

1.13 THE WASTE BATTERIES AND ACCUMULATORS REGULATIONS 2009

The regulations apply to Producers of all types of batteries and accumulators, regardless of shape, volume, weight, composition or use. Both disposable batteries and rechargeable batteries (accumulators) are covered.

“Producers” are defined as “any person in the UK that, irrespective of the selling technique used (distance sellers included) places batteries **including those incorporated into appliances or vehicles** on the market for the first time in the UK on a professional basis.” So if you manufacture batteries in the UK or import equipment into the UK for sale in the UK, and that equipment contains a battery, no matter how large or small that battery may be, you are regarded as a battery producer. The obligations you have depend upon whether you are dealing with “portable batteries” or “industrial batteries”.

Portable battery means any battery or battery pack which is:

- Sealed
- Can be hand-carried by an individual person without difficulty and
- Is neither an automotive battery nor an industrial battery.

(Remember it is irrelevant whether the battery is an individual item or incorporated into the product (such as a button type battery on a printed circuit board in a computer or weighing machine) the person placing that product on the market in the UK for the first time is regarded as the battery producer.)

Producers who place more than one tonne of portable batteries on the market in a year **must** join a Battery Compliance Scheme (similar to the WEEE schemes that already exist). The scheme will then deal with your registration with the Environment Agency, collect and collate data from members, pay the fees and then recharge their members accordingly. Details of approved schemes can be found on the Environment Agency website (www.environment-agency.gov.uk).

Small producers, i.e. those placing less than a tonne of portable batteries on the market in a year need to register with the relevant environment agency (if you have not yet registered you should do so immediately), and report their sales data to the agency by the 31st January each year. Small Producers have no collection, treatment or recycling obligations.

There is one other aspect to consider. If you are a **Distributor** of portable batteries, you will have an obligation to take back portable batteries. You are regarded as a Distributor of Portable Batteries if you sell portable batteries to end users professionally. So, for example, if you sell portable batteries as spares for your products you are a Distributor and if you sell more than 32kg of batteries per year then you have an obligation to accept back waste batteries without charge.

Industrial Battery means any battery or battery pack of any size or weight which is:

- designed exclusively for industrial or professional use, or
- unsealed but is not an automotive battery, or
- sealed but is not classified as a portable battery

The obligations on Producers of Industrial Batteries are a little more onerous. They are:

- The producer must register with BERR
- Take Back of waste batteries from January 2010. Take Back must be
 - free from an end user if you supply new industrial batteries to that end user during the calendar year, or
 - free from an end user on request when that end user is unable to return waste industrial batteries to his supplier – the battery must be of the same chemistry as those that the producer places on the market, or
 - free from any end user that is unable to dispose of waste industrial batteries by either of the two methods above.
- Publish on or before 1st December each year how an end user of industrial batteries may request take back of waste industrial batteries
- Ensure that waste industrial batteries for which they have taken responsibility are delivered to and accepted by an approved battery treatment operator or exporter.
- Report annually to BERR the total tonnage, and the chemistry, of industrial batteries placed on the UK market
- Report the tonnage and chemistry information on batteries collected and delivered to an approved treatment operators.
- Keep records for 4 years and make them available to BERR on demand.

A producer's obligation to take back batteries does not end once he has taken back the amount of batteries he has placed on the market.

Disclaimer

The above notes are NOT an authoritative Guide to the Regulations; they are intended for brief reference only on the principles. For detailed Guidance you are strongly recommended to obtain the Government Guidance Notes referred to above.

References

More detailed guidance on these Regulations can be found in Government Guidance Notes which can be downloaded from the web-sites of BERR (www.berr.gov.uk) DEFRA (www.defra.gov.uk) or the Environment Agency (www.environment-agency.gov.uk).

