SUBSIDIARY LEGISLATION 427.08

BATTERIES AND ACCUMULATORS REGULATIONS

26th September, 2008

LEGAL NOTICE 311 of 2007, as amended by Legal Notices 88 of 2009, 311 of 2011 and 191 of 2014.

Title.

1. The title of these regulations is the Batteries and Accumulators Regulations.

Scope.
Amended by: L.N. 191 of 2015.

2. (*a*) These regulations implement the provisions of Directive 2006/66/EC of the European Parliament and of the Council of the 6th September, 2006.

(*b*) These regulations also implement Articles 1(1), (2), (4), (10)(a) and (10)(b) of Directive 2013/56/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators as regards the placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools, and of button cells with low mercury content, and repealing Commission Decision 2009/603/EC.

Applicability.

3. (1) These regulations shall apply to all types of batteries and accumulators, regardless of their shape, volume, weight, material composition or use. It shall apply without prejudice to the Waste Management (End of Life Vehicles) Regulations and to the Waste Management (Electrical and Electronic Equipment) Regulations.

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S.L. 435.73

(2) These regulations shall not apply to batteries and accumulators used in:

(*a*) essential security interests, 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.

Definitions.
Amended by: L.N. 88 of 2009; L.N. 311 of 2011.

4. For the purposes of these regulations, the following definitions shall apply:

1. "automotive battery or accumulator" means any battery or accumulator used for automotive starter, lighting or ignition power;

2. "battery" or "accumulator" means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) or consisting of one or more secondary battery cells (rechargeable);

3. "battery pack" means any set of batteries or

accumulators that are connected together and, or encapsulated within an outer casing so as to form a complete unit that the end-user is not intended to split up or open;

4. "button cell" means any small round portable battery or accumulator whose diameter is greater than its height and which is used for special purposes such as hearing aids, watches, small portable equipment and back-up power;

5. "cordless power tool" means any hand held appliance powered by a battery or accumulator and intended for maintenance, construction or gardening activities;

6. "industrial battery or accumulator" means any battery or accumulator designed for exclusively industrial or professional uses or used in any type of electric vehicle;

7. "placing on the market" means supplying or making available, whether in return for payment or free of charge, to a third party within the Community and includes import into the customs territory of the Community;

8. "portable battery or accumulator" means any battery, button cell, battery pack or accumulator that:

(i) is sealed; and

(ii) can be hand-carried; and

(iii) is neither an industrial battery or accumulator nor an automotive battery or accumulator.

Marketing prohibition.
Amended by: L.N. 191 of 2014.
S.L. 435.60

5. (1) Without prejudice to the Waste Management (End of Life Vehicles) Regulations, the marketing of the following batteries is prohibited:

(*a*) all batteries or accumulators, whether or not incorporated into appliances, that contain more than 0,0005 % of mercury by weight; and

(*b*) portable batteries or accumulators, including those incorporated into appliances, that contain more than 0,002 % of cadmium by weight.

(2) The prohibition set out in subregulation (1)(*a*) shall not apply to button cells with a mercury content of no more than 2% by weight until 1 October 2015.

(3) The prohibition set out in sub-regulation (1)(*b*) shall not apply to portable batteries and accumulators intended for use in:

(*a*) emergency and alarm systems, including emergency lighting;

(*b*) medical equipment; or

(*c*) cordless power tools; this exemption in respect of cordless power tools shall apply until 31 December 2016.

Labelling.

6. (1) All batteries, accumulators and battery packs shall be

appropriately marked with the symbol shown in the Schedule.

(2) The capacity of all portable and automotive batteries and accumulators shall be indicated on them in a visible, legible and indelible form by 26 September 2009.

(3) Batteries, accumulators and button cells containing more than 0,0005% mercury, more than 0,002% cadmium or more than 0,004% lead, shall be marked with the chemical symbol for the metal concerned: Hg, Cd or Pb. The symbol indicating the heavy metal content shall be printed beneath the symbol shown in the Schedule and shall cover an area of at least one-quarter the size of that symbol.

(4) The symbol shown in the Schedule shall cover at least 3% of the area of the largest side of the battery, accumulator or battery pack, up to a maximum size of 5 x 5 cm. In the case of cylindrical cells, the symbol shall cover at least 1,5% of the surface area of the battery or accumulator and shall have a maximum size of 5 x 5 cm.

(5) Where the size of the battery, accumulator or battery pack is such that the symbol would be smaller than 0,5 x 0,5 cm, the battery, accumulator or battery pack need not be marked but a symbol measuring at least 1 cm x 1 cm shall be printed on the packaging.

(6) Symbols shall be printed visibly, legibly and indelibly.

Promotion and improvement of battery performance. *Added by: L.N. 88 of 2009.*

7. Manufacturers shall promote research and improve the overall environmental performance of batteries and accumulators throughout their entire life cycle as well as develop and market batteries and accumulators which contain smaller quantities of dangerous substances or which contain less polluting substances, in particular as substitutes for mercury, cadmium and lead.".

Placing on the market. *Added by: L.N. 88 of 2009. Amended by: L.N. 191 of 2014.*

8. (1) The placing on the market, of batteries and accumulators that meet the requirements of these regulations, shall not be impeded, prohibited or restricted.

(2) Batteries and accumulators which do not meet the requirements of these regulations, but which were lawfully placed on the market prior to the date of application of the respective prohibitions set out in regulation 5, may continue to be marketed until stocks are exhausted.

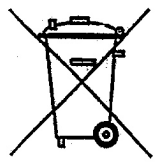
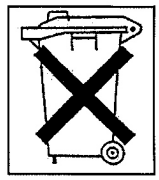
Removal of waste batteries and accumulators. *Added by: L.N. 191 of 2014.*

9. (1) Manufacturers shall design appliances in such a way that waste batteries and accumulators can be readily removed. Where they cannot be readily removed by the end-user, manufacturers shall design appliances in such a way that waste batteries and accumulators can be readily removed by qualified professionals that are independent of the manufacturer. Appliances in which batteries and accumulators are incorporated shall be accompanied by instructions on how those batteries and accumulators can be safely removed by either the end-user or by independent qualified professionals. Where appropriate, the instructions shall also inform the end-user of the types of battery or accumulator incorporated into the appliance.

(2) The provisions set out in sub-regulation (1) shall not apply

where, for safety, performance, medical or data integrity reasons, continuity of power supply is necessary and a permanent connection between the appliance and the battery or accumulator is required.

SCHEDULE

SYMBOL FOR BATTERIES, ACCUMULATORS AND BATTERY PACKS FOR SEPARATE COLLECTION

The symbol indicating "separate collection" for all batteries and accumulators shall be the crossed-out wheeled bin shown below.