

Questions & Answers – Batteries Regulations

May 2009

Here are the answers to a range of questions you may have, depending on how you might be affected by the batteries regulations. For example, you could:

- 1) **put batteries onto the UK market**
- 2) **deal with used batteries**
- 3) **use batteries and want to know what you will be able to do with them.**

If you have a question that is not answered here, please visit www.defra.gov.uk or www.berr.gov.uk (type 'batteries' in the search box).

Please note, for ease of reference, the word batteries in this document refers to both portable batteries *and* accumulators (rechargeable batteries).

1) If you put batteries on the UK market

How do I know if I am affected by the batteries regulations?

The regulations affect different groups of people in different ways. Depending on the nature of your business, you will either be classed as a **producer** or a **distributor**.

- A **producer** is someone who puts batteries, or products *containing* batteries, onto the UK market for the first time. This includes batteries incorporated into appliances or vehicles. It generally means that you have not bought them from another UK supplier. You must also have a physical presence in the UK, such as a UK office, trading arm, or Post Office box.
- A **distributor** is defined as someone that supplies batteries from the UK, or products containing batteries, on a professional basis to an end user.

It is possible that you are both a producer and a distributor if you buy and sell batteries, or products containing batteries, from either the UK or from abroad. If this is the case, you will need to comply with the obligations for both categories.

I'm not a producer or distributor, but I export batteries for treatment/recovery abroad. Am I affected?

Yes. You will need to demonstrate that this will be done to equivalent UK standards in the country you are sending them to. You must also ensure that you export in accordance with the international waste shipments regulations. Details of these can be found at

www.environment-agency.gov.uk/waste. Please read the [questions in section 2](#) for people who deal with used batteries.

I am a producer of industrial or automotive batteries. Am I affected?

Yes. If you produce automotive or industrial batteries you must contact the [Department for Business Enterprise and Regulatory Reform \(BERR\)](#) for information on how to comply under the regulations. Your role under the End of Life Vehicle Regulations will not change and you will need to ensure you comply with both sets of regulations.

What types of batteries are affected?

All types of batteries and accumulators are affected.

How do I know if my batteries are portable, industrial or automotive?

Automotive batteries are:

- used for starting or the ignition of a vehicle engine or for powering the lights of a vehicle.

Industrial batteries are:

- designed entirely for industrial or professional uses;
- used for powering electric vehicles;
- unsealed but not automotive; or
- sealed but not portable.

Portable batteries are:

- sealed;
- capable of being hand-carried by the average person without difficulty;
- not automotive or industrial; and
- available for purchase to all end users (the general public).

Portable batteries include AAA cells, through mobile phone batteries to button cells used in hearing aids and watches.

What do I have to do as a producer of portable batteries/accumulators?

There are two types of producer, large and small. It depends on whether you place more or less than one tonne of portable batteries on the UK market per year.

You are a **large producer** if you place more than one tonne of portable batteries on the UK market each year. You will have to pay for the collection, treatment, recycling and disposal of waste batteries in proportion to your market share. You will do this by joining a Battery Compliance Scheme (BCS). The BCS will arrange for the collection, treatment and recycling of waste batteries on your behalf. It will also register you with the relevant environment agency. You must register with a BCS by 15 October 09. If you do not become a producer until after 15 Oct 09 you must register with a scheme within 28 days of the date when you first placed batteries on the market.

You are a **small producer** if you place one tonne or less of portable batteries on the UK market each year. You will not have to pay for the collection and treatment of waste portable batteries but you will still have to register yourself directly with your local environment agency. You must do this by 31 October 09.

All producers must provide data on the amount and weight of batteries they place on the market from 5 May 2009 when the regulations came into force. You won't need to supply this information until January 2010 but you will need to ensure your records go back to this date.

Separate regulations mean that you also have to make sure the batteries you place on the market do not contain too much cadmium or mercury and that they are properly labelled (see information at www.berr.gov.uk).

What do I have to do as a distributor of portable batteries/accumulators?

From 1 February 2010 distributors of batteries will have to take back portable batteries from any member of the public who has some to dispose of. There will be an exemption from this requirement for distributors who sell less than 32 kg of portable batteries each year.

How much will it cost me to comply with the directive?

It will be up to each compliance scheme to decide what they will charge their members to fulfil their obligations. We will charge Battery Compliance Schemes an annual subsistence charge plus an element for each member. How they pass this on to members will be a matter for them. However, as with the [WEEE \(Waste Electrical and Electronic Equipment\) Directive](#), the amount that the producers have to pay the scheme will be a combination of charges. These include a membership fee (the scheme's own admin costs), our subsistence charges and the costs of collecting, treating and recycling batteries on behalf of the member.

Small producers (those who place less than one tonne of portable batteries on the UK market each year) do not have to join a scheme and will not have to pay these charges. They only need to register once with the relevant environment agency, which will charge them approximately £30 a year to cover the costs of regulation.

Which environment agency covers my business?

If your company is registered in, or has its principal place of business in, England or Wales, it is the [Environment Agency](#).

If it is in Scotland then it is the [Scottish Environmental Protection Agency](#) (SEPA).

If it is in Northern Ireland, it is the [Northern Ireland Environment Agency](#) (NIEA).

Why do small producers need to register and pay if they are not responsible for the treatment and recycling of the batteries they place on the market?

The regulators (which include the Environment Agency) need to know how many batteries are being put on the market collectively to calculate if we are meeting targets. We therefore need both small and large producers to tell us how much they are putting on the market. We need to charge small producers a small fee to cover administration.

Will businesses that only place a small amount of batteries onto the market have to comply?

All producers of batteries will have to register with their environment agency and provide sales data. Only those who place more than one tonne of portable batteries on the UK market each year will have to join a compliance scheme and contribute towards the cost of collecting, treating, recycling and disposing of batteries.

Distributors which sell more than 32 kg of portable batteries each year will have to provide in-store take-back.

I am part of an international company, selling batteries in several EU countries. Do I have to register in every country as a producer?

Yes. Producers are required to register in every EU member state in which they operate and place batteries onto the market for the first time. You will need to contact the relevant government department to find out what you need to do in each country.

Who runs battery compliance schemes?

Those wishing to become a Battery Compliance Scheme must apply to the relevant environment agency by the end of May 2009. We will publish a list of all UK applicants on our website in June, and the final list of approved applicants in September.

How will compliance schemes work?

Battery Compliance Schemes will discharge the responsibilities of large producers of portable batteries (those placing more than one tonne of portable batteries on the UK market each year). They will have to register their members and provide the necessary data in the correct format. They must also set up systems to meet members' obligations for collecting, treating, recycling and, if need be, disposing of waste batteries. They will have to undertake publicity campaigns both to raise awareness of the need to recycle batteries and to publicise their own collection arrangements.

When did the regulations come into force?

The regulations came into force on 5 May 2009. Prospective compliance schemes must apply to the relevant environment agency for approval by 31 May. Large producers of portable batteries (those who place more than one tonne onto the UK market each year) must join an approved compliance scheme by 15 October 2009. Small producers of portable batteries and producers of industrial and/or automotive batteries must register with the relevant environment agency by 31 October 2009.

All producers of batteries must record the amount of batteries they place on the market from 5 May 2009 onwards.

Distributors who sell more than 32 kg of portable batteries each year must offer in-store take-back of waste portable batteries from 1 February 2010.

What are the labelling requirements for new batteries?

The Government introduced regulations on this aspect of the directive in September 2008. (details at www.berr.gov.uk). They have since announced that these regulations will be enforced by the National Weights and Measures Laboratory (NWML).

What are the existing requirements for collection of batteries?

There are no national requirements for the collection of batteries, other than compliance with existing regulations such as environmental permitting and hazardous waste. Some local authorities already make arrangements for separate collection of batteries and in some areas there are other collection arrangements, but participation in these schemes is voluntary.

Is there enough capacity in the UK to deal with all the batteries that will need to be treated because of the new regulations?

There is currently little or no treatment capacity for waste portable batteries in the UK, but there is spare capacity in Europe. However, we believe that there will be a business opportunity for a business (or businesses) to provide additional capacity in the UK as demand picks up and we do not therefore see this as a constraining issue.

2) If you deal with used batteries

I already collect waste portable batteries. What do the regulations mean for me?

From 1 January 2010, all battery [compliance schemes](#) will be under an obligation to provide facilities to accept batteries from 'economic operators'. This includes collectors. If you hand over your batteries to a scheme under this provision, the scheme will have to meet the costs of treating and recycling the batteries but you must still pay to collect and transport them to the scheme's facility.

A number of organisations already have systems in place for collecting waste portable batteries. In most cases, however, the cost of collection, treatment and recycling has to be paid for by whoever organises the collection. From the start of 2010, Battery Compliance Schemes will have to meet tougher targets for collecting batteries, so they may be interested in working with you to meet the full costs of your scheme in return for your batteries.

In either case, if you want to take advantage of these arrangements you will need to talk to one or more of the compliance schemes once they have been approved. A list will be published on our [website](#) in September.

I already collect waste industrial and/or automotive batteries. What do the regulations mean for me?

We believe that the vast majority of industrial and automotive batteries are already collected and recycled because it is cost effective to do so. The regulations are designed to underpin these existing collection arrangements rather than replace them. They provide a safety net should the cost of collection, treatment and recycling ever outweigh the value of the recycled products.

However, the regulations require that all industrial and automotive batteries must be treated by an Approved Battery Treatment Operator or exported for treatment by an Approved Battery Exporter. You will therefore need to check that the person to whom you are handing your waste batteries for treatment or export has been properly approved. Note that this approval is in addition to any environmental permit that may be required for their site. The environment agencies will receive and determine applications for approval from treatment operators and exporters later this year, and in September will publish a list of those who have been approved.

My business uses batteries and therefore has to get rid of them. How does this affect me?

Please see question in [section three](#).

I export batteries for treatment/recovery abroad. Am I affected?

Yes. You will need to demonstrate that this will be done to equivalent UK standards in the country you are sending them to. You must also ensure that you export in accordance with the International Shipments of Waste Regulations. You can find details at www.environment-agency.gov.uk/waste

Do I need a permit, or exemption from holding a permit, to store waste batteries?

If you are a distributor, you will not need a permit if you provide in-store take-back. This exemption covers the storage of waste portable batteries at a collection point. We expect the current [waste exemptions review](#) to result in similar exemptions for other collection points, but this is unlikely to happen before 2010. Until then, we have decided that storing small quantities of waste batteries is low risk. We will not, therefore, insist on an environmental permit, as long as you comply with our requirements. Other activities, such as bulking-up sites and treatment facilities, currently require permits. You can apply for a permit by contacting the [relevant environment agency](#).

I export new batteries from the UK. How does this affect me?

If you export new batteries you have no obligations in the UK, but the Batteries Directive applies in all [EU member states](#). So if you export to any of these countries you will need to comply with the local requirements.

What is an Approved Battery Treatment Operator (ABTO)?

An ABTO treats batteries and then reports it to the compliance schemes. In effect they act as contractors to compliance schemes and do the treatment work on their behalf.

How do I become an Approved Battery Treatment Operator (ABTO)?

The procedure is set out in the regulations. It is very similar to the existing process for getting approval as an [Approved Authorised Treatment Facility](#) under the WEEE Regulations. We will publish detailed guidance on how to make an application in time for applications to be submitted and determined before the start of the first compliance period (1 January 2010).

Who is responsible for issuing evidence that batteries have been treated?

Evidence can only be issued by Approved Battery Treatment Operators (ABTOs) or by an Approved Battery Exporter (ABE). ABTOs and ABEs will have to show that all collected batteries they receive are subsequently treated and recycled, in accordance with the requirements of the regulations.

How do Approved Battery Treatment Operators and Approved Battery Exporters issue evidence?

Each scheme will issue evidence on the basis of quantities of batteries delivered to Approved Battery Exporters and/or Approved Battery Treatment Operators. These bodies will then be responsible for ensuring that the collected batteries are treated and recycled in line with the Batteries Directive

What are the requirements for treatment and recycling?

All batteries collected by battery compliance schemes must be treated and recycled in line with the directive's requirements. Approved Battery Treatment Operators will need to be able to demonstrate that they meet these standards. They will do this by keeping an audit trail and appropriate records.

Where can I get more information about the recycling efficiency targets of the Batteries Directive?

The main recycling efficiency targets are to recover 65 per cent of lead-acid batteries, 75 per cent of nickel cadmium batteries and 50 per cent of all other types (which is the majority of portable batteries). The recovered material can then be used for any number of purposes – it doesn't have to be for batteries.

The European Commission is currently studying the best ways to calculate these efficiencies. Once they decide they will be applied to all portable batteries. The results of the study will be available later in 2009.

How do I get approval from the relevant environment agency as an ABTO or exporter?

See 'How do I become an Approved Battery Treatment Operator' above.

3) If you use batteries

I am a member of the public. Does this affect me?

Members of the public will be encouraged to keep batteries separate from other waste and to take advantage of whatever collection arrangements are available locally. More information about how to do this will be available once Battery Compliance Schemes have been approved and start to operate in the latter half of 2009.

What can I do with my used batteries?

You should no longer simply throw them away, but take advantage of one of the (free) take-back systems that will be available to you as a result of these new regulations.

You can visit www.recycle-more.co.uk/banklocator/banklocator.aspx for information on recycling facilities, or contact your local authority. Once Battery Compliance Schemes have been approved and have started to operate, they will provide information on new facilities. This will include free drop-off points in shops that sell batteries, as well as other local recycling points.

I am a business using batteries and therefore disposing of them. What should I do?

If you are a [distributor](#) you can ask an approved Battery Compliance Scheme to collect waste portable batteries from you, free of charge. Schemes must provide a network of facilities where economic operators and waste collection authorities can take their waste batteries free of charge.

If you aren't a distributor but simply a business that uses batteries in its work and would like to recycle them, it might be a good idea to talk to one of the compliance schemes once they are up and running. They may be interested in collecting your batteries, although they are under no obligation to do so. Alternatively, you can contact your local council to see if there is an amenity site or facility near you that can dispose of your used batteries. Or talk to a waste management company licensed to collect batteries.

4) Other questions

Why do we need to recycle portable batteries, and why don't we already do so?

Some batteries contain heavy metals (such as lead, mercury or cadmium). The UK currently collects a very limited number of batteries for recycling and the majority end up in landfill where the chemicals they contain may leach into the ground, polluting soil and water.

Due to their low residual value and the traditionally low cost of landfill, only about three per cent of UK portable batteries are collected and recycled.

What is the role of the Environment Agency?

The Environment Agency, along with its counterparts in Northern Ireland (NIEA) and Scotland (SEPA) will be responsible for:

- approving and regulating Battery Compliance Schemes;
- registering producers;
- approving battery treatment operators and battery exporters;
- processing data, publishing information and reporting to government.

This is in addition to our role in regulating activities connected with collecting and treating batteries under existing environmental regulations (for example environmental permitting and hazardous waste).

Overall implementation of the Batteries Directive in the UK falls jointly to BERR and Defra – BERR for automotive/industrial batteries and single market provisions, and Defra for portable batteries provisions.