



Self-compliance Obligations for Battery Producers under Waste Management (Batteries and Accumulators) Regulations 2008¹

Important notice:

This document does not purport to be and should not be considered a legal interpretation of the legislation referred to herein. The Environmental Protection Agency accepts no liability for the consequences of any party acting or refraining from acting on the information provided in this document. Legal compliance in any given instance of dispute can only be definitively determined by due legal processes.

VERSION: November 2008

¹ Statutory Instrument No. 268 of 2008.
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Requirements for Self Complying Producers

Self-complying producers have a number of obligations in addition to the waste batteries management plan. These additional obligations are outlined. Please be advised of the following Articles in the Waste Management (Batteries and Accumulators) Regulations 2008 (S.I. No. 268 of 2008) that self-complying producers must also comply with the requirements set out in this document.

Relevant Article and outline of requirements in the Batteries Regulations 2008 (S.I. No. 268 of 2008)	
Articles 5, 6 & 7	<p>Marketing of batteries containing specified hazardous substances and inappropriately labelled batteries</p> <p>On and from 26th September 2008 any person will be prohibited from placing the market: -</p> <p>(1.1) All batteries that contain more than 0.0005% of mercury by weight (exemption: this does not apply to button cells with a mercury content of no more than 2% weight)</p> <p>(1.2) Portable batteries that contain more than 0.002% of cadmium by weight (exemption: this does not apply to batteries intended for use in emergency and alarm systems, including emergency lighting, medical equipment, or cordless power tools)</p> <p>(1.3) Battery or battery pack not marked in accordance with the provisions of Articles 31(1)(a) and 31(2) or, whose symbol shown in the 5th Schedule would be smaller than 0.5 x 0.5 cm and whose packaging is not marked in accordance with the provisions of articles 31 (2) and 31 (3)</p> <p>(1.4) On and from 26th September 2008 any person shall be prohibited from placing on the market any battery that does not display the capacity of the battery concerned in accordance with the provisions of Article 31 (6) unless exempted in accordance with the provisions of article 31 (7)</p>
	<p>Duty to inform the Agency</p> <p>On and from 26th September 2008 where a producer of batteries on the basis of information in his or her possession and as a professional ought to know that any battery which he or she has placed on the market which is prohibited under the provisions of article 5, the Agency shall immediately be informed of: -</p> <p>(1.5) Information enabling a precise identification of the product or batch of products in question</p> <p>(1.6) Where appropriate: -</p>

Relevant Article and outline of requirements in the Batteries Regulations 2008 (S.I. No. 268 of 2008)

	<ul style="list-style-type: none"> - A full description of the prohibited hazardous substances - Full details of any battery, including any battery pack that is not marked in accordance with the provisions of articles 31 (2) and 31 (3) and the provisions outlined under (1.3) and (1.4) above <p>(1.7) All information relevant to the tracing of the product</p> <p>A Producer shall ensure that he or she or a third party acting on his or her behalf has access at all times, at an address in the State to records of certification of: -</p> <p>(1.8) Compliance by manufacturers and any persons or persons in the supply chain</p> <p>(1.9) Laboratory testing, where such testing has been commissioned by the manufacturer, any person or persons in the supply chain and, as appropriate, the producer concerned.</p> <p>in order to verify that any battery placed on the market by the producer concerned complies with the requirements of article 5 and that such records be maintained for a period of six years, starting from the end of the year in which the battery was placed on the market.</p> <p>(1.10) A producer shall, on request being made to him or her by the Agency, provide every reasonable assistance to the Agency. A producer shall supply any information requested by the Agency in the format and within the timeframe specified by the Agency.</p>
Article 17	<p>Producer registration</p> <p>On and from 19th September 2008, each producer that has placed or is about to place batteries on the market shall be obliged to: -</p> <p>(1.1) Be registered with the registration body and declare to it or a third party acting on its behalf that any battery placed or will be placed on the market is marked in accordance with the provisions of article 31</p> <p>(1.2) Pay the fees as may be determined by the registration body or as appropriate a third party acting on its behalf.</p>

Relevant Article and outline of requirements in the Batteries Regulations 2008 (S.I. No. 268 of 2008)

	<p>(1.3) Display the registration number issued in accordance with the provisions of article 19 on any invoice, credit note, dispatch, and delivery docket issued to a distributor.</p>
<p>Article 18</p>	<p>Application for registration or renewal of registration</p> <p>A producer shall: -</p> <p>(1.1) Apply for registration to the registration body or, as appropriate, a third party acting on its behalf not later than 5th September 2008 or the date of commencement of business, whichever is the later</p> <p>(1.2) Apply for renewal of such registration to the registration body or, as appropriate, a third party acting on its behalf not later than 31 January in each year following initial registration for the relevant calendar year, subject only that a producer shall not be required to make such application within five months of initial registration, or the date a producer was required to apply for initial registration in accordance (1.1) above, whichever is the earlier</p> <p>(1.3) An application for registration in accordance with (1.1) above shall be made in writing or, where appropriate, electronically, and shall contain at least the information set out in Part 1 of the First Schedule</p> <p>(1.4) An application for renewal of registration in accordance with (1.2) above shall be made in writing or, where appropriate, electronically, and shall contain at least the information set out in Part 2 of the First Schedule. The application shall be accompanied by a declaration from the applicant detailing arrangements for providing adequate financing for the environmentally sound management of waste batteries that will be required in accordance with the provisions of article 23, or a copy of a valid certificate granted to the applicant by an approved body established in accordance with the provisions of Part V of these Regulations stating that such producer is participating, in a satisfactory manner, in a scheme for the environmentally sound management of waste batteries.</p> <p>(1.5) An application for registration or for renewal of registration shall be accompanied by the fee determined by the registration body</p> <p>(1.6) A producer shall notify the registration body or, as appropriate, a third party acting on its behalf of any changes to the information provided in an application for registration, or as the case may be, the last preceding application for renewal of registration within 10 working days of such change.</p>

Relevant Article and outline of requirements in the Batteries Regulations 2008 (S.I. No. 268 of 2008)	
	<p>(1.7) An application for registration or for renewal of registration to the registration body or, as appropriate, a third party acting on its behalf may be made by an approved body established in accordance with the provisions of Part V of these Regulations on behalf of any producer in respect of which a certificate for the purposes of article 34 has been granted.</p> <p>(1.8) The Minister from time to time may issue guidance to the registration body concerning the acceptance of applications for registration or, as appropriate, renewal of registration.</p>
Article 20	<p>Distance Sellers</p> <p>(1.1) Where a producer supplies batteries by means of distance communication he or she shall register in accordance with the provisions of article 17, notify the registration body or, as appropriate, a third party acting on its behalf at the time of registration or, as appropriate, renewal of registration, that he or she supplies batteries by means of distance communication and confirm that all such batteries placed on the market comply with the requirements of these Regulations</p> <p>(1.2) Upon a request from the registration body or, as appropriate, a third party acting on its behalf, local authority in the functional area where the registered office, or, if not a company, the principal place of business of the producer is located or, the Agency, undertake to provide it with information that demonstrates to its satisfaction, he or she has complied with his or her obligations to provide financing for the environmentally sound management of waste batteries deposited by customers of the distance seller concerned at collection points in any of the Member States of the European Union where the end-users of the waste batteries reside provided that such end users did not place on the market for the first time within the territory of any Member State concerned on a professional basis the batteries involved.</p> <p>(1.3) For the avoidance of doubt, a portable battery distributed by means of distance communication to an end-user outside the State shall be regarded as having left the State prior to being sold to the end-user concerned.</p>
Article 21 (4)	<p>Advertising</p> <p>(1.1) Where a producer supplies batteries by means of distance communication to end users, he/she shall place a visible and legible notice at each point on his/her website, catalogues, brochures, mail-shots where batteries being distributed are displayed indicating that he or she will take back waste batteries free of charge provided any waste battery that is returned is of equivalent type as the batteries supplied by him or her together with details of any or every place of business in the State from which he or she distributes batteries or, as appropriate, an address in the State where he or she takes back waste batteries</p>

Relevant Article and outline of requirements in the Batteries Regulations 2008 (S.I. No. 268 of 2008)	
	<p>(1.2) A producer shall notify final end-users when distributing any battery by voice telephony services, including telesales and telemarketing, that he or she will take back waste batteries free of charge as long any waste battery is of equivalent type as the batteries supplied by him or her together with details of any or every place of business in the State from which he or she distributes batteries or, as appropriate, an address in the State where he or she takes back waste batteries</p> <p>(1.3) A producer or supplies any battery by means of distance communication shall accept waste batteries by accepting them at all reasonable times at any place of business in the State from which he or she distributes batteries or, as appropriate, an address in the State, occupied by the producer concerned or by any of his or her servants or agents.</p>
Article 23 (1)	<p>Financing take back of waste batteries</p> <p>On and from 26th September 2008 a producer is responsible for net costs for the following activities: -</p> <p>(1.1) The environmentally sound management of waste batteries deposited at collection points and civic amenity facilities in the functional areas of all local authorities relating to the producer's own products regardless of when placed on the market and their chemical composition.</p> <p>(1.2) The collection from end-users and environmentally sound management of waste industrial batteries relating the producer's own products regardless of when placed on the market and their chemical composition.</p> <p>(1.3) Any public information campaign on the collection, treatment and recycling of waste portable batteries in proportion to the quantity of portable batteries placed on the Irish market, excluding portable batteries that left the State prior to being sold to end-users.</p>
Article 23 (2)	<p>Displaying of environmental management costs</p> <p>(1.1) Any producer shall be prohibited from displaying the costs of the environmentally sound management of waste batteries to any person or persons</p>

Relevant Article and outline of requirements in the Batteries Regulations 2008 (S.I. No. 268 of 2008)

Article 23 (3)

Requests for appropriate collection of waste batteries from collection points

On and from **26th September 2008** the producer: -

- (1.1) Must ensure that portable waste batteries, including waste button cells, regardless of when placed on the market and their chemical composition, are collected from a collection point within 20 working days of a request made by the collection point operator relating to the products of a type and brand supplied by that producer, or as appropriate in proportion to the quantity of batteries placed on the market in the State by that producer excluding any batteries that left the State prior to being sold to end-users.
- (1.2) Must ensure that waste automotive batteries or, as appropriate, waste industrial batteries regardless of when placed on the market and their chemical composition are collected from a collection point within 30 working days of a request made by the collection point operator relating to the products of a type and brand supplied by that producer, or as appropriate, in proportion to the quantity of batteries placed on the market in the State by that producer excluding any batteries that left the State prior to being sold to end-users.

Article 23 (4)

Alternative arrangements for the environmentally sound management of waste batteries

- (1.1) If the producer fails to comply with a collection request in the appropriate time then the operator of the collection point may make alternative arrangements for the environmentally sound management of the waste batteries relating to the products of a type and brand supplied by the producer. The collection point operator may then bill the producer for the appropriate costs and charge an administrative fee of up to 10% of the total costs incurred during the process.

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<p>Article 23 (5)</p>	<p>Producer responsibilities regarding transfer of ownership of business</p> <p>(1.1) Where a business is transferred in whole or in part to another person or persons, the producer remains responsible for the full costs of financing the environmentally sound management of batteries the producer has placed on the market within the State excluding batteries which left the State prior to being sold to end-users, until the producer has demonstrated to the Agency that the new owners of the business are competent, and in agreement to meet all obligations of the producer in respect to such batteries. These obligations include the financing of the environmentally sound management of the waste batteries under Article 23(1) and that the producers meet all collection and recycling targets in accordance with the provisions of Article 23 (7) and Article 28.</p>
<p>Article 23 (6)</p>	<p>Collection of Waste Industrial Batteries</p> <p>Economic operators may collect waste industrial batteries from end users provided the waste industrial batteries are collected by an authorised waste collector and are managed in an environmentally sound manner in accordance with the provisions of Articles 26, 27 & 28.</p> <p>Economic operators must submit a report to the EPA by the 28th February each year in respect to the previous calendar year and must include the information set out in Part 2 of the Second Schedule.</p>
<p>Article 23 (7)</p>	<p>Collection Targets for Portable Batteries</p> <p>(1.1) Each producer of portable batteries shall achieve as a minimum the following targets for the collection of portable batteries: -</p> <p>25% by 26 September 2012 and 45% by 26 September 2016</p> <p>of the quantity by weight of portable batteries placed on the market in the State excluding any portable batteries that left the State prior to being sold to end-users.</p>
<p>Article 23 (8)</p>	<p>Schemes set up in another Member State or Third Country</p> <p>(1.1) Producers in the State have no obligation to finance the environmentally sound management of waste batteries that arise and are collected under any scheme set up in accordance with the Batteries Directive or the Waste Electrical and Electronic Equipment</p>

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	Directive in another member state or third country.
Article 23 (9)	<p>Batteries included in appliances under the WEEE Directive</p> <p>(1.1) The quantity of portable batteries placed on the market in the State by a producer excluding any portable batteries that left the State prior to being sold to end-users shall, include batteries incorporated into appliances.</p>
Article 24	<p>Alternative financing arrangements</p> <p>(1.1) Producers of industrial or automotive batteries may conclude agreements stipulating other financing methods provided that the waste is managed in an environmentally sound manner</p> <p>(1.2) Where alternative financing arrangements are made, each producer shall notify the user in writing of all the obligations that transfer to the end user regarding the environmentally sound management of the waste batteries in addition to any obligations in relation to articles 27 and 28</p> <p>(1.3) Where alternative financing arrangements are made, each end user by the 31st January of each year, in respect of the previous calendar year provide to each producer information to demonstrate that all waste batteries were treated and recycled at an appropriate facility in accordance with the requirements set out in Parts A & B respectively of Annex III the Batteries Directive.</p>
Article 25 (b)	<p>Collection of waste batteries</p> <p>On and from 26 September 2009 producers of: -</p> <p>(1.1) Portable batteries must ensure that adequate arrangements are in place for the collection of waste portable batteries from collection points and civic amenity facilities situated in the functional area of each local authority.</p> <p>(1.2) Automotive batteries must ensure that adequate arrangements are in place for the collection of waste automotive batteries arising from private or, as appropriate non-commercial vehicles from collection points and civic amenity sites situated in the functional area of each local authority.</p> <p>(1.3) Automotive batteries must ensure that adequate arrangements are in place for the collection of waste automotive batteries from vehicles other than private or, as appropriate, non-commercial vehicles from collection points situated in the functional area of</p>

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	<p>each local authority.</p> <p>(1.4) Industrial batteries must ensure that adequate arrangements are in place for the collection of waste industrial batteries regardless of their chemical composition, or as appropriate, origin from collection points situated in the functional area of each local authority.</p>
Article 26	<p>Disposal of Waste Batteries</p> <p>(1.1) On and from 26th September 2008, any person shall be prohibited from disposing waste industrial and automotive batteries in landfill or by incineration.</p> <p>(1.2) Residues or any battery maybe disposed in a landfill or by incineration provided it has already undergone both treatment and recycling in accordance with the provisions of articles 27 and 28.</p>

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Article 27 (1)

Treatment of waste batteries

On and from **26th September 2009** producers responsible for financing the environmentally sound management of any waste battery, end-user of industrial or automotive batteries (other than an automotive battery from a private or non-commercial vehicle who avails of alternative financing methods), authorised waste collector acting independently of any obligated producer or approved body engaged in the collection and transport of any waste industrial batteries and persons obligated under the provisions of Article 17 (5) or 22 (3) shall ensure: -

- (1.1) Waste batteries are treated and recycled using best available techniques in terms of the protection of health and the environment and that the treatment of such batteries meet the requirements set out in Part A of Annex III of the Batteries Directive. Also such treatment and recycling shall comply with Community legislation as regards health, safety and waste management.
- (1.2) Best available techniques in relation to recycling efficiencies shall be regularly evaluated and adapted.

Article 27 (2)

Treatment of waste batteries in another state or third country

On and from **26th September 2008** producers responsible for financing the environmentally sound management of any waste battery, end-user of industrial or automotive batteries (other than an automotive battery from a private or non-commercial vehicle who avails of alternative financing methods), authorised waste collector acting independently of any obligated producer or approved body engaged in the collection and transport of any waste industrial batteries and persons obligated under the provisions of Article 17 (5) or 22 (3) shall ensure: -

- (1.1) Waste batteries are transported in accordance with the provisions of the Council Regulations as indicated under Article 27 (2) including the shipment of waste, the shipment of certain types of waste to certain non-OECD countries, export for recovery of certain waste to certain countries.
- (1.2) Waste batteries are treated and recycled at a facility authorised by the relevant competent authority or authorities in the member state or third country concerned and when treated and recycled shall furnish documentary evidence that the requirements of 27 (1) and 28 (1) are complied with.

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Article 27 (3)	<p>Information to be supplied to the Agency regarding the environmental sound management of waste batteries</p> <p>(1.1) On and from 26th September 2008 any holder of a waste facility permit, a waste registration certificate or waste collection permit shall furnish to the Agency information in relation to waste batteries collected, accepted, sorted, transferred, recycled, disposed of, brokered, or otherwise managed or treated within a specified period in such form or frequency as may be specified by the Agency.</p>
Article 27 (4)	<p>Treatment of waste batteries exported to any third country</p> <p>On and from 26th September 2008, persons exporting waste batteries to any third country shall ensure: -</p> <p>(1.1) That waste batteries are treated in accordance with Article 15 of the Batteries Directive.</p> <p>(1.2) Demonstrate to the satisfaction of the Agency that waste batteries are treated at an appropriate facility and in accordance with Article 27 (1).</p> <p>(1.3) Demonstrate to the satisfaction of the Agency that waste batteries are recycled at an appropriate facility and in accordance with Article 28 (1).</p>
Article 27 (5)	<p>Batteries within WEEE</p> <p>(1.1) On and from 26th September 2008 any battery that is collected with waste electrical and electronic equipment (WEEE) in accordance with the WEEE Regulations shall be removed from WEEE prior to its environmentally sound management.</p>
Article 28 (1)	<p>Recycling of waste batteries</p> <p>(1.1) On and from 26th September 2011 producers responsible for financing the environmentally sound management of any waste battery, end-user of industrial or automotive batteries (other than an automotive battery from a private or non-commercial vehicle who avails of alternative financing methods), authorised waste collector acting independently of any obligated producer or approved body engaged in the collection and transport of any waste industrial batteries and persons obligated under the provisions of Article 17 (5) or 22 (3) shall ensure that recycling processes meet the recycling efficiencies set out in Part B of Annex III of the Batteries Directive.</p>

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<p>Article 29</p>	<p>Record keeping</p> <p>On and from 26th September 2008</p> <p>(1.1) Each producer shall ensure that he/she or third party acting on their behalf, records the quantities by weight or as appropriate by number of units, and categories of batteries (where categories are specified in guidance that may be issued by the Minister) that are placed on the market in each member state of the European Union and third countries</p> <p>(1.2) Each producer that is responsible for financing the environmentally sound management of any waste battery in accordance with the provisions of article 23 or third party acting on their behalf shall record the quantities by weight or as appropriate by number of units, and categories of batteries (where categories are specified in guidance that may be issued) when entering and leaving a recycling facility carrying out the treatment of waste batteries or, as appropriate, when entering a recycling facility carrying out the recycling of waste batteries.</p> <p>(1.3) Records shall be retained at an address in the State. Required to keep records for a period of at least six years.</p> <p>(1.4) Records shall be made available to the Agency, the Registration Body, a local authority, or appropriate, an appropriate agency on request within a specified period or by a specified date</p>
<p>Article 30 (1, 2 & 5)</p>	<p>Waste Management Plan and Notice</p> <p>A Producer shall: -</p> <p>(1.1) Not later than the date on which an application for registration is made have prepared a plan detailing the steps to be taken to comply with the requirements for self compliers as set out in the Regulations and steps to be taken to ensure the environmentally sound management of waste batteries. The Plan shall contain the information set out in Part 1 of the Fourth Schedule.</p> <p>(1.2) On and from the 26th September 2008, fix and maintain a notice in a conspicuous position within one metre of each entrance, other than the premises used for the distribution of batteries, that complies with requirements specified in Part 1 of the Third Schedule.</p> <p>(1.3) Every three years, not later than the date of application for renewal of registration, have prepared a new Plan detailing the steps as outlined under (1.1) above.</p>

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Article 30 (3 & 4)	<p>Waste Management Report and Notice</p> <p>A Producer shall: -</p> <p>(1.1) Not later than the date of application for renewal of registration, have prepared a report specifying the steps taken in order to comply with the requirements set out in the Regulations in the relevant period and the results of these steps. The report shall contain the information set out in Part 2 of the Fourth Schedule.</p> <p>(1.2) Not later than the date of application for renewal of registration, fix and maintain a notice in a conspicuous position within one metre of each entrance other than the premises used for the distribution of batteries, that complies with requirements specified in Part 2 of the Third Schedule</p>
Article 30 (6)	<p>Submission of Plan or Report for approval</p> <p>(1.1) A Producer shall on the date on which application for registration or renewal of registration is made, submit to the Agency for its approval a copy of the plan or report.</p>
Article 30 (7)	<p>Administration Fee</p> <p>(1.1) An administration fee determined by the Agency shall accompany a copy of the plan or report. The Board of the Agency will determine the fee to accompany the waste management plan. The fee may be in the region of €6,000.</p>
Article 30 (8 & 9)	<p>Availability of Plan or Report</p> <p>(1.1) A copy of a plan or report shall be made available free of charge by the producer to any person who so requests within 10 working days of the date of the receipt of the request. This includes sending the report by post, fax or electronic mail.</p>
Article 30 (10)	<p>Application of conditions with respect to the Plan</p> <p>(1.1) The Agency shall in determining the adequacy of a plan consult with the Minister with regard to any condition that the Minister may wish to apply (See below the conditions that the Minister for the Environment, Heritage and Local Government has directed the EPA to include as conditions when approving any plan submitted to the EPA for approval)</p>

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<p>Application of Conditions as directed by the Minister under Article 30 (10)</p>	<p>Interim Targets</p> <p>(1.1) Producers shall undertake to endeavor to achieve interim collection targets of: -</p> <p>(a) 15% of waste portable batteries by 26th September 2010</p> <p>(b) 30% of waste portable batteries by 26th September 2014</p> <p>based on the quantity by weight of portable batteries placed on the market in the State.</p>
<p>Application of Conditions as directed by the Minister under Article 30 (10)</p>	<p>Co-operation with other producers and where appropriate approved collective compliance scheme(s)</p> <p>(1.1) Producers shall engage with all other legal entities who have financial obligations in accordance with the provisions of Article 23 of the Regulations and where appropriate with all approved bodies granted approval in accordance with article 36 of the Regulations to agree adequate arrangements that ensure waste batteries are collected from all collection points in the State.</p> <p>(1.2) Where, no agreement is reached Producers will be required to contribute to the financing of adequate clearing arrangements to enable each entity who has financial obligations in accordance with the provisions of Article 23 of the Regulations and where appropriate with all approved bodies granted approval in accordance with Article 36 of the Regulations to collect waste batteries in proportion to the market share attributable to each legal entity concerned to enable collection points contact the clearing mechanism that is established to arrange for collections of waste batteries.</p> <p>The costs in financing such clearing arrangements will have to be borne equally by each legal entity concerned regardless of market share attributable to each. Such clearing mechanisms shall also be used in determining the financial obligation, in proportion to market share, of each legal entity with financial obligations in accordance with the provisions of Article 23 of the Regulations and where appropriate with all approved bodies granted approval in accordance with article 36 of the Regulations.</p> <p>(1.3) Producers shall undertake to make arrangements with all other producers who have financial obligations in accordance with the provisions of Article 23 of the Regulations and where appropriate with all approved bodies granted approval in accordance with Article 36 to ensure that waste batteries are collected from all collection points in the State.</p>

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| | <p>(1.4) Producers shall further undertake that in the event no agreement is reached, it shall contribute, in equal amount to other obligated legal entities, to the financing of adequate clearing arrangements to enable each entity who has financial obligations in accordance with the provisions of Article 23 of the Regulations where appropriate with all approved bodies granted approval in accordance with Article 36 to collect waste batteries in proportion to the market share attributable to each legal entity concerned to enable collection points contact the clearing mechanism that is established to arrange for collections of waste batteries.</p> |
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Article 31

Information to users

On and from **26th September 2008** each producer shall ensure: -

- (1.1) Each battery including any button cell that is placed on the market is marked indelibly, visibly and legibly with the marked out wheelie bin symbol as shown in the Fifth Schedule and if any battery contains more than 0.0005% mercury that it is marked with the symbol Hg, 0.002% cadmium with the symbol Cd or 0.004% lead with the chemical symbol Pb
- (1.2) When supplying a new battery, that users are informed of the potential effects on the environment and human health of the substances used in batteries, the desirability of not disposing of waste batteries as unsorted municipal waste and of participating in their separate collection so as to facilitate treatment and recycling, their role in contributing to the recycling of waste batteries and the meaning of the symbol of the crossed-out wheeled bin shown in the Fifth Schedule and the chemical symbols Hg, Cd and Pb.

The producer shall inform users how to safely remove a battery from an appliance where a battery is incorporated into the appliance concerned, and where appropriate, the type of any battery that is incorporated into an appliance. This shall not apply where for safety, performance, medical or data integrity reasons, continuity of power supply is necessary and requires a permanent connection between the appliance and the battery.

The above obligations will be deemed to have been met if the information is provided in the instructions for use, in leaflets issued at the point of sale or through an ongoing information campaign approved by the Minister.

- (1.3) The marked out wheelie bin symbol shall cover at least 3% of the area of the largest side of any battery or, as appropriate, battery pack but excluding any cylindrical cell, or 1.5% of the surface area of any cylindrical cell, up to a maximum size of 5 x 5 cm.
- (1.3) Where the size of the battery or battery pack is such that the marked out wheelie bin symbol would be smaller than 0.5 x 0.5 cm the battery or battery pack need not be marked in accordance with provisions of (1.1) above and the marked out wheelie bin symbol shall be printed on the packaging and shall measure at least 1 x 1 cm.
- (1.4) Where the marked out wheelie bin is printed on the packaging of any battery, including any button cell, containing more than the substances as outlined in (1.1) above, the information as prescribed in (1.1) above shall also be printed on the packaging concerned.

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	On and from 26th September 2009 each producer shall ensure that he or she or a third party acting on his or her behalf marks indelibly, visibly and legibly each portable battery or, as appropriate, automotive battery with details of the capacity of the battery concerned in accordance with the detailed rules for the implementation of this requirement, including harmonized methods for the determination of capacity and appropriate use, laid down in accordance with the procedure referred to in Article 24(2) of the Directive. A producer shall be exempt from these where exemptions from the labeling requirements of Article 21 of the Directive have been granted in accordance with the procedure referred to in Article 24(2) of the Directive.
Article 32	<p>Information to Registration Body</p> <p>Each producer or a third party acting on their behalf shall declare the quantities by weight or as appropriate by number of units and categories of batteries (where categories are specified in guidance that may be issued by the Minister) he/she placed on the market in the State excluding any batteries that left the State prior to being sold to end-users, to the registration body or where any or all of the functions of the registration body have been devolved to a third party the third party concerned.</p> <p>(1.1) By 1st September 2008, in respect of the calendar year ending 31 December 2007,</p> <p>(1.2) By 31st January of each year thereafter, in respect of the previous calendar year ending 31st December, and</p> <p>(1.3) On request within a specified period or by a specified date, in respect of any specified period.</p>
Article 33 (3)	<p>Advertising</p> <p>(1.1) Any person advertising batteries will be required, in any advertisement, to include the following text: -</p> <p style="padding-left: 40px;">“Waste batteries must never be placed in your waste disposal or recycling bins. There is a bin for small batteries in you local store. Battery recycling is free”</p>
Article 45	<p>(1.1) On and from 26th September, each producer in the State engaged in the manufacture of batteries shall be required to consider the promotion of research and encourage improvements in the overall environmental performance of batteries throughout their entire life cycle, and development and marketing of batteries which contain smaller quantities of dangerous substances or which contain less polluting substances, in particular as substitutes for mercury, cadmium and lead. The manufacturer shall consult with the</p>

Relevant Article and outline of requirements in the Batteries Regulations 2008 (S.I. No. 268 of 2008)	
	<p>Minister concerning the manufacturers proposals where any undertaking is supported by public funds before considering the granting or continued granting of such assistance.</p> <p>(1.2) The Minister from time to time may issue guidance concerning the design and production of batteries</p>
Article 46	<p>Removal of waste batteries</p> <p>On and from 26th September 2008</p> <p>(1.1) Each person in the State engaged in the manufacture of appliances into which batteries are incorporated shall be required to design the appliances concerned in such a way that waste batteries can be readily removed, except where, for safety, performance, medical or data integrity reasons, continuity of power supply is necessary and requires a permanent connection between the appliance and the battery</p> <p>(1.2) Any producer of appliances into which batteries have been incorporated shall ensure that each appliance concerned is accompanied by instructions showing how they can be removed safely and, where appropriate, informing the end-user of the type of the incorporated batteries.</p> <p>(1.3) The Minister from time to time may issue guidance concerning the design of and production of appliances containing batteries.</p>