales and a mass-flow analysis.

2. Recycling targets:

The establishment of overall recycling targets for all spent batteries and accumulators should take into consideration the fact that manganese and electrolyte represent a substantial share of the material in a wide range of products. Therefore the CEMR will favour overall recycling targets in the range 55%-65%.

Concerning spent automotive batteries and accumulators, which are primarily lead-acid accumulators, a recycling target in the range of 60%-70% would reflect the composition of the products and the available recycling techniques. Provisions for the adaptation of the recycling targets to technological progress should be included in the proposal.

The recycling of cadmium containing batteries and accumulators is a key environmental issue in the revision of the battery directives. One should mention here that these products represent 80% of the amount of cadmium used in the EU. A recycling rate in the range 80%-90% is achievable and should therefore be established at Community level. Concerning the cadmium recovered from spent batteries and accumulators containing cadmium, it should be noted that the electrodes can be 100% recovered and that a distillation process allows for a 100% recycling of the cadmium. The CEMR will therefore support the establishment of a complementary target for cadmium.

Establishing collection and recycling targets is one way to address the environmental and health issues of batteries and accumulators. But it only provides end-of-pipe solutions. Another instrument will be to promote the substitution of products that are potentially hazardous in their waste phase with other products that are less harmful. Substantial progresses have been achieved in the latest years that allow for the competitive production of substitutes to NiCd batteries and accumulators for most applications. The CEMR acknowledges that the introduction of a general ban on the use of cadmium in batteries and accumulators might prove difficult to gather the necessary political support. The CEMR will therefore advocate for the establishment of a positive list of applications for which the use of cadmium is banned. This list will include all the applications where competitive substitutes are available.