

DIRECTIVES

DIRECTIVE 2008/103/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 19 November 2008

amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as regards placing batteries and accumulators on the market

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

HAVE ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Community, and in particular Article 95(1) thereof,

*Article 1***Amendment to Directive 2006/66/EC**

Article 6(2) of Directive 2006/66/EC shall be replaced by the following:

Having regard to the proposal from the Commission,

‘2. Member States shall take the necessary measures to ensure that batteries or accumulators which do not meet the requirements of this Directive are not placed on the market after 26 September 2008.

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Batteries and accumulators which do not meet the requirements of this Directive and which are placed on the market after this date shall be withdrawn from the market.’

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

*Article 2***Transposition**

Whereas:

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 5 January 2009.

(1) Article 6(2) of Directive 2006/66/EC ⁽³⁾ should be clarified in order that batteries and accumulators which were legally placed on the market anywhere in the Community before 26 September 2008 and which do not comply with that Directive can remain on the market in the Community after this date. This clarification would provide legal certainty for batteries placed on the market in the Community and would ensure the smooth functioning of the internal market. The clarification is in line with the principle of waste minimisation and would contribute to reducing administrative burdens.

When Member States adopt these measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

(2) Directive 2006/66/EC should therefore be amended accordingly,

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

⁽¹⁾ Opinion delivered on 9 July 2008 (not yet published in the Official Journal).

*Article 3***Entry into force**

⁽²⁾ Opinion of the European Parliament of 9 July 2008 (not yet published in the Official Journal) and Council Decision of 20 October 2008.

⁽³⁾ OJ L 266, 26.9.2006, p. 1.

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Union*.

*Article 4***Addressees**

This Directive is addressed to the Member States.

Done at Strasbourg, 19 November 2008.

For the European Parliament
The President
H.-G. PÖTTERING

For the Council
The President
J.-P. JOUYET
