

Management of Batteries and Accumulators Regulations 2008

Regulations of the Minister of Housing, Spatial Planning and the Environment, dated , no. K&K 2008088170, establishing rules on the waste management and use of certain hazardous substances in batteries and accumulators (Management of Batteries and Accumulators Regulations 2008)

The Minister of Housing, Spatial Planning and the Environment,

Having regard to Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ L 266) and Sections 9.2.2.1, 10.15 to 10.18 and 21.6, subsection 6 of the Environmental Management Act;

Decrees:

§1. Definitions and scope

Article 1

For the purposes of these Regulations, the following definitions shall apply:

- a. battery: source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells or one or more secondary battery cells;
- b. accumulator: source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells or one or more secondary battery cells;
- c. battery pack: set of batteries or accumulators that are connected together or encapsulated within an outer casing that forms one complete unit and that is not intended to be split up or opened by the end user;
- d. portable battery or accumulator: battery or accumulator that:
 - 1. is sealed,
 - 2. can be hand-carried, and
 - 3. is not an industrial battery or accumulator or an automotive battery or accumulator;
- e. industrial battery or accumulator: battery or accumulator designed exclusively for industrial or professional uses or used in an electric vehicle;
- f. automotive battery or accumulator: battery or accumulator used for starting, lighting or ignition power of a vehicle that is not an electric vehicle;
- g. appliance: electrical or electronic equipment as defined in Article 1, paragraph 1, part d of the Waste Electrical and Electronic Equipment Decree, which is capable of being partly or fully powered by a battery or an accumulator;

- h. placing on the market: supplying or making available, whether in return for payment or free of charge, to a third party in the Netherlands;
- i. manufacturer: any person who manufactures a battery or accumulator;
- j. producer: any person who, irrespective of the selling technique used, places batteries or accumulators, including those incorporated into appliances or vehicles, on the market for the first time on a professional basis;
- k. distributor: any person who provides batteries or accumulators on a professional basis to an end-user;
- l. waste batteries or accumulators: batteries or accumulators which are waste;
- m. collection rate: the percentage obtained by dividing the weight of the waste portable batteries and accumulators which the producer placed on the market and which were collected or picked up in a particular calendar year in accordance with Article 5, paragraphs 1 and 4, multiplied by three, divided by the weight of all portable batteries and accumulators that the producer placed on the market during that calendar year and the preceding two calendar years;
- n. reuse as material: after processing or treatment, reuse of materials either for their original purpose or for another purpose, but excluding energy recovery;
- o. treatment: any activity carried out on waste batteries and accumulators after they have been handed over to an establishment for sorting, preparation for reuse as material or preparation for disposal;
- p. Directive 2006/66/EC: Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ L 266).

Article 2

These Regulations shall not apply to batteries and accumulators that are used in:

- a. equipment connected with the protection of the essential security interests of the Netherlands or one of the other Member States of the European Union, arms, munitions and war material, with the exclusion of products that are not intended for specifically military purposes;
- b. equipment designed to be sent into space.

§ 2. Design and manufacture of batteries and accumulators

Article 3

Manufacturers of batteries and accumulators shall take measures:

- a. to reduce the environmental harm caused by batteries and accumulators throughout their entire life cycle;
- b. to promote the development and placing on the market of batteries and accumulators:
 - 1. with as small a quantity as possible of substances that are harmful to human health or the environment,
 - 2. with substances that cause as little harm as possible to human health or the environment.

Article 4

- 1. It is prohibited to make available:
 - a. batteries and accumulators containing more than 0.0005 % of mercury by weight,

- b. portable batteries and accumulators containing more than 0.002 % of cadmium by weight,
to a third party within the European Community, including import into the customs territory of the Community.
- 2. Paragraph 1, part a, shall not apply to round portable batteries or accumulators whose diameter is greater than their height and have a maximum mercury content of 2 % by weight and are used for special purposes.
- 3. Paragraph 1, part b, shall not apply to portable batteries and accumulators that are intended for use in:
 - a. emergency and alarm systems, including emergency lighting;
 - b. medical equipment; or
 - c. any hand held appliance powered by a battery or accumulator and intended for maintenance, construction or gardening activities.
- 4. Paragraph 1 shall not apply to batteries and accumulators made available to a third party within the European Community, including import into the customs territory of the Community, before 26 September 2008.

§ 3. Collection, treatment, reuse as material and other waste management

Article 5

- 1. The producer of portable batteries or accumulators shall ensure that there is a collection scheme in place that enables end-users to at least discard the portable batteries and accumulators placed on the market by the producer free of charge at a sufficiently accessible collection point in the Netherlands in their vicinity.
- 2. In implementing paragraph 1, a producer shall take population density into account.
- 3. The distributor of portable batteries or accumulators shall be required to:
 - a. take back waste portable batteries or accumulators at no charge from the end-users at the place where the batteries or accumulators are made available or in the vicinity thereof;
 - b. return the waste portable batteries and accumulators taken back in accordance with part a to the producer who placed the batteries and accumulators on the market.
- 4. The portable batteries and accumulators taken back by the distributor in accordance with paragraph 3, part a, shall be collected from the distributor by the producer who placed the batteries or accumulators on the market.
- 5. The producer of industrial batteries and accumulators shall be required to take back waste industrial batteries and accumulators from the end-users.
- 6. The producer of automotive batteries or accumulators shall ensure that a collection scheme is in place that at least enables the waste automotive batteries or accumulators he placed on the market to be collected from the end-users in the Netherlands or from an accessible collection point in their vicinity.
- 7. The collection, referred to in paragraph 6, of automotive batteries or accumulators for private, non-commercial vehicles shall be free of charge.

Article 6

- 1. The producer of portable batteries or accumulators shall ensure that he achieves a minimum collection rate of 25 % per annum.
- 2. The collection rate referred to in paragraph 1 shall be calculated in accordance with the scheme set out in Annex I to Directive 2006/66/EC.

Article 7

1. The producer shall ensure that:
 - a. there is a system in place for the treatment and reuse as material of waste batteries and accumulators;
 - b. all batteries or accumulators collected or taken back by him in accordance with Article 5, paragraphs 1, 5 and 6, are treated and reused as material;
 - c. the portable batteries or accumulators collected from the distributor in accordance with Article 5, paragraph 4, are treated and reused as material;
 - d. the best available techniques for protecting human health and the environment are used during treatment or reuse as material;
 - e. treatment takes place in accordance with Annex III, Part A, of Directive 2006/66/EC;
 - f. reuse as material takes place in accordance with Annex III, Part B, of Directive 2006/66/EC.
2. In order to comply with paragraph 1, part f, waste batteries and accumulators exported to countries outside the European Community shall not be counted, with the exception of batteries and accumulators whose producer can demonstrate that the reuse as material has taken place in circumstances equivalent to the requirements referred to in Annex III, Part B of Directive 2006/66/EC.

Article 8

The producer shall ensure that his actions implementing Articles 5 and 7 do not cause barriers to trade or distortions of competition.

§ 4. Labelling

Article 9

1. Batteries, accumulators and battery packs shall be marked with the symbol referred to in Annex II of Directive 2006/66/EC.
2. The symbol referred to in paragraph 1 shall cover an area of 3 % of the area of the largest side of the battery, accumulator or battery pack and, in the case of a round battery or accumulator, 1.5 % of the area of the battery or the accumulator. The maximum size of the symbol shall be 5 × 5 cm.
3. If the area of the symbol referred to in Paragraph 1 is less than 0.5 × 0.5 cm, the symbol shall be printed on the packaging. The symbol on the packaging shall measure at least 1 × 1 cm.
4. Batteries and accumulators shall be marked with a chemical symbol if the battery or accumulator contains more than 0.0005 % of mercury by weight, more than 0.002 % of cadmium by weight or more than 0.004 % of lead by weight.
5. The chemical symbol referred to in paragraph 4 is:
 - a. Hg for mercury,
 - b. Cd for cadmium,
 - c. Pb for lead.
6. The chemical symbol referred to in Paragraph 4 shall be printed beneath the symbol referred to in Paragraph 1 and shall cover an area of at least one-quarter of the size of the symbol referred to in Paragraph 1.

7. The capacity of batteries and accumulators, with the exception of industrial batteries or accumulators, shall be indicated on them.

8. The symbol referred to in Paragraph 1, the chemical symbol referred to in Paragraph 4 and the capacity referred to in Paragraph 7 shall be indicated on them in a clearly visible, clearly legible and indelible form.

9. To the extent that they relate to the chemical symbol, Paragraphs 1 to 6 and 8 shall not apply to batteries and accumulators made available to a third party within the European Community, including import into the customs territory of the Community, before 26 September 2008.

10. To the extent that they relate to the capacity, Paragraphs 7 and 8 shall not apply to batteries and accumulators made available to a third party within the European Community, including import into the customs territory of the Community, before 26 September 2009.

§ 5. Information

Article 10

1. The producer shall ensure that the end-users of batteries and accumulators are fully informed of:

- a. the potential effects on human health and the environment of the substances used in batteries and accumulators;
- b. the desirability of not disposing of batteries and accumulators as household waste;
- c. the importance of the separate collection of batteries and accumulators;
- d. the way in which the producer meets the obligations referred to in Article 5, paragraphs 1, 5 and 6, and Article 7, paragraph 1, part a;
- e. the meaning of the symbols referred to in Article 9.

2. The distributor of portable batteries or accumulators shall inform the end-user about facilities for the collection of waste portable batteries or accumulators at the place where the batteries or accumulators are made available or in the vicinity thereof.

§ 6. Financing

Article 11

1. The producer shall finance all costs associated with the implementation of Articles 5, 7 and 10.

2. In derogation from paragraph 1, the producer referred to in Article 1, paragraph 1, part j of the WEEE Management Regulations shall not finance the costs of a battery or accumulator incorporated into an appliance if the producer has financed the costs associated with that battery or accumulator in implementation of Article 11, paragraph 1, or Article 12, paragraph 1 of those regulations.

3. In derogation from paragraph 1, the producer or importer referred to in Article 1, part c, or part d of the Management of End-of-life Vehicles Decree shall not finance the costs of a battery or accumulator that is present in an end-of-life vehicle as referred to in Article 1, part b of the Management of End-of-life Vehicles Decree if the producer or importer has financed the costs associated with that battery or accumulator in implementation of Article 8, parts a and b of that decree.

4. The costs referred to in paragraph 1 shall not be shown separately to the end-user at the time of sale of new portable batteries or accumulators.

§ 7. Registration and reporting

Article 12

The producer shall register with Our Minister. This requirement will be met when the producer has submitted a notification to Our Minister as referred to in Article 2, paragraph 1 of the Management of Batteries and Accumulators Decree 2008.

Article 13

1. Before 1 August of the year following the year in which these regulations enter into force, and thereafter before 1 August every year, the manufacturer or producer shall submit to Our Minister a report on the implementation of Articles 3, 6, 7, 10 and 11 in the previous calendar year and on the quantity of batteries and accumulators he placed on the market.
2. When submitting a report as referred to in paragraph 1, the manufacturer or producer shall make use of the form in the Annex to these Regulations.

§ 8. Amendment and repeal of other regulations

Article 14

After Article 13 of the WEEE Management Regulations, an article shall be inserted which shall read as follows:

Article 13a

1. It is prohibited to import, to keep available for sale, to supply to others or to export electrical and electronic equipment if the incorporated batteries and accumulators cannot be readily removed from the equipment.
2. Instructions provided with the equipment shall:
 - a. describe the method by which the batteries and accumulators can be removed from the electrical and electronic equipment;
 - b. provide information on the type of battery or accumulator incorporated into the electrical and electronic equipment.
3. A producer or distributor shall provide instructions that comply with paragraph 2 with the electrical and electronic equipment into which batteries or accumulators have been incorporated.
4. Paragraphs 1 and 2 shall not apply where continuity of power supply is necessary and requires a permanent connection between the electrical and electronic equipment and the battery or accumulator for:
 - a. safety and performance;
 - b. medical reasons;
 - c. data integrity reasons.

Article 15

Article 4, paragraph a, part 1 of the Notification of Commercial Waste and Hazardous Waste Regulations shall read as follows:

1. Batteries and accumulators as referred to in Article 1, parts a and b of the Management of Batteries and Accumulators Regulations 2008.

Article 16

The Further Rules on the Designation of Batteries and Accumulators Containing Mercury, Cadmium or Lead shall be repealed.

§ 9. Final provisions

Article 17

For the purposes of these Regulations, an amendment to any of the Annexes to Directive 2006/66/EC shall take effect from the day on which that amendment is required to have been implemented, unless a different date is established by ministerial decree published in the Netherlands Government Gazette.

Article 18

With effect from 26 September 2016, in Article 6, paragraph 1 “25” shall be substituted by: 45.

Article 19

1. These Regulations shall enter into force on 26 September 2008.
2. In derogation from paragraph 1:
 - a. Articles 7, paragraph 1, parts a, d and e, and 9, paragraphs 7 and 10 shall enter into force on 26 September 2009;
 - b. Article 7, paragraph 1, part f and paragraph 2 shall enter into force on 26 September 2011;
 - c. Article 6 shall enter into force on 26 September 2012.

Article 20

These Regulations may be cited as: Management of Batteries and Accumulators Regulations 2008.

These Regulations, together with their explanatory notes, shall be published in the Netherlands Government Gazette.

The Hague,

The Minister of Housing,
Spatial Planning and the Environment,

Annex to Article 13

Reporting Form

Pursuant to Article 13 of the Management of Batteries and Accumulators Regulations 2008, you are required to provide information on the results of the implementation of Articles 3, 6, 7, 10 and 11 as well as on the quantity of batteries and accumulators you placed on the market in the Netherlands in the year concerned. This form has been produced for that purpose.

The questions on this form should be answered as fully as possible. You must be able to substantiate the quantitative data provided in this report with verifiable data such as annual reports of companies or waste processors. You may also enclose documents in substantiation of your report.

The report may also be submitted jointly by several producers and/or manufacturers, e.g. through a collective implementing body which will then submit the report on behalf of its members. However, by doing so the obligations arising from the Management of Batteries and Accumulators Regulations 2008 will not be transferred to a collective implementing body but will remain with the individual producers and manufacturers.

The completed form should be sent to SenterNovem, Uitvoering afvalbeheer / PBA, Postbus 93144, 2509 AC The Hague. You can also obtain a digital version of the form via www.uitvoeringafvalbeheer.nl. (via *Wetten en regels*; *Productbesluiten*). The completed form must be signed. Once it is signed, a downloaded form can be sent by post or emailed as a scanned document. The email address is besluiten@senternovem.nl.

A. Details of the company or collective implementing body

Name of company / collective	
Postal address / Postcode / Town/City	
Telephone number	
Fax number	
Email address	
Chamber of Commerce registration no.	
SenterNovem case number (if known)	
Name of contact	
Telephone number of contact	
Name of signatory	
Position of signatory	
Date of signature	
Signature	

B. General questions

1a. To which year does this report relate, or, if the report does not relate to the whole year, to which period of that year?

Note: Pursuant to Article 13 of the Regulations, a producer or manufacturer must submit a report on the implementation of the Regulations in the previous calendar year and on the quantity of batteries and accumulators he placed on the market. This question therefore does not relate to the year in which you are reporting but the year about which you are reporting.

b. If the information relates to part of the year, what is the reason for this and when will you be reporting on the remaining period?

2. Is this the report of an individual producer or a collective? (Tick one option)

Note: A “producer” is deemed to be a person who places batteries and accumulators on the market for the first time on a professional basis. The market referred to is the Dutch market. A manufacturer and an importer of batteries or accumulators can be designated as a producer within the meaning of the Regulations if they are the first to place the batteries and accumulators on the market.

- Individual
- Collective

3. If the report is from a collective implementing body: please provide the names, addresses and Chamber of Commerce registration numbers of the member producers. A separate list can be attached if necessary.

4. Did you manufacture batteries or accumulators in the Netherlands in the reporting year? (Tick one option)

- Yes
- No

Note: if Yes, you must also answer the question on prevention (see question 6).

5a. Did you place batteries or accumulators on the Dutch market on a professional basis for the first time in the reporting year? (Tick one option)

- Yes
- No

b. If Yes, tick the type(s) of batteries and accumulators concerned (multiple options are possible):

- Portable batteries and accumulators
 - Nickel-cadmium
 - Lead-acid
 - Other
- Industrial batteries and accumulators
 - Nickel-cadmium
 - Lead-acid
 - Other
- Automotive batteries or accumulators
 - Nickel-cadmium
 - Lead-acid
 - Other

C. Specific questions

Prevention (for manufacturers only)

6a. What measures have you taken to reduce the environmental harm caused by batteries and accumulators throughout their entire life cycle? When did you do so, or when do you plan to do so?

b. What measures have you taken to promote the development and placing on the market of batteries and accumulators containing as small a quantity of dangerous substances as possible and containing substances that inherently cause as little harm as possible to human health and the environment?

c. What was the result of the measures taken?

Note: These questions (a, b and c) may only be answered by manufacturers of batteries or accumulators (i.e. if you answered “Yes” to Question 4) and relate to measures taken during the reporting year (Article 3 of the Regulations).

Quantities of batteries and accumulators placed on the market

7. State how many batteries and accumulators (in kg) you placed on the Dutch market for the first time in the reporting year.

Note: You must include portable batteries and accumulators incorporated into equipment in the figures for the batteries and accumulators you placed on the market in the Netherlands.

Quantities (in kg) of **portable** batteries and accumulators you placed on the market in the Netherlands

	kg
Nickel-cadmium	
Lead-acid	
Other	

Quantities (in kg) of **industrial** batteries and accumulators you placed on the market in the Netherlands

	kg
Nickel-cadmium	
Lead-acid	
Other	

Quantities (in kg) of **automotive** batteries and accumulators you placed on the market in the Netherlands

	kg
Nickel-cadmium	
Lead-acid	
Other	

Quantities of batteries and accumulators collected

8. Specify how many batteries and accumulators (in kg) you collected (in the Netherlands) in the reporting year.

Note: You must include portable batteries and accumulators incorporated into equipment in the collection figures.

Quantities (in kg) of **portable** batteries and accumulators you collected in the Netherlands.

	kg
Nickel-cadmium	
Lead-acid	
Other	

Quantities (in kg) of **industrial** batteries and accumulators you collected in the Netherlands.

	kg
Nickel-cadmium	
Lead-acid	
Other	

Quantities (in kg) of **automotive** batteries and accumulators you collected in the Netherlands.

	kg
Nickel-cadmium	
Lead-acid	
Other	

Collection targets for portable batteries and accumulators

9. What collection rate did you achieve in the reporting year?

Note: This question relates to Article 6 of the Regulations and must only be answered in respect of portable batteries and accumulators. The question must be answered first in respect of the reporting year 2012. The collection rate must be calculated using the method described in Annex I of the Directive. This means that the collection rate in a particular year is equal to three times the collection in that year, divided by the sales in that year plus the sales in the two preceding years.

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Reuse as material

10. State what rates of reuse as material you achieved in the treatment of batteries and accumulators collected in the reporting year.

Note: This question relates to Article 7, paragraph 1, part f of the Regulations, (minimum rates of reuse as material to be achieved). You must be able to support these figures with evidence.

	<i>Type of battery or accumulator</i>	<i>Rate of reuse as material achieved</i>
Portable batteries and accumulators	Nickel-cadmium	
	Lead-acid	
	Other	
Industrial batteries and accumulators	Nickel-cadmium	
	Lead-acid	
	Other	
Automotive batteries or accumulators	Nickel-cadmium	
	Lead-acid	
	Other	

Information

11a. What have you done to inform the end-users of batteries and accumulators about the possible effects on health and the environment of the substances used in the batteries and accumulators, the importance of separated collection and reducing the number of batteries and accumulators in the residual waste stream, and the meaning of the crossed-out wheeled bin symbol?

Note: This question relates to all types of batteries and accumulators (Article 10, paragraph 1, parts a, b, and c of the Regulations).

b. What have you done to inform the end-users of batteries and accumulators about the location of collection points for waste portable batteries and accumulators and waste automotive batteries and accumulators?

Note: This question only relates to portable batteries and accumulators and automotive batteries and accumulators (Article 10, paragraph 1, part d of the Regulations).

Financing

12. How do you finance all the costs associated with meeting all the obligations applicable to you?

Note: This question relates to Article 11, paragraph 1 of the Regulations. It concerns the financing of the obligations (collection, treatment, reuse as material and other waste management, and information) referred to in Articles 5, 7, and 10 of the Regulations.

EXPLANATORY NOTES

I. General

1. Introduction

The Management of Batteries and Accumulators Regulations 2008 (referred to below as: the Regulations) serve to implement Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ L 266)¹ (referred to below as: Directive) in Dutch regulations. The Directive entered into force on 26 September 2006 and must be implemented in Dutch regulations by 26 September 2008 at the latest.

The Regulations are closely connected with the Management of Batteries and Accumulators Decree 2008 (referred to below as: the Decree). Under the provisions of that Decree manufacturers and producers of batteries and accumulators are required to notify the Minister of Housing, Spatial Planning and the Environment in advance about how they intend to meet the requirements applicable to them. The requirements in respect of which advance notification is required are laid down in these Regulations. For the purpose of notification, a notification form has been established by ministerial regulation (Batteries and Accumulators (Notification Form) Regulations 2008). The Management of Batteries Decree and the Further Rules on the Designation of Batteries and Accumulators Containing Mercury, Cadmium or Lead have been repealed by the Management of Batteries and Accumulators Decree 2008 and the Regulations respectively.

2. Key points of Directive 2006/66/EC

The Directive contains new rules for batteries and accumulators and provides for the repeal of Directive 91/157/EEC² as of 26 September 2008. The aim of the Directive is to control the spread of dangerous substances in the environment by prohibiting the use of certain dangerous substances in batteries and accumulators as much as possible and by achieving as high a level of separated collection of waste batteries and accumulators as possible. The intention is to allow as few batteries and accumulators as possible to end up in the residual waste stream, so as to enable a high level of recycling (reuse as material) for all batteries and accumulators to be achieved. For this purpose, the Directive contains rules for the placing of batteries and accumulators on the market in the European Community, including the customs territory of the Community. The Directive also prohibits the placing on the market of batteries and accumulators that contain certain quantities of dangerous substances. In addition, the Directive contains rules for the collection, treatment, reuse as material and removal of waste batteries and accumulators. The Directive is therefore an elaboration of existing European waste regulations.

The Directive relates to all batteries and accumulators placed on the market in the Community. Their shape, weight, volume, composition or use are irrelevant. The only

¹ The text of Directive 2006/66/EC was corrected by OJ L 339.

² Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances (OJ L 078).

exceptions from the scope of the Directive are batteries and accumulators used in certain specific equipment.

To prevent dangerous batteries or accumulators which may harm the environment or human health from entering the market, the Directive endeavours to improve the environmental performance of batteries and accumulators. To this end, the Directive stipulates that the Member States in which manufacturers of batteries and accumulators are located, must promote research and encourage improvements in the environmental performance of batteries and accumulators throughout their entire life cycle. The Directive also stipulates that those Member States must promote the development and marketing of batteries and accumulators which contain a smaller quantity of dangerous substances and inherently less polluting substances as substitutes for mercury, lead and cadmium.

The Directive also prohibits the placing on the market of batteries and accumulators that contain more than 0.0005 % of mercury by weight. This prohibition was already in place by virtue of Directive 91/157/EEC, which is being repealed by the present Directive. The Directive also prohibits portable batteries and accumulators containing more than 0.002 % of cadmium by weight. This is a new requirement. These two prohibitions also apply to batteries and accumulators that are incorporated into equipment. The prohibitions do not apply in certain cases specified in more detail.

The Directive stipulates that the Member States must ensure that suitable collection schemes are set up for waste *portable* batteries and accumulators, and for waste *automotive* batteries and accumulators. The Directive formulates a number of requirements which such collection schemes must meet. Member States must ensure that producers of *industrial* batteries do not refuse to take back these batteries and accumulators from the end-user when they are offered to them. Certain collection targets for waste portable batteries must be met with the collection scheme (Annex I to the Directive). Member States must achieve a collection rate of at least 25 % by no later than 26 September 2012 and at least 45 % by no later than 26 September 2016. The Directive also stipulates that the Member States must ensure that manufacturers design equipment in such a way that waste batteries and accumulators are easy to remove from it.

The Directive also stipulates that systems for treatment and recycling of waste batteries and accumulators must be set up by no later than 26 September 2009, and the waste batteries and accumulators collected must be treated in accordance with certain minimum requirements (Annex III, under A) and recycled in accordance with certain processes (Annex III, under B). The Directive also prohibits the disposal in landfill sites of waste industrial batteries and accumulators and automotive batteries and accumulators.

The Directive furthermore stipulates that Member States must ensure that producers finance all costs arising from the collection, treatment and recycling of the waste portable batteries and accumulators, industrial batteries and accumulators and automotive batteries and accumulators collected in accordance with the Directive. The information campaigns on the collection, treatment and recycling of waste portable batteries and accumulators must also be financed by the producers.

The Member States must furthermore ensure that every producer is registered.

The Directive requires Member States to ensure that batteries, accumulators and battery packs are labelled in a certain way.

The Directive stipulates that Member States must report to the European Commission on the implementation of the Directive once every three years. However, the initial report covers a longer period, namely from the date on which the Directive enters into force until 26 September 2012.

Member States must lay down rules on penalties applicable to infringements of the national regulations adopted in implementation of the Directive. The Member States must take the necessary measures to ensure that the penalties are applied. The penalties must be effective, proportionate and dissuasive.

A committee (the Technical Advisory Committee) may establish more detailed regulations in respect of certain parts of the Directive (committee procedure, Article 24 of the Directive). This includes: amendment of Annex III to the Directive (treatment and recycling requirements), exemption from the labelling rules, detailed rules for indicating the capacity of batteries and accumulators (including harmonised testing methods for the determination of capacity) and a questionnaire or outline for the purpose of the national implementation reports.

3. Content of the Regulations

3.1 The principle of producer responsibility

The principle of producer responsibility set out in the Directive has been adopted in the Regulations. Producers of batteries and accumulators are responsible for the collection and treatment of batteries and accumulators when they are discarded, their reuse as material and financing these activities. Producers of portable batteries and accumulators and producers of automotive batteries and accumulators are responsible for seeing that there is a scheme in place of collecting these batteries and accumulators when they are discarded. All producers of batteries and accumulators, thus including producers of industrial batteries and accumulators, are furthermore responsible for putting in place a system for the treatment and reuse as material (recycling) of the collected waste batteries and accumulators. Producers of batteries and accumulators are also responsible for informing users of batteries of the environmental and health effects of the use of batteries and accumulators, the symbols on them, but also the collection schemes and the schemes for reuse as material. The producers of portable batteries and accumulators must also finance the costs of informing the end-users of batteries and accumulators.

The Management of Batteries Decree already provided a system of producer responsibility. The Decree only applied to batteries weighing up to 1000 grams. The Regulations have a broader scope and encompass all batteries and accumulators, including those incorporated into equipment and motor vehicles. The weight of the battery or accumulator is no longer a criterion for the applicability of the Regulations.

3.2 Requirements to be met by the producer

Like the Directive, the Regulations distinguish between three types of batteries or accumulators with different requirements for each producer: portable batteries or accumulators, industrial batteries or accumulators and automotive batteries or accumulators. Because different requirements apply to a producer depending on the type of battery or accumulator he places on the market, the distinction between the types of batteries and accumulators is important. Also important is the fact that a “producer” in this context is anyone who places batteries and accumulators on the Dutch market for the first time. This refers to the making available of batteries and accumulators. Producers can have their requirements met by a third party acting on their behalf, but the producer always remains responsible in the eyes of the law.

The Regulations prohibit the making available to a third party in the European Community (including import into the customs territory of the Community) of all batteries and accumulators containing more than 0.0005 % of mercury by weight. This is a tightening up of the standard in Directive 91/157/EEC on the permitted quantity of mercury, which was laid down in the Management of Batteries Decree. It is also prohibited to make available to a third party portable batteries and accumulators containing more than 0.002 % of cadmium by weight. There was no such prohibition in respect of the quantity of cadmium in Directive 91/157/EEC. The prohibitions therefore apply to both Dutch territory and that of the European Community. Dutch manufacturers who only supply third parties within the Community, but not within the Netherlands, are therefore also bound by it.

The Regulations furthermore stipulate that batteries, accumulators and battery packs must be provided with the separated waste collection symbol, the crossed-out wheeled bin as illustrated in Annex II to the Directive. The Regulations also contain instructions regarding the size of this symbol. In the case of very small batteries, the symbol must be printed on the packaging (instead of on the battery). In the case of batteries or accumulators that contain more than certain percentages of the dangerous substances mercury, cadmium or lead, the associated chemical symbol (Hg for mercury, Cd for cadmium and Pb for lead) must be printed beneath the symbol. In addition, the capacity must be indicated on portable batteries and accumulators and automotive batteries and accumulators with effect from 26 September 2009.

In order to determine which requirements apply to a specific producer, the type of battery or accumulator he places on the market must be established. The different types of batteries and accumulators are defined in the Regulations.

3.2.1 Collection requirements for portable batteries and accumulators

The producer of portable batteries and accumulators is responsible for putting in place a collection scheme for that type of batteries and accumulators when they are discarded. The producer of portable batteries and accumulators must achieve a certain collection rate for those waste batteries and accumulators each year; the targets to be achieved are set out in Annex I to the Directive.

3.2.2 Requirements for taking back industrial batteries and accumulators

A producer of industrial batteries and accumulators is required to take back these batteries and accumulators from the end-users when they are discarded and offered to him. The producer or distributor of this type of battery or accumulator is not actually required to set up a collection scheme for this purpose.

3.2.3 Collection requirements for automotive batteries and accumulators

The producer of automotive batteries and accumulators is also required to collect these batteries and accumulators when they are discarded. The collection of such batteries and accumulators that are not used for professional or commercial purposes must be free of charge. The requirement applies to batteries and accumulators used for lighting and ignition power in motor vehicles. The traction battery in a hybrid car is not regarded as an automotive battery or accumulator, but as an industrial battery or accumulator. However, the starter accumulator for a hybrid car is regarded as an automotive battery or accumulator.

3.2.4. Requirements to be met by distributors

A distributor (often a retailer) who sells portable batteries or accumulators is required to take them back free of charge when they are offered to him. This means that the distributor of portable batteries and accumulators may not ask for money from the consumer who wants to return his used batteries to him; the consumer may furthermore not be obliged to buy new batteries or accumulators when returning the used ones, for example, nor may any other consideration be demanded when the waste battery or accumulator is returned. The distributor is required to help the producer meet his obligations in respect of the collection rate. Distributors are the persons who sell batteries or accumulators to the consumer. In practice this means that a producer (or, if applicable, a collective implementing body such as the *Stichting Batterijen* [Battery Foundation] (Stibat)) may ask distributors to cooperate in the collection of waste portable batteries and accumulators by installing a collection bin or box and to return the batteries and accumulators collected in this way to the producer (or a collective implementing body to which the producer belongs).

3.3 Registration and reporting

Producers and manufacturers of batteries and accumulators are required to register as such with the Minister of Housing, Spatial Planning and the Environment. Additional European rules on the registration method will be drawn up by the Technical Advisory Committee (TAC). A notification submitted within the meaning of the Management of Batteries and Accumulators Decree 2008 qualifies as a registration within the meaning of these Regulations. For the producers and manufacturers that have submitted a notification through a collective implementing body, that collective notification can be regarded as registration. The collective implementing body must specify the producers and manufacturers for which this collective notification has been submitted on the notification form.

Each year the producer or manufacturer must submit a report on the implementation in the previous calendar year of a number of articles in the Regulations (Articles 3, 6, 7, 10 and

11) and on the quantity of batteries and accumulators it placed on the market. Reporting is done using the report form provided in these Regulations. The requirement for producers and manufacturers to report annually was introduced to enable the Netherlands to meet its obligation to report to the European Commission on the implementation of the Directive pursuant to Article 22 of the Directive. This reporting requirement for the Netherlands applies every three years and has been implemented as an annual requirement for producers and manufacturers, in order to ensure that the Dutch government will actually have all the necessary information at its disposal. Reporting is also an important tool for enforcing the various requirements in these Regulations. The distributor of batteries or accumulators is not subject to this reporting requirement unless he is also a producer or manufacturer. Pursuant to Article 7, paragraph 6 of the Management of Batteries Decree, producers of batteries weighing up to 1000 grams were already required to report on the collection and treatment of those batteries when they are discarded. However, a report form had not been provided for this purpose.

4. Relationship with other regulations

4.1 Regulations on disposal in landfill sites or by incineration

In the Netherlands, batteries and accumulators may not be disposed of in landfill sites or by incineration. The Directive explicitly stipulates that industrial batteries and accumulators and automotive batteries and accumulators may not be disposed of in landfill sites or by incineration (Article 14). The Dutch prohibition on disposing of batteries and accumulators in landfill sites is already laid down in the Landfill Decree (Article 1) and applies to all batteries and accumulators. Because of the prohibition on disposal of all batteries and accumulators in landfill sites, the Dutch regulations are therefore stricter than the Directive. It was decided to maintain this more far-reaching protection in the implementation of the Directive. The Directive allows scope for this, because the relevant article in the Directive concerns minimum harmonisation.

With regard to the prohibition in the Directive on the disposal of industrial batteries and accumulators and automotive batteries and accumulators by means of incineration, the Dutch judicial system only permits incineration within establishments if a permit has been expressly granted for this purpose (Article 8.1 of the Environmental Management Act (referred to below as: Wm) in conjunction with the Activities Decree, Annex 1, category II, seventh bullet point) or when stated in an Order in Council pursuant to Article 8.40 of the Wm (an 8.40 Order in Council). The competent authority will always assess the permit application against the National Waste Management Plan (referred to below as: LAP) which lays down minimum treatment ('minimum standard') for batteries and accumulators. Incineration is not listed as minimum treatment in the LAP, so no permits will be issued for this. Furthermore, the incineration of batteries and accumulators within an establishment is not permitted in any 8.40 Orders in Council. Article 10.2 of the Wm prohibits the disposal of waste in landfill sites or by incineration outside an establishment.

4.2 Management of End-of-life Vehicles Decree

The Decree amends the Management of End-of-life Vehicles Decree (referred to below as: Bba) (Article 2, paragraph 2, Bba) so that an automotive battery or accumulator fitted in a

motor vehicle always falls under the Regulations. The Bba no longer applies to this battery or accumulator.

The Bba requires the producer or importer of a motor vehicle (see Article 1 Bba) to submit notification that he has implemented the requirements ensuing for him from that Decree (Article 12 Bba). The producer or importer of a motor vehicle within the meaning of the Bba is also generally regarded as a producer within the meaning of the Decree, and within the meaning of these Regulations as far as the batteries and accumulators present in the vehicle (including accessories) are concerned. He will therefore have to submit a notification on the requirements applicable to him ensuing from the Regulations. From the point of view of the motor vehicle, there are two regimes for the producer or importer concerned which apply alongside one another: for end-of-life vehicles and for batteries and accumulators. From the point of view of reporting too, the producer or importer of a motor vehicle is required to issue a report both under the Bba and under the Regulations. A motor vehicle, including accessories such as remote-control keys that operate the electronic central locking or switch lights on and off, will often contain different types of batteries and accumulators. If several types of batteries are placed on the market by the same company, it is possible for the company to submit an individual notification for a certain type of battery or accumulator and to have the notification for another type of battery submitted by a collective implementing body. A motor vehicle producer can therefore be a member of Auto Recycling Nederland and Stibat.

4.3 WEEE Management Decree and WEEE Management Regulations

The WEEE Management Decree (Beea) and the WEEE Management Regulations (Reea) contain instructions for electrical and electronic equipment that is at the waste stage. There are often batteries and accumulators incorporated into this kind of equipment. The explanatory notes to the Reea³ state that all readily removable and replaceable batteries in equipment do not fall within the scope of the Beea and Reea but within that of the batteries regulations. Article 14 of the Regulations states that the Reea contains a requirement for batteries and accumulators to be readily removable from the equipment. The instructions provided with equipment containing incorporated batteries or accumulators must describe how the batteries or accumulators can be removed from it.

Article 2 of the Directive applies to all types of batteries and accumulators regardless of their use. It is of course possible for electrical and electronic equipment to reach the waste stage while still containing batteries and accumulators. In that case the equipment must be collected in accordance with the waste electrical and electronic equipment regulations. The Reea stipulates that the producers of electrical and electronic equipment are responsible for that equipment. It is also important to ensure by way of the permit granted to the treatment operator that, in the treatment of waste electrical and electronic equipment, the selective treatment referred to in Annex II to Directive 2002/96/EC⁴ is implemented. This Annex to Directive 2002/96/EC stipulates that batteries have to be removed from the collected waste electrical and electronic equipment. Because the Directive does not distinguish between an accumulator and a battery, the requirement for removal from an appliance applies in full to accumulators under Directive 2002/96/EC. Once the batteries and accumulators have been

³ Netherlands Government Gazette 2004, 142, p.26.

⁴ Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE) (OJ 2003, L 37).

removed from the equipment, they must be treated and reused as material in accordance with the Regulations. Article 11, paragraph 2 is intended to prevent collection costs for a battery or accumulator in an electrical or electronic appliance from being paid twice (both under the waste electrical and electronic equipment regulations and under these Regulations).

5. Implementability and enforcement

These Regulations are based on the Wm. Enforcement can take place under both administrative and criminal law. The instruments provided in Part 18 of the Wm, such as administrative coercion and the imposition of periodic penalty payments, are available for administrative enforcement. Infringements of these Regulations are a criminal offence under the Economic Offences Act (WED) because Sections 9.2.2.1 and 10.15 to 10.18 of the Wm are quoted in Article 1.1a of the WED. The Minister of Housing, Spatial Planning and the Environment (referred to below as: VROM) is responsible for supervising compliance with the Regulations and for their enforcement under administrative law. This task is performed by the Inspectorate for Housing, Spatial Planning and the Environment. Examples of requirements for producers which can be enforced concern portable batteries and accumulators: requirements relating to financing, the (free) collection and treatment of waste portable batteries and accumulators, the collection rates to be achieved, the information requirement and reporting. Enforcement can also take place in respect of correct labelling and the composition requirements if the batteries and accumulators are placed on the market in the Netherlands.

Similar provisions apply to producers of automotive batteries and accumulators (with the exception of the collection rate to be achieved, which only applies to producers of portable batteries and accumulators). For producers of industrial batteries and accumulators this relates among other things to the requirement to collect this type of battery or accumulator regardless of its composition or origin. For manufacturers of batteries and accumulators it relates to reducing the harm they cause and promoting the development and marketing of batteries and accumulators that contain as few dangerous substances as possible. For distributors of portable batteries and accumulators, one of the key points for attention in enforcement is the question of whether they are taking back these batteries and accumulators free of charge.

Producers and manufacturers have the option of electing to comply with the requirements in these Regulations collectively, for example by joining a collective implementing body which will organise the collection and treatment of batteries and accumulators. Producers that meet their requirements through a collective implementing body still bear responsibility for meeting the requirements themselves.

6. Administrative burden

The Regulations will have implications for the administrative burden on businesses. The increase in the administrative burden for businesses as a result of the Regulations is estimated to be about €0.76 million per year. The main change compared with the situation under the Management of Batteries and Accumulators Decree is an increase in the number of businesses to which the Regulations (and the Management of Batteries and Accumulators Decree 2008) will apply. As mentioned above, there is a distinction between

three categories of producers and manufacturers in the target group of the new Regulations: portable batteries and accumulators, industrial batteries and accumulators and automotive batteries and accumulators. The Management of Batteries Decree applies to producers and manufacturers of batteries and accumulators weighing up to 1000 grams. This largely corresponds to the category of producers and manufacturers of portable batteries and accumulators in the Regulations. The administrative burden for this is estimated to be €691,260. This consists of the production of the report by the collective implementing body (€19,500) and the gathering of information by members of the collective ($622 \times 24 \text{ hours} \times €45 = €671,760$). The increase in the number of businesses to which the regulations apply is estimated to be no more than 1,665 for industrial batteries and accumulators. Under the Regulations, they will have to produce a report. The administrative burden for this is estimated to be $1665 \times 10 \text{ hours} \times €45 = €749,250$. There are about 20 to 25 additional producers of automotive batteries and accumulators. This represents an increase in the administrative burden of $25 \times 32 \text{ hours} \times €45 = €36,000$. Businesses to which the Beea applies are not subject to the Regulations; these businesses are therefore not counted in the calculation of the administrative burden resulting from the Regulations.

There is a negligible increase in the administrative burden on account of the rules on the labelling of batteries and accumulators. With the introduction of the Management of Batteries and Accumulators Decree 2008, the Explanatory Memorandum to that Decree specified the amount that is likely to be incurred by businesses in familiarising themselves with the new regulations, including familiarising themselves with the Regulations, and the notification requirement. For this reason, these burdens are not mentioned in these new Regulations.

The Regulations will have no impact on the administrative burden on citizens. The total burden is calculated at €1,476,510. The administrative burden of the present regulations (€714,800) is deducted from that. The increase therefore amounts to €761,710.

A draft of the Management of Batteries and Accumulators Decree 2008 and the Regulations was submitted to the Dutch Advisory Board on Administrative Burdens (Actal). Actal has not selected the Decree and the Regulation for a recommendation.

7. Environmental impact

The Regulations are expected to have a positive impact on the environment. All producers who place batteries and accumulators on the market in the Netherlands are required to arrange for the collection of batteries and accumulators when they are discarded; the 1000 gram limit no longer applies. This is expected to further reduce the number of batteries containing heavy metals that end up in the residual waste stream. The Regulations are also expected to have a positive effect on the re-use of raw materials. In addition, they lay down a stricter standard than before on the use of mercury and cadmium in batteries and accumulators, so that the likelihood of these toxic substances also ending up in the environment on the source side can be further restricted.

The collection of batteries and accumulators will probably necessitate additional transport movements, so additional energy will be consumed and additional emissions will be released into the air. These transport movements will be necessary for collection of the batteries and accumulators.

8. Effects on businesses

The regulations apply to manufacturers, producers, importers and distributors of all types of batteries and accumulators, regardless of their shape, volume, weight, composition or use. The scope of the regulations relates to three different categories: portable batteries and accumulators, automotive batteries and accumulators, and industrial batteries and accumulators. The regulations apply to 2500 producers altogether. Because batteries and accumulators weighing more than 1000 grams also fall within the scope of these regulations, the target group is bigger than the target group of the Management of Batteries Decree.

The costs of compliance with the requirements in the Regulations relate to the collection and treatment of batteries and accumulators and include collection from distributors (such as retailers and garage operators). The producers can pass these costs on to the end-user (consumer). It is not actually true that a battery or accumulator always entails more costs than benefits when it reaches the waste stage. Businesses had already started to set up collection schemes for waste batteries and accumulators before these Regulations entered into force. Because of the increasing scarcity of raw materials, some batteries and accumulators have monetary value in the waste stage.

II. Notes on the individual articles

Article 1, paragraph 1

The definitions in Article 3 of the Directive have been adopted in the Regulations to the necessary extent. The battery and accumulator market is an internationally oriented market. For that reason it was important to adhere as closely as possible to the text of the Directive in implementing the regulations. This was especially important as far as the definitions are concerned, because they play a role in establishing the scope of the Directive. The terminology used in other regulations on the management of products in the waste phase, such as the Bba, the Management of Packaging, Paper and Cardboard Decree, the Beea and the Reea, was also adhered to as closely as possible.

Parts a to c

The definitions of “battery” and “accumulator” can be found in parts a and b. The descriptions of these products are taken straight from the definitions in Article 3(1) of the Directive. “Battery” and “accumulator” are not defined separately in the Directive, and share exactly the same description. According to this description a battery or an accumulator consists of one or more primary battery cells or secondary battery cells. Primary cells are non-rechargeable and secondary cells are rechargeable. The definition of “battery” or “accumulator” in the Directive largely corresponds to the definition of “battery” or “accumulator” in its predecessor, Directive 91/157/EEC. In the latter directive reference is made to the relevant annex for the meaning of “battery” or “accumulator”. This annex provided a detailed description of the batteries and accumulators that were covered by the scope of that directive. This was limited to batteries and accumulators that contained a specific quantity of mercury, cadmium or lead. This limitation was not adopted in the Directive, so the Directive applies to all batteries. The Management of Batteries Decree

applied to all batteries weighing up to 1000 grams, to the extent that it related to the collection and treatment requirements and the rules on the incorporation of batteries and accumulators in equipment.

All rules in the present Regulations apply to both accumulators and batteries, whereby batteries and accumulators are subdivided into three types (see parts d to f).

A definition of “battery pack” can be found in part c. The description of this definition was taken from the Directive. A definition of “battery pack” is needed for the instructions on the labelling that has to be provided on a battery pack; see Article 9.

Parts d to f

The Directive contains the definitions of various types of batteries and accumulators (industrial batteries or accumulators, automotive batteries or accumulators and portable batteries or accumulators). The subdivision into different types of batteries or accumulators is important because the Directive lays down some specific instructions for certain types of batteries and accumulators. The definitions of the different types of batteries and accumulators have been adopted in the present Regulations. The Directive provides a number of examples of each type of battery or accumulator in the preamble. The Commission Services document “Questions and Answers on the Batteries Directive (2006/66/EC)⁵” describes the three different categories in more detail. The following examples are mentioned in the Directive:

Portable batteries and accumulators

The Directive lists the following as examples of this type of battery or accumulator:

- single cell batteries (such as AA and AAA batteries);
- batteries and accumulators used by consumers or professionals in mobile telephones, portable computers, cordless power tools, toys, household appliances such as electric toothbrushes, razors and hand-held vacuum cleaners (including similar equipment used in schools, shops, restaurants, airports, offices or hospitals);
- any battery or accumulator that consumers may use for normal household applications.

Industrial batteries and accumulators

- batteries and accumulators used for emergency or back-up power supply in hospitals, airports or offices;
- batteries and accumulators used in trains or aircraft;
- batteries and accumulators used on offshore oil rigs or in lighthouses;
- batteries and accumulators designed exclusively for hand-held payment terminals in shops and restaurants, bar code readers in shops, professional video equipment for TV channels and professional studios, and miners’ lamps and diving lamps attached to mining and diving helmets for professionals;
- back-up batteries and accumulators for electric doors to prevent them from blocking or crushing people;
- batteries and accumulators used for instrumentation or in various types of measurement and instrumentation equipment;

⁵ http://ec.europa.eu/environment/waste/batteries/pdf/questions_answers_directive.pdf.

- batteries and accumulators used in connection with solar panel, photo-voltaic, and other renewable energy applications;
- batteries and accumulators used in electrical vehicles, such as electric cars, wheelchairs, bicycles, airport vehicles and automatic transport vehicles.

In addition to this non-exhaustive list of examples, in the preamble the Directive also states that any battery or accumulator that is not sealed and not automotive should be considered industrial.

It should be noted that when it comes to defining whether an accumulator or battery should be designated as industrial, the definition of an industrial battery or accumulator is decisive.

Automotive batteries and accumulators

No examples of this type of battery and accumulator are given in the preamble to the Directive. The description – battery or accumulator used for automotive starter, lighting or ignition power of a vehicle – is self-explanatory. It expressly states that the battery or accumulator in an electric vehicle is not an automotive battery but an industrial battery.

Automotive batteries and accumulators did not fall within the scope of Directive 91/157/EEC (nor under the scope of the Management of Batteries Decree). Article 2, paragraph 2 of the Management of End-of-life Vehicles Decree describes the relationship between that Decree and the batteries and accumulators regulations. That Article states that the Management of End-of-life Vehicles Decree does not apply to products to which the present Regulations apply⁶. These Regulations apply to all automotive batteries and accumulators, both those incorporated during the production of a motor vehicle and those used to replace them or that are present in an end-of-life vehicle. For further information on the relationship between the Management of End-of-life Vehicles Decree and these Regulations, see paragraph 4.2 of the general part of the explanatory notes.

Part g

The definition of “appliance” in Directive 2006/66/EC refers to Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE) (OJ L 037). That directive was implemented *inter alia* in the WEEE Management Decree. For the meaning of that term in the present Regulations reference is made to that decree with the proviso, as stated in the Directive, that it must be an appliance that is fully or partly powered by a battery or an accumulator. An appliance that can only be powered by means of an electric plug does not fall within this definition.

Part h

The Directive provides a definition of “placing on the market” (Article 3(14)). This definition has been adopted as closely as possible in the Regulations. In the definition of “placing on the market” used in the Regulations, no distinction is made between the actions “supplying” and “making available”. This distinction is made in the definition in the Directive, but without specifying what the difference is between these actions. Under Dutch law, “supply” is defined as the actual transfer. In Dutch law, “making available” also includes the action “supply”.

⁶ See Article 4 of the Management of Batteries and Accumulators Decree 2008.

The definition in the Regulations states that “market” is understood as meaning the Dutch market. In the definition of “placing on the market” in the Directive, “market” is understood as meaning: the European Community, including import into the customs territory of the Community. Most of the requirements in these Regulations apply to the producer (Article 1, part 1). According to the Directive, a producer is any person who places batteries or accumulators on the market in the Member State; see Article 1, part 1 and the relevant notes on the individual articles. Because the term “placing on the market” is used in the definition of “producer” in the Directive, for the sake of clarity it has been decided to use “the Netherlands” in the definition of “placing on the market” in the Regulations instead of “the European Community”. In implementation of Article 4 of the Directive, the Regulations contain a prohibition on making available batteries or accumulators containing a certain quantity of mercury or cadmium (Article 4, paragraph 1). In the Directive this prohibition is not explicitly aimed at the producer. Article 4, paragraph 1 therefore stipulates that the prohibition on supplying or making available batteries and accumulators containing a certain quantity of mercury and cadmium refers to making available within the European Community, including import into the customs territory of the Community.

Part i

A definition of “manufacturer” can be found in this part. This term is also used in the Directive, but it is not defined in it. In the Directive the term “manufacturer” is used in the rules aimed at persons who manufacture batteries or accumulators. In the Regulations it was decided for the sake of clarity to include a definition of this term and to make the manufacture of the battery or accumulator decisive in the description of this term.

Part j

Part j contains a definition of “producer”. This is a broad definition in which the emphasis is on the fact that it relates to a legal or natural person who places a battery or an accumulator on the Dutch market for the first time on a professional basis. This does not necessarily require payment to be made. The definition also states that the sales method is irrelevant. Batteries and accumulators that are sold on the internet (by electronic commerce) or other distance selling techniques in accordance with Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts (OJ L 144) also fall within the scope of these Regulations.

The manufacturer of a battery or accumulator is not necessarily the same as the producer. The definition means that any person who imports batteries and accumulators into the Netherlands (importer) is considered to be a “producer” within the meaning of the Regulations.

Part k

This term is defined in Article 3(13) of the Directive. A distributor is defined as any person who provides batteries and accumulators on a professional basis to an end-user. This can also include the seller or supplier. “Supply” means the physical supply. This also includes a supplier who supplies via the internet. An end-user is anyone who uses the battery or

accumulator for the purpose for which it is intended. The end-user will usually be a consumer.

Part l

One of the environmental objectives of Directive 2006/66/EC is to achieve a high level of collection and recycling of waste batteries and accumulators. The term “waste battery or accumulator” is defined in Article 3(7) of the Directive. In this definition a battery or accumulator is waste if it can be considered waste within the meaning of Directive 2006/12/EC⁷. The term “waste” from that directive is defined in Section 1.1 of the Wm. Because the present Regulations are based on the Wm, the term “waste” continues to apply in the present Regulations.

Part m

In this part the definition of “collection rate” is taken from Article 3(17) of the Directive. The collection rate refers exclusively to waste portable batteries. A calculation formula for the collection rate is included in this definition. The collection rate is obtained by multiplying the weight of the waste portable batteries and accumulators which were collected or taken back in a particular calendar year in accordance with Article 5, paragraphs 1 and 3 by three and then dividing it by the weight of all portable batteries and accumulators the producer placed on the market in the Netherlands during that calendar year and the preceding two calendar years. Article 6 includes a requirement for the producer to achieve a certain collection rate in respect of the batteries and accumulators he has placed on the market. The calculation formula is illustrated in a table in Annex I to the Directive.

Part n

A definition of “reuse as material” is provided in this part. This definition ties in with the definition of “recycling” in the Directive (Article 3(8)). In previous regulations on the management of certain products in the waste stage, such as the Reea⁸ and the Management of Packaging, Paper and Cardboard Decree⁹, it was decided not to use the term “recycling” as used in European regulations. No intrinsic difference is intended between the term “reuse as material” and the European legal term “recycling”.

Part o

The definition of “treatment” adheres precisely to the definition in Directive 2006/66/EC, except that the term “establishment” as used in the Wm is used instead of “facility”.

⁷ Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste (OJ L 114):

⁸ Netherlands Government Gazette 2004, 142, p.8.

⁹ Bulletin of Acts and Decrees 2005, 183, p.29.

Article 2

Batteries and accumulators used in certain equipment are not covered by the scope of these Regulations. This includes war material. Not all military equipment is exempt, however; equipment not intended for specifically military purposes, such as laptops used by the armed forces, is not excluded. Batteries and accumulators used in equipment intended for space travel is also excluded.

Article 3

The Directive requires Member States which have manufacturers of batteries and accumulators established on their territory to promote research and encourage improvements in the overall environmental performance of batteries and accumulators throughout their entire life cycle as well as the development and placing on the market of batteries and accumulators which contain a minimal quantity of substances that are dangerous to human health or batteries and accumulators that contain minimal quantities of polluting substances and can be used as substitutes for mercury, cadmium and lead. Under this article, the manufacturer is required to put measures in place that will contribute to achieving the targets described in Article 3. Because the method of implementation of these prevention requirements is left up to the individual, the article does not lay down what measures the manufacturer must take. The manufacturer can decide what measures to take to implement these prevention requirements himself. There are some manufacturers of batteries and accumulators established in the Netherlands.

Article 4

Under this article, any person is prohibited from making available certain batteries or accumulators containing a certain quantity of hazardous substances to a third party within the European Community, including import into the customs territory of the Community, regardless of whether these batteries or accumulators are incorporated into equipment. This prohibition has been taken from Article 4 of the Directive. No batteries or accumulators of any kind may therefore contain more than the maximum permissible quantity of mercury (0.0005 % by weight). With regard to the prohibition on placing batteries and accumulators containing a certain quantity of mercury on the European market, there is one exemption listed in paragraph 2, namely the so-called button cells. Button cells are round batteries or accumulators whose diameter is greater than their height and that have a maximum mercury content of 2 % by weight and are used for special purposes. Article 3(4) of the Directive provides some examples of what can be understood by special purposes. Examples are batteries and accumulators that meet the above requirements and that are used for hearing aids, watches and small portable appliances or as back-up power supplies.

Besides the maximum permissible quantity of mercury, portable batteries and accumulators may also contain no more than 0.002 % of cadmium by weight. Paragraph 3 contains some exemptions to the requirement for the maximum permissible quantity of cadmium. Batteries or accumulators that are used in the following equipment are not covered by the requirement for the maximum permissible quantity of cadmium: emergency and alarm systems, medical equipment and any hand held appliance powered by a battery or accumulator and intended for maintenance, construction or gardening activities (cordless power tools).

With regard to the exemption for cordless power tools, Article 4(4) of the Directive announces that the European Commission will review this exemption and will submit a proposal to the European Parliament and the Council on this subject by 26 September 2010, with a view to the prohibition of cadmium in batteries and accumulators for cordless power tools.

Paragraph 4 stipulates that the prohibition on making batteries and accumulators containing a certain quantity of cadmium or mercury available to third parties does not apply to batteries and accumulators placed on the European market (including the customs territory) before 26 September 2008, the implementation date of the Directive. This exemption is intended to prevent batteries or accumulators placed on the European market before that date in accordance with the Regulations applicable at the time from having to be removed from the market after that date. This exemption serves to implement an amendment of the Directive¹⁰. On the date of establishment of these Regulations the amending directive had not yet been published in the Official Journal of the European Union. However, the amending directive stipulates that it must be implemented before 26 September 2008. In order to comply with this, the amending directive has been implemented in these Regulations.

Article 5

Paragraphs 1, 2 and 4

Paragraph 1 requires the producer of portable batteries and accumulators to ensure that there is a collection scheme in place in the Netherlands which enables end-users to discard waste batteries or accumulators placed on the market by the producer concerned. There must therefore be a collection scheme in place by means of which at least the batteries and accumulators that the producer has placed on the market can be collected. The producer is free to decide what form this collection scheme will take. However, the system must meet the following conditions. Firstly, the collection scheme must be accessible enough to enable an end user to discard a waste battery or accumulator. The word “sufficiently” means that both the extent of availability (number) and the accessibility (opening times) of the collection points are important. Secondly, the person discarding the battery or accumulator must not be asked for a financial or other consideration for discarding the waste batteries or accumulators. Thirdly, paragraph 2 of Article 5 requires the producer to take population density into account to a sufficient extent. More collection points will be needed in places where the population density is higher than in places where the population density is lower. Another element of the collection scheme is that the producer is responsible for collecting from the distributor the batteries and accumulators placed on the market by the producer that have been returned in accordance with paragraph 3, part a. In practice, a party other than the producer may collect the batteries or accumulators from the distributor, but the producer remains responsible for this. The producer only needs to open his collection scheme to portable batteries or accumulators which he has placed on the market. However, a producer may also use his collection scheme to collect portable batteries and accumulators that he did not place on the market. If several (collective or individual)

¹⁰ COM (2008) 211 final.

collection schemes are set up in which batteries or accumulators other than those placed on the market by the producer are also collected, it will be necessary to sort them so that each producer can achieve his collection rate. The sorting costs must be paid by the producers.

Paragraph 3

The distributor of portable batteries or accumulators is required to take back all waste portable batteries and accumulators from the end-user, regardless of whether the distributor sells batteries or accumulators of the type or brand offered to him by the end-user for disposal (paragraph 3, part a.). The distributor may not ask for any financial or other consideration for doing so. This also means that the distributor may not oblige the end-user to buy a new battery or accumulator when accepting a waste battery or accumulator. Under Article 6, paragraph 1, the producer of portable batteries and accumulators is required to collect a certain annual percentage of waste portable batteries or accumulators he has placed on the market. For this purpose, paragraph 3, part b stipulates that a distributor must enable the producer to achieve that collection rate. This means that the distributor must pass on the waste batteries or accumulators he has taken back to the producer of those batteries or accumulators. He does not have to physically deliver the batteries to the producer. The producer may call in a collector to do so, provided that the collector complies with the Wm.

Paragraph 5

Under paragraph 5, the producer of industrial batteries or accumulators is required to take back industrial batteries or accumulators from the end-user. If the producer is offered a waste industrial battery or accumulator by the end user, the producer may not refuse it, regardless of the chemical composition or origin of the battery or accumulator. This requirement only constitutes an obligation to take back, and is therefore not an active collection obligation for producers of industrial batteries or accumulators. The batteries or accumulators do not have to be taken back free of charge.

Paragraphs 6 and 7

The producer of automotive batteries and accumulators must ensure that waste automotive batteries and accumulators are collected. The producer can implement this by collecting the waste automotive batteries and accumulators from the end-user in the Netherlands or by collecting them via a collection scheme in the Netherlands set up by him (or by a collective implementing body of which he is a member). The municipal collection point can also be used to help collect this type of battery and accumulator. Paragraph 7 stipulates that no financial consideration may be asked for the collection of automotive batteries or accumulators intended for private, non-commercial vehicles.

Article 6

Under this article, a producer of portable batteries and accumulators is required to achieve a certain annual collection rate. The method of calculating the collection rate is described in Article 1, part m. A collection rate of 25 % must be achieved from 26 September 2012 (Article 19, paragraph 2, part c). The collection rate will be 45 % from 26 September 2016 (Article 18).

Paragraph 2 stipulates that the producer must calculate the collection rate of waste portable batteries and accumulators in accordance with Annex I to the Directive.

Article 7

This article sets out a number of requirements for producers of batteries and accumulators with regard to the treatment and reuse as material of waste batteries and accumulators. These requirements relate to all types of batteries and accumulators.

The producer must ensure that there is a system in place for the treatment and reuse as material of all waste batteries and accumulators it has taken back. Part c specifies that the producer must ensure that all batteries or accumulators taken back by the distributor are treated and reused as material. Parts d to f set out the requirements which a producer must meet in respect of the ultimate treatment and reuse as material. Treatment and reuse as material must at least take place in accordance with the best available techniques for protecting human health and the environment.

Producers can also outsource treatment and reuse to an appropriate company. However, the producer will remain responsible for ensuring that the treatment and reuse as material take place in the prescribed manner. With regard to the treatment method, reference is made to Annex III, Part A, of the Directive, in which various minimum treatment requirements are set out.

With regard to reuse, reference is made to Annex III, Part B, of the Directive. That Annex lists minimum rates of reuse as material for batteries and accumulators. The rates are as follows:

- 65 % by average weight of lead-acid batteries and accumulators, including reuse of the lead content to the highest degree that is technically feasible;
- 75 % by average weight of nickel-cadmium batteries and accumulators, including reuse of the cadmium content to the highest degree that is technically feasible;
- 50 % by average weight of other waste batteries and accumulators.

Article 8

This article is intended to prevent producers from protecting the schemes for collection, treatment and reuse as material they put in place to such an extent that they cause barriers to trade or distortions of competition. The principle must be that other parties should be able to participate in the producer's schemes. The producer may, however, attach conditions to such participation, for example by sharing the costs, provided such conditions do not cause barriers to trade or distortions of competition.

Article 9

A symbol of a crossed-out wheeled bin is illustrated in Annex II to the Directive. This symbol indicates that waste batteries and accumulators must be collected separately in order to prevent them from entering other waste streams. Paragraph 1 contains the requirement that batteries, accumulators and battery packs must be marked with a symbol as referred to in Annex II. Paragraphs 2 and 3 contain instructions on the required dimensions of the symbol and the place where it must be printed. The printing of such a symbol on batteries and accumulators was already required under the Management of

Batteries Decree and was set out in more detail in the Further Rules on The Designation of Batteries and Accumulators Containing Mercury, Cadmium or Lead. This decree and these rules served to implement Commission Directive 93/86/EEC of 4 October 1993 adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances (OJ L 264).

Paragraph 4 stipulates that in addition to the symbol specified in Annex II to the Directive, a battery or accumulator must also be marked with the chemical symbol for lead (Pb), cadmium (Cd) or mercury (Hg) if the battery or accumulator contains any of these substances.

With effect from 26 September 2009, the capacity of all portable batteries and accumulators and all automotive batteries and accumulators must be indicated on them. This obligation ensues from Article 21(2) of the Directive. Detailed rules on this requirement can be laid down by Brussels via a so-called committee procedure. Among other things, these rules can contain a harmonised testing method for the determination of capacity and appropriate use. These European rules will be adopted by 26 March 2009 at the latest.

Paragraph 9 stipulates that the requirement to comply with the labelling instructions set out in paragraphs 1 to 6 does not apply to batteries and accumulators placed on the European market (including the customs territory) before 26 September 2008, the implementation date of the Directive. This exemption is intended to prevent batteries or accumulators placed on the European market before that date in accordance with the Regulations applicable at the time from having to be removed from the market after that date. Like Article 4, paragraph 4, this exemption serves to implement an amendment of the Directive; see the individual explanatory notes on Article 4.

The requirement to indicate the capacity on the battery or accumulator will commence on 26 September 2009. For this reason, paragraph 10 stipulates that the requirement to indicate the capacity does not apply to batteries and accumulators that were placed on the European market before that date.

Article 10

This article requires the producer to inform the end-user about a number of aspects relating to batteries and accumulators. This relates to information to both professional and non-professional end-users.

Article 20, paragraph 1 of the Directive places responsibility for informing end-users on the Member State. Under Article 20(2) of the Directive, a Member State can require the economic operators, including the producer, to provide all of this information. Article 10 places responsibility for providing the information on the producer. Article 16(3) of the Directive, which requires the producers to finance the costs of information campaigns on waste portable batteries, has not been implemented in these Regulations because the producer is considered to have primary responsibility for informing end-users. The producer is free to determine how he will inform end-users. However, he must finance all the costs associated with providing the information himself. Among other things, the information must be provided by means of campaigns aimed at fully informing users about the potential effects of batteries and accumulators on human health and the environment,

the fact that batteries and accumulators must be collected separately, and how the collection schemes set up by the producers operate. They must also be informed about the symbols that must be printed on the batteries and accumulators themselves or on their packaging pursuant to Article 9. To achieve this, the message must be publicised on multiple occasions and through different channels.

Article 11

The producer is responsible for the costs arising from the requirements for the producer to collect and treat waste batteries and accumulators and reuse them as material. The producer is also required to finance the costs he must incur pursuant to Article 10 in informing end-users about certain subjects relating to batteries and accumulators. The Bba and the Reea impose requirements on the producer with regard to electrical equipment that has reached the waste stage. A key aim of the Directive and the present Regulations is to prevent businesses from paying twice.

Because paragraph 2 stipulates that a producer of batteries and accumulators does not have to finance any costs if he has already financed costs for a battery or accumulator under Article 11, paragraph 1 and Article 12, paragraph 1 of the Reea, provided the battery or accumulator is still incorporated into the appliance. As long as the battery or accumulator is incorporated into an appliance, it must be collected together with the waste appliance. Once the batteries and accumulators have been removed from the collected appliance during treatment, the requirements of the present Regulations will apply. The above information on paying twice also applies to costs already incurred in implementation of some requirements under the Bba (see paragraph 4.2 of the general part of the explanatory notes). The costs incurred by a producer under paragraph 1 must not be shown separately to the end-user at the time of sale of new portable batteries.

Article 12

Under Article 17 of the Directive, Member States must ensure that each producer is registered. Further procedural requirements can be imposed from Brussels via a so-called committee procedure. A producer can meet his obligation to register under this Article by submitting a notification in accordance with the Management of Batteries and Accumulators Decree 2008. For producers (and manufacturers) that have submitted a notification through a collective implementing body, this collective notification can be considered as the registration. This keeps the administrative burden on businesses as low as possible.

Article 13

In order to monitor the implementation of these Regulations and therefore to comply with Article 22 of the Directive, the producer is required to publish an annual report on the fulfilment of his requirements under these Regulations. The producer must also state in the report how many batteries and accumulators he placed on the market in the Netherlands in the preceding year. With a view to facilitating analysis and minimising the administrative burden, the reports must be submitted using the enclosed form.

Article 14

This Article amends the Reea. This amendment introduces into the Reea some rules on the incorporation of batteries and accumulators into electrical and electronic equipment, in implementation of Article 11 of the Directive. The main aim of these rules is to ensure that the incorporated batteries and accumulators are readily removable from the appliance so that they can be collected, treated and reused as material in the manner prescribed for batteries and accumulators. The instructions provided with the appliance must state what kind of battery or accumulator is incorporated into the appliance and how the battery or accumulator can be removed from the appliance.

Articles 15 and 16

On account of the repeal of the Management of Batteries Decree, the Notification of Commercial Waste and Hazardous Waste Regulations refer to the Regulations for the definition of batteries and accumulators.

These Regulations also repeal the Further Rules on the Designation of Batteries and Accumulators Containing Mercury, Cadmium or Lead.

Article 18

The amendment of the collection rate in Article 6 with effect from 26 September 2016 ensues from Annex I to the Directive.

Article 19

These Regulations enter into force on 26 September 2008. This is also the date by which the Directive must be implemented in Dutch law. In accordance with the Directive, there are some exemptions from entry into force on the above date. Some requirements relating to treatment and reuse, set out in Article 7, enter into force on 26 September 2009. The requirement to indicate the capacity on batteries and accumulators set out in Article 9, paragraph 7, also enters into force on that date. Article 7, paragraph 1, part f and paragraph 2 enter into force on 26 September 2011. That part contains the requirement to reuse the waste batteries or accumulators as material in accordance with Annex III, Part B of the Directive. Article 6, which stipulates that a certain collection rate must be achieved for portable batteries and accumulators, enters into force on 26 September 2012.

It should be noted that some of the paragraphs which enter into force on 26 September 2008 contain references to the above article and paragraphs which enter into force after 28 September 2008. Article 9, paragraph 8 stipulates that the required symbols and capacity of the battery or accumulator must be indicated in a clearly visible, clearly legible and indelible form. This requirement enters into force on 26 September 2008, but not as far as the capacity referred to in Article nine paragraph 7 is concerned, as the capacity only has to be indicated on batteries and accumulators one year later.

Article 10, paragraph 1, part d requires the producer to inform end-users about the collection schemes and systems for the treatment and reuse as material of waste batteries and accumulators. This information requirement enters into force on 26 September 2008 as

far as the collection schemes are concerned, because, as mentioned above, the requirement to provide systems for treatment and reuse as material enter into force one year later.

Article 13 requires the producer and manufacturer to report on the implementation of certain articles, including Article 6 (collection rate). Article 13 enters into force on 26 September 2008, so the first reports will have to be submitted in 2009. Article 6 does not enter into force until 26 September 2012. Producers and manufacturers will therefore have to report on their collection rates from 2013 onwards.

Transposition table

Directive 2006/66/EC	Subject	Implementation in Dutch laws and regulations
Article 1	Subject	Does not require implementation
Article 2	Scope	
<i>Paragraph 1</i>		Does not require implementation
<i>Paragraph 2</i>		Article 2
Article 3	Definitions	
Paragraph 1		Article 1, parts a and b
<i>Paragraph 2</i>		Article 1, part c
<i>Paragraph 3</i>		Article 1, part d
<i>Paragraph 4</i>		Article 4, paragraph 2
<i>Paragraph 5</i>		Article 1, part f
<i>Paragraph 6</i>		Article 1, part e
<i>Paragraph 7</i>		Article 1, part l
<i>Paragraph 8</i>		Article 1, part n
<i>Paragraph 9</i>		Article 1.1 of the Wm
<i>Paragraph 10</i>		Article 1, part o
<i>Paragraph 11</i>		Article 1, part g
<i>Paragraph 12</i>		Article 1, part j
<i>Paragraph 13</i>		Article 1, part k
<i>Paragraph 14</i>		Article 1, part h
<i>Paragraph 15</i>		Does not require implementation
<i>Paragraph 16</i>		Article 4, paragraph 3, part c
<i>Paragraph 17</i>		Article 1, part m
Article 4	Prohibitions	
<i>Paragraphs 1 to 3</i>		Article 4, paragraphs 1 to 3
<i>Paragraph 4</i>		Does not require implementation
Article 5	Increased environmental performance	Article 3
Article 6	Placing on the market	
<i>Paragraph 1</i>		Does not require implementation
<i>Paragraph 2</i>		Article 4, paragraph 4, Article 9, paragraphs 9 and 10, and Article 14
Article 7	Overarching objective	Does not require implementation
Article 8	Collection schemes	
<i>Paragraph 1, part a</i>		Article 5, paragraphs 1 and 2

<i>Paragraph 1, part b</i>		Article 5, paragraph 3, part a
<i>Paragraph 1, part c</i>		Article 5, paragraphs 1 and 3
<i>Paragraph 2</i>		Article 5, paragraphs 1, 3 and 4
<i>Paragraph 3</i>		Article 5, paragraph 5
<i>Paragraph 4</i>		Article 5, paragraphs 6 and 7
Article 9	Economic instruments	Does not require implementation
Article 10	Collection targets	
<i>Paragraphs 1 and 2</i>		Article 6, paragraph 1, and Article 18
<i>Paragraph 3</i>		Article 6, paragraph 2
<i>Paragraph 4</i>		Does not require implementation
Article 11	Removal of waste batteries and accumulators	Article 14 (13a Reea)
Article 12	Treatment and recycling	
<i>Paragraph 1</i>		Article 7, paragraph 1, parts a to d
<i>Paragraph 2</i>		Article 7, paragraph 1, part e
<i>Paragraph 3</i>		Article 9, paragraph 1, Reea
<i>Paragraph 4</i>		Article 7, paragraph 1, part f
<i>Paragraph 5</i>		Article 13
<i>Paragraph 6</i>		Does not require implementation
<i>Paragraph 7</i>		Does not require implementation
Article 13	New recycling technologies	Does not require implementation
Article 14	Disposal	Already implemented, Bssa
Article 15	Exports	
<i>Paragraph 1</i>		National laws and regulations not counteractive: EU Waste Shipment Regulations is directly effective
<i>Paragraph 2</i>		Article 7, paragraph 2
<i>Paragraph 3</i>		Does not require implementation
Article 16	Financing	
<i>Paragraph 1</i>		Article 11, paragraph 1
<i>Paragraph 2</i>		Article 11, paragraph 2
<i>Paragraph 3</i>		Article 11, paragraph 1, and Article 9
<i>Paragraph 4</i>		Article 11, paragraph 3
<i>Paragraphs 5 and 6</i>		Do not require implementation
Article 17	Registration	Article 12 and via Article 2 Bbba 2008
Article 18	Small producers	Does not require implementation
Article 19	Participation	Article 8
Article 20	Information for end-users	
<i>Paragraph 1</i>		Article 10, paragraph 1
<i>Paragraph 2</i>		Article 10, paragraph 1
<i>Paragraph 3</i>		Article 10, paragraph 2
Article 21	Labelling	

<i>Paragraph 1</i>		Article 9, paragraph 1
<i>Paragraph 2</i>		Article 9, paragraph 7
<i>Paragraph 3</i>		Article 9, paragraphs 4 and 5
<i>Paragraph 4</i>		Article 9, paragraph 2
<i>Paragraph 5</i>		Article 9, paragraph 3
<i>Paragraph 6</i>		Article 9, paragraph 8
<i>Paragraph 7</i>		Does not require implementation
Article 22	National implementation reports	Does not require implementation: Article 13 on obtaining the information to be reported
Article 23	Review	Does not require implementation
Article 24	Committee procedure	Does not require implementation
Article 25	Penalties	Via Wm and 1.1a WED
Article 26	Transposition	Via Article 19
Article 27	Voluntary agreements	Does not require implementation
Article 28	Repeal	Does not require implementation
Article 29	Entry into force	Does not require implementation
Article 30	Addressees	Does not require implementation

Abbreviations used:

Bbba 2008: Management of Batteries and Accumulators Decree 2008

Bssa: Landfill Decree

Reea: WEEE Management Regulations

WED: Economic Offences Act

Wm: Environmental Management Act

The Minister of Housing,
Spatial Planning and the Environment,