L.N. 6 of 2001

QUALITY CONTROL (EXPORT, IMPORTS AND LOCAL GOODS) ACT (CAP. 225)

Batteries and Accumulators Order, 2001 (Order No. 50 of 2001)

IN exercise of the powers conferred by article 3 of the Quality Control (Exports, Imports and Local Goods) Act, the Malta Standards Authority, has made the following Order: –

Citation and commencement.

1.1 The title of this Order is the Batteries and Accumulators Order, 2001 and may be referred to as Order No. 50 of 2001.

1.2 This Order shall come into effect as from the 1st March, 2001.

Applicability.

2.1 This Order shall apply to batteries and accumulators containing dangerous substances as defined in the First Schedule to this Order.

Definitions.

3.1 For the purposes of this Order, the following definitions shall apply, unless the context otherwise requires:

(a) "battery" or "accumulator" means a source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary (non-rechargeable) batteries or secondary (rechargeable) cells, as listed in the First Schedule;

(b) "spent battery or accumulator" means a battery or accumulator which is not re-usable and is intended for recovery or disposal.

Prohibition of marketing.

4.1 The marketing of the following batteries is prohibited:

– batteries and accumulators containing more than 0.0005 % of mercury by weight, including those cases where these batteries and accumulators are incorporated into appliances.

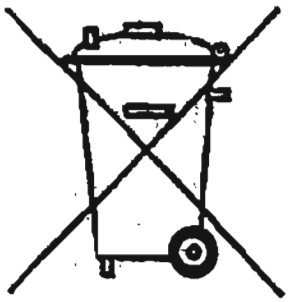
Button cells and batteries composed of button cells with a mercury content of no more than 2% by weight are exempted from this prohibition.

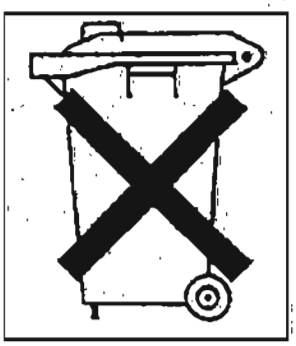
Marking of batteries and accumulators.

5.1 Batteries and accumulators and, where appropriate, appliances into which they are incorporated, shall be marked in an appropriate manner. The marking must include indications as to the following points:

separate collection,
where appropriate, recycling,
the heavy metal content.

5.2 The symbol indicating separate collection shall consist of one of the roll-out containers crossed through, as shown below:





5.3 The decision on the choice of the symbol to be used on batteries and accumulators covered by this Order shall be made by the person responsible for marking as described in paragraph 6.1 hereof.

5.4 The symbol described in paragraph 5.2 shall cover 3% of the area of the largest side of the battery or accumulator, up to a maximum size of 5 x 5 cm. For cylindrical cells the symbol shall cover 3% of half the surface area of the battery or accumulator and shall have a maximum size of 5 x 5 cm. Where the size of the battery or accumulator is such that the symbol would be smaller than 0.5 x 0.5 cm, the battery or accumulator need not be marked but a symbol measuring 1 x 1 cm shall be printed on the packaging.

5.5 The symbol indicating the heavy metal content shall consist of the chemical symbol for the metal concerned, Hg, Cd or Pb according to the type of battery or accumulator concerned, as described in the First Schedule to this Order.

5.6 The symbol referred to in paragraph 5.5 shall be printed beneath the symbol referred to in paragraph 5.2. It shall cover an area of at least one quarter the size of the symbol described in regulation 5.4.

5.7 The symbols shall be printed visibly, legibly and indelibly.

Responsible person.

6.1 The marking of batteries and accumulators shall comply with the provisions of this Order and shall be carried out by the manufacturer or his authorized representative or else by the person responsible for placing the batteries or accumulators on the market.

Appliances with incorporated batteries and accumulators.

7.1 Batteries and accumulators shall not be incorporated into appliances unless they can be readily removed, when spent, by the consumer.

7.2 Paragraph 7.1 shall not apply to the categories of appliance included in the Second Schedule to this Order.

FIRST SCHEDULE

Batteries and Accumulators covered by this Order

1. Batteries and accumulators put on the market as from 1st January, 1999 and containing more than 0.0005 % of mercury by weight.

2. Batteries and accumulators put on the market as from 18th September, 1992 and containing

more than 25 mg of mercury per cell, except alkaline manganese batteries,
more than 0.025 % of cadmium by weight,
more than 0.4 % of lead by weight.

3. Alkaline manganese batteries containing more than 0.025 % mercury by weight placed on the market as from 18th September, 1992.

SECOND SCHEDULE

List of Categories of Appliance excluded from the scope of paragraph 7.1

1. Those appliances whose batteries are soldered, welded or otherwise permanently attached to terminals to ensure continuity of power supply in demanding industrial usage and to preserve the memory and data functions of information technology and business equipment, where use of the batteries and accumulators referred to in the First Schedule is technically necessary.

2. Reference cells in scientific and professional equipment, and batteries and accumulators placed in medical devices designed to maintain vital functions and in heart pacemakers, where uninterrupted functioning is essential and the batteries and accumulators can be removed only by qualified personnel.

3. Portable appliances, where replacement of the batteries by unqualified personnel could present safety hazards to the user or could affect the operation of the appliance, and professional equipment intended for use in highly sensitive surroundings, for example in the presence of volatile substances.

Those appliances the batteries and accumulators of which cannot be readily replaced by the user, in accordance with this Schedule, shall be accompanied by instructions informing the user of the content of environmentally hazardous batteries and accumulators and showing how they can be removed safely.