

Questions & Answers v2 – Batteries Regulations

March 2010

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

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

If you have a question that is not answered here or on our [website](#), please visit www.defra.gov.uk or www.bis.gov.uk (type 'batteries' in the search box), or contact our batteries helpdesk via email: batteries@environment-agency.gov.uk, or by phone: 08708 506506..

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

1) If you put batteries on the UK market

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

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

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

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

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

Yes. If you are exporting waste industrial and/or automotive batteries you must apply for approval from us to do so. You will also need to demonstrate that this will be done to

equivalent UK standards in the country you are sending them to. You must also ensure that you export in accordance with the international waste shipments regulations. Details of these can be found at www.environment-agency.gov.uk/waste. Please read the [questions in section 2](#) for people who deal with used batteries.

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

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

What types of batteries are affected?

All types of batteries and accumulators are affected.

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

Automotive batteries are:

- used for starting or the ignition of a vehicle engine or for powering the lights of a vehicle. The vehicle must be of a road-going nature for the batteries to be classed as automotive.

Industrial batteries are:

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

Portable batteries are:

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

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

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

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

You are a **large producer** if you place more than one tonne of portable batteries on the UK market each year. You will have to pay for the collection, treatment, recycling and disposal of waste batteries in proportion to your market share. You will do this by joining a Battery Compliance Scheme (BCS). The BCS will arrange for the collection, treatment and recycling of waste batteries on your behalf. It will also register you with the relevant environment agency. If you intend to place more than one tonne of portable batteries on the UK market during 2010, you should have already joined a battery compliance scheme. If you have not, you must do so as soon as possible to avoid any enforcement action.

If you are a new producer (for example, you did not know by 15 October 2009 that you would be placing batteries on the market in 2010), you have 28 days from the date on which you first place batteries on the market to join a battery compliance scheme.

You are a **small producer** if you place one tonne or less of portable batteries on the UK market each year. You will not have to pay for the collection and treatment of waste portable batteries but you will still have to register yourself directly with your local environment agency. You must do this within 28 days of the first date on or after 15 October 2009 on which you place any batteries onto the UK market. You can register as a small producer on the National Packaging Waste Database (NPWD). The NPWD for companies in England and Wales can be accessed at the following web address: <http://npwd.environment-agency.gov.uk/Public/BatteriesHome.aspx>

All producers must provide data on the amount and weight of batteries they place on the market from 5 May 2009 when the regulations came into force. If possible, we would like you to provide records for the whole of 2009.

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

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

From 1 February 2010 distributors of batteries have to take back portable batteries from any member of the public who has some to dispose of – for example, by supplying a battery bin. There will be an exemption from this requirement for distributors who sell less than 32 kg of portable batteries each year. The Vehicle Certification Agency (VCA, www.vca.gov.uk) have been appointed by Defra to enforce the distributor requirements of the Regulations. You can contact the VCA via their website at <http://www.vca.gov.uk/enforcement/battery-recycling.asp>, by emailing batteries@vca.gov.uk or by telephoning their helpline on 0844 8000819.

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

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

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

I have to report the weight of electrical and electronic equipment (EEE), including the weight of batteries, that I place on the market in 2009. I also have to separately report the weight of batteries that I place on the market. Aren't I paying twice for the batteries to be treated?

No. The weight of EEE you place on the market in 2009 is used to calculate your obligation to pay for the collection, treatment and recycling of EEE in 2009. In contrast, the weight of batteries you place on the market in 2009 is used to calculate your obligation to pay for the collection, treatment and recycling of batteries in 2010.

Government guidance has been changed so that the weight of EEE in 2010 must be reported without batteries. At the same time, WEEE compliance schemes will not have to pay for the treatment and recycling of batteries. Instead, collectors and treatment operators will be able to pass them on to Battery Compliance Schemes free of charge.

During 2009, your WEEE compliance scheme paid for the treatment and recycling of any batteries that were thrown away with your product, as well as for the treatment and recycling of the product itself.

In summary:

- In 2009, EEE producers paid for the collection, treatment and recycling of WEEE, including any batteries, based on the weight of EEE placed on the market in 2009.
- In 2010, EEE producers will be paying for the collection, treatment and recycling of WEEE, excluding batteries, based on the amount of EEE placed on the market in 2010. Battery producers will pay for the collection, treatment and recycling of batteries based on the amount placed on the market in 2009.

Which environment agency covers my business?

If you are a small producer or Approved Battery Exporter (ABE) registered in, or with your principal place of business in, England or Wales, it is the [Environment Agency](#).

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

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

If you are an Approved Battery Treatment Operator (ABTO) you must apply to whichever the environment agency regulates your sites.

If you are a large producer, it will be whichever environment agency regulates your compliance scheme.

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

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

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

All producers of portable batteries will have to register with the relevant environment agency ([see above](#)) and provide sales data. Producers of industrial and automotive batteries will have to register with the [Department for Business Innovation and Skills](#). Producers of all types of batteries will need to register with both. Only those who place more than one tonne of portable batteries on the UK market each year will have to join a compliance scheme and contribute towards the cost of collecting, treating, recycling and disposing of batteries.

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

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

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

Who runs battery compliance schemes?

Those wishing to become a Battery Compliance Scheme had to apply to the relevant environment agency by the end of May 2009. A list of all approved compliance schemes is available on our website at www.environment-agency.gov.uk/batteries.

How will compliance schemes work?

Battery Compliance Schemes will help large producers (those placing more than one tonne of portable batteries on the UK market each year) comply with the Batteries Regulations by carrying out registration, collection, treatment and recycling obligations on their behalf. They will have to undertake publicity campaigns both to raise awareness of the need to recycle batteries and to publicise their own collection arrangements.

When did the regulations come into force?

The regulations came into force on 5 May 2009. Large producers of portable batteries (those who place more than one tonne onto the UK market each year) should have joined an approved compliance scheme before 15 October 2009. Those that haven't are at risk of enforcement action being taken against them. Small producers of portable batteries and producers of industrial and/or automotive batteries must register with the relevant environment agency within 28 days of the first date on or after 15 October 2009 on which they place any batteries onto the UK market.

All producers of batteries must record the amount of batteries they have placed on the market since 5 May 2009 onwards.

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

What are the labelling requirements for new batteries?

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

What are the existing requirements for collection of batteries?

There are no national requirements for the collection of batteries, other than compliance with existing regulations such as environmental permitting and hazardous waste. Please read [Defra's advisory note](#) for more information. Some local authorities already make arrangements for separate collection of batteries and in some areas there are other collection arrangements, but participation in these schemes is voluntary.

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

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

2) If you deal with used batteries

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

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

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

In either case, if you want to take advantage of these arrangements you will need to talk to one or more of the approved compliance schemes, a list of which is available on our website.

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

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

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

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

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

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

Yes. You must be an Approved Battery Exporter if you are exporting industrial and/or automotive batteries, or if you wish to issue evidence on portable batteries. You must also ensure that you export in accordance with the International Shipments of Waste Regulations. You can find details at <http://www.environment-agency.gov.uk/business/sectors/32447.aspx>

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

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

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

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

What is an Approved Battery Treatment Operator (ABTO)?

An ABTO treats and recycles waste portable, industrial or automotive batteries.

For portable batteries, they then report to compliance schemes. In effect they act as contractors to compliance schemes and do the treatment work on their behalf.

How do I become an Approved Battery Treatment Operator (ABTO)? The procedure is set out in the regulations. It is very similar to the existing process for getting approval as an [Approved Authorised Treatment Facility](#) under the WEEE Regulations. You can find more information on our website at www.environment-agency.gov.uk/batteries. The current fee to become an ABTO is £500 for applicants who process 15 tonnes or less of waste portable batteries, or 150 tonnes or less of industrial or automotive batteries. The fee to become and ABTO is £2590 for a applicants who process more than 15 tonnes of waste portable batteries, or more than 150 tonnes of industrial or automotive batteries .

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

Evidence can only be issued against portable batteries. Evidence can only be issued by Approved Battery Treatment Operators (ABTOs) or by an Approved Battery Exporter (ABE). ABTOs and ABEs must provide evidence notes to demonstrate that all collected waste portable batteries they receive are subsequently treated and recycled, in accordance with the requirements of the regulations.

How do Approved Battery Treatment Operators (ABTOs) and Approved Battery Exporters (ABEs) issue evidence?

Every ABTO/ABE will issue evidence to compliance schemes about the quantities of portable batteries they treat and recycle. These bodies are then responsible for ensuring that the collected batteries are treated and recycled in line with the Batteries Directive. We have recently published guidance on how to issue batteries evidence notes (GN07). This has been emailed to all ABTOs, ABEs and compliance schemes, and will soon be available on our web pages.

What are the requirements for treatment and recycling?

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

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

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

The European Commission is currently studying the best ways to calculate these efficiencies. Once they decide they will be applied to all portable batteries. The requirements are not in force until September 2011.

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

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

3) If you use batteries

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

Members of the public will be encouraged to keep batteries separate from other waste and to take advantage of whatever collection arrangements are available locally. The regulations mean that any retailer who sells over 32kg of batteries per year (about 1 pack of 4 AAs a day) is required to provide a free recycling point for consumers to return their used / flat batteries. In practice, this means that most retailers who sell batteries will now have a collection point; making it easier for everyone to recycle.

You can visit www.recycle-more.co.uk/banklocator/banklocator.aspx for information on recycling facilities, or contact your local authority. Battery Compliance Schemes will provide information on new facilities, which will include free drop-off points in shops that sell batteries, as well as other local recycling points.

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

customer service line

08708 506 506

www.environment-agency.gov.uk

incident hotline

0800 80 70 60

floodline

0845 988 1188

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

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

4) Other questions

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

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

Due to their low residual value and the traditionally low cost of landfill, only about three per cent of UK portable batteries are collected and recycled. This is contrast with the figures achieved by neighbouring countries such as France, where the recycling rate is already 33%.

What is the role of the Environment Agency?

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

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

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

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