

2.13 urges the European Commission to continue and extend its dialogue with social inclusion actors and victims of social exclusion so that all parties have an opportunity to be heard and to exercise their citizenship;

2.14 welcomes the organisation each year, as in Århus in October 2002, of a round table on poverty and exclusion to coincide with the world day on exclusion on 17 October this year. This event has been made necessary as much by enlargement, by new national practices for fighting social exclusion, and by the Nice criteria for the objectives of equality, prevention, action and mobilisation in connection with processes for inclusion and integration, as by the increase in the number of players involved in social dialogue and the partnership for jobs;

2.15 highlights the difficulty for each Member State in jointly defining criteria for social inclusion or exclusion that can at the same time be applicable, applied and exported at the local, regional, national and European level; this emphasises the ongoing need for coordinated dialogue at EU level;

2.16 recalls the role of local and regional authorities in integrating those at risk of exclusion and marginalisation into the labour market and society in general;

2.17 calls on the European Commission to include the questions raised in this opinion when presenting the joint report to the March 2004 European Summit.

Brussels, 22 April 2004.

The President
of the Committee of the Regions
Peter STRAUB

Opinion of the Committee of the Regions on the ‘Proposal for a Directive of the European Parliament and of the Council on batteries and accumulators and spent batteries and accumulators’

(2004/C 121/09)

THE COMMITTEE OF THE REGIONS,

Having regard to the ‘Proposal for a Directive of the European Parliament and of the Council on batteries and accumulators and spent batteries and accumulators’, (COM(2003) 723 final - 2003/0282 (COD));

Having regard to the decision of the Council of 11 December 2003 to consult it on this matter under the first paragraph of Article 175 of the Treaty establishing the European Community;

Having regard to the decision of its Bureau of 12 March 2002 to instruct its Commission for Sustainable Development to draw up an opinion on this subject;

Having regard to the European Commission’s staff working paper on the Directive of the European Parliament and of the Council on batteries and accumulators and spent batteries and accumulators, SEC(2003)1343;

Having regard to Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances;

Having regard to Directive 2003/108/EEC of the European Parliament and of the Council of 8 December 2003 amending Directive 2002/96/EC on waste electrical and electronic equipment (WEEE);

Having regard to Directive 2002/95/EC of the European Parliament and of the Council of 27 January 2003 on the restriction of the use of certain hazardous substances (RoHS) in electrical and electronic equipment;

Having regard to Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (ELV);

Having regard to Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations;

Having regard to its draft opinion (CdR 12/2004 rev. 1) adopted on 5 March 2004 by its Commission for Sustainable Development (rapporteur: Ossi Martikainen, chairman of Lapinlahti municipal council (FI/ELDR),

Whereas:

- 1) batteries and accumulators are an essential energy source in our society;
- 2) a large quantity of spent batteries and accumulators end up in the municipal waste stream;
- 3) the collection and recycling of spent batteries and accumulators varies from Member State to Member State; these different schemes can have a negative impact on the internal market and distort competition, it is thus important to establish a level playing field across the EU;
- 4) it is important to set high targets across the EU and to leave the possibility for each Member State to set even higher targets and standards;
- 5) local and regional authorities in many Member States play an essential role in collecting and recycling batteries and accumulators;

unanimously adopted the following opinion at its 54th plenary session, held on 21 and 22 April 2004 (meeting of 22 April)

1. Opinion of the Committee of the Regions

The Committee of the Regions

1.1 considers that the setting of EU-wide minimum requirements for waste from accumulators and batteries and other waste containing hazardous substances to be an effective means of protecting the environment and public health;

1.2 considers that the Member States and their local and regional authorities have the right to choose the approach they think best in implementing EU waste management legislation in practice, provided uniform minimum requirements are met and there is no distortion of competition;

1.3 notes that local and regional authorities have considerable powers and responsibilities with respect to planning, implementation and monitoring waste management and environmental protection, and that when implementing Community legislation in this sphere EU legislators and the Member States must take proper account of local expertise and proposals;

1.4 observes that consumer habits and behaviour have a substantial effect on achieving environmental legislation targets and considers that the Member States should be urged to step up their efforts to set up or develop efficient return and recycling arrangements or deposit schemes and, by means of information campaigns, to encourage environmentally aware consumer behaviour with regard to batteries and accumulators;

1.5 believes that the application and monitoring of legislation governing accumulators and batteries containing hazardous substances should be arranged in such a way that the Member States can themselves choose the systems that are most suitable in practice, while ensuring uniform monitoring

of rules and sanctions for infringements across the EU, with the European Commission responsible for their application;

1.6 advocates application of the producer responsibility principle for accumulators and batteries;

1.7 points out that local authorities, and the plants and companies owned by them or are their agents, can also take part in collecting, treating and recycling accumulators and batteries in cooperation with producers and importers;

1.8 considers that the disposal of accumulators and batteries used in industry and vehicles (landfilling and incineration) should be abolished completely;

1.9 considers that limits should be set on the amount of mercury and cadmium used in batteries;

1.10 regards minimum collection targets to be problematic because this will permit a substantial increase in the amount of waste from accumulators and batteries in many of the new Member States, delaying the positive health and environmental effects of the proposal for a directive and the search for better practice;

1.11 notes that some Member States have already achieved the collection target in the proposal of 160g per capita per year, and believes that the targets should be based on the national annual sales in each country in order to allow for differences in consumption and at the same time be able to set ambitious targets;

1.12 thinks it would be preferable to base the collection target indicator on the percentage of national annual sales for all spent portable batteries and accumulators;

1.13 urges the Member States to promote new, economical and environment-friendly recycling and treatment technologies, and recommends that the European Commission present to the European Parliament and the Council of Ministers a regular follow-up report on progress made towards achieving the targets of the Directive after it has come into effect.

2. The recommendations of the Committee of the Regions

Preamble, paragraph 2

Text proposed by the Commission	CoR amendment
Having regard to the Treaty establishing the European Community, and in particular Articles 95 (1) and 175 (1) thereof,	Having regard to the Treaty establishing the European Community, and in particular Articles 95 (1) and 175 (1) thereof,

Reason: The main purpose of this Directive is to minimise the negative environmental effects of discarded batteries, therefore Article 175 (1) (legal basis for environmental measures) should be the only legal basis. By basing the Directive on Article 175, it leaves the possibility for Member States to set stricter targets and procedures.

Recital 10

Text proposed by the Commission	CoR amendment
In the light of the specific environmental and health concerns regarding cadmium, mercury and lead and the particular characteristics of batteries and accumulators containing cadmium, mercury and lead additional measures should be adopted. The use of mercury in batteries should be restricted. Final disposal of automotive and industrial batteries should be prohibited. An additional collection target should be set for portable nickel-cadmium batteries. Moreover, specific recycling requirements should be established for cadmium and lead batteries in order to attain a high level of materials recovery throughout the Community and to prevent disparities between the Member States.	In the light of the specific environmental and health concerns regarding cadmium, mercury and lead and the particular characteristics of batteries and accumulators containing cadmium, mercury and lead additional measures should be adopted. The use of mercury in batteries should be restricted prohibited as well as the final disposal of automotive and industrial batteries should be prohibited. An additional collection target should be set for <u>The use of portable nickel-cadmium in portable batteries and the use of lead in portable batteries should also be prohibited.</u> Moreover, specific recycling requirements should be established for <u>the remaining</u> cadmium and lead batteries in order to attain a high level of materials recovery throughout the Community and to prevent disparities between the Member States.

Reason: In line with the Directives on end-of life vehicles (ELV), waste electrical and electronic equipment (WEEE) and the restriction of the use of certain hazardous substances (RoHS), metal should be also prohibited in batteries and accumulators.

Article 3

Definitions

Add new definition

Text proposed by the Commission	CoR amendment
	'deposit schemes' means a system under which the buyer, upon purchase of batteries or accumulators, pays the seller a sum of money which is refunded when the spent batteries or accumulators are returned.

Reason: The article is copied from the Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances. This is an excellent way to encourage consumers to return their spent batteries to collection points.

Article 4

Prevention

Text proposed by the Commission	CoR amendment
<p>1. Member States shall prohibit the marketing of all batteries or accumulators, whether or not incorporated into appliances, which contain more than 0.0005% of mercury by weight.</p> <p>2. Button cells, and batteries made up of button cells with a mercury content of no more than 2% by weight shall be exempt from the prohibition referred to in paragraph 1.</p>	<p>1. Member States shall prohibit the marketing of all batteries or accumulators, whether or not incorporated into appliances, which contain more than 0.0005% <u>of mercury by weight</u>.</p> <p>a) 5 ppm Mercury; and/or</p> <p>b) 40 ppm Lead; and/or</p> <p>c) 20 ppm Cadmium</p> <p>2. Button cells, and batteries made up of button cells with a mercury content of no more than 2% by weight shall be exempt from the prohibition referred to in paragraph 1.</p> <p><u>2. This prohibition shall not apply to the applications listed in Annex 1.</u></p>

Reason: Portable NiCd batteries make up 80 % of the entire NiCd battery market. There is a risk that the spent batteries end up in municipal waste stream. It is undisputed that substitutes exist for the electrical and electronic equipments. A phase-out of the use of cadmium batteries in electrical and electronic equipment would be in line with the RoHS directive.

Article 5

Increased environmental performance

Text proposed by the Commission	CoR amendment
<p>Member States shall promote research into the possibility of increasing the overall environmental performance of batteries and accumulators throughout their entire life-cycle, and the marketing of 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.</p>	<p>Member States shall promote research into the possibility of increasing the overall environmental performance of batteries and accumulators throughout their entire life-cycle, and the marketing of 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. <u>The Commission shall submit a progress report to the Council and the European Parliament in this regard five years after entry into force of this Directive.</u></p>

Reason: Self-explanatory.

Article 6

Monitoring the waste stream

Text proposed by the Commission	CoR amendment
<p>1. Member States shall ensure the monitoring of the quantities of spent portable nickel-cadmium batteries and accumulators disposed of in the municipal solid waste stream. A report on the results of the monitoring shall be drawn up on the basis of Table 1 in Annex I.</p> <p>2. Without prejudice to Regulation (EC) 2150/2002 on waste statistics, Member States shall establish the report every year, starting one year after the date referred to in Article 32(1) of this Directive and covering the whole of each calendar year. It shall be transmitted to the Commission no later than six months after the end of the year concerned.</p> <p>3. The Commission shall establish detailed rules for the monitoring of the municipal solid waste stream as referred to in the previous paragraph, in accordance with the procedure referred to in Article 30.</p>	<p>1. Member States shall ensure the monitoring of the quantities of spent portable nickel cadmium batteries and accumulators disposed of in the municipal solid waste stream. A report on the results of the monitoring shall be drawn up on the basis of Table 1 in Annex I.</p> <p>2. Without prejudice to Regulation (EC) 2150/2002 on waste statistics, Member States shall establish the report every year, starting one year after the date referred to in Article 32(1) of this Directive and covering the whole of each calendar year. It shall be transmitted to the Commission no later than six months after the end of the year concerned.</p> <p>3. The Commission shall establish detailed rules for the monitoring of the municipal solid waste stream as referred to in the previous paragraph, in accordance with the procedure referred to in Article 30.</p>

Reason: This entire article should be deleted on the grounds that monitoring the municipal waste stream would be a very costly and unnecessary measure if the directive bans the use of harmful substances in batteries in the first instance. Nickel-cadmium batteries are estimated to constitute around 0.0055 % of the municipal waste stream. The monitoring of this substance would have to be based on very substantial sampling in order to quantify the levels of spent NiCd batteries reliably. An easier and more effective option is to simply ban the use of this harmful substance altogether, thus removing the need for such extensive monitoring. The proposal is an anomaly and should be removed altogether.

Article 9

Collection schemes

Text proposed by the Commission	CoR amendment
<p>1. Member States shall ensure that:</p> <p>(a) schemes are set up under which spent portable batteries and accumulators can be returned free of charge and collection facilities are available and accessible, having regard to population density;</p> <p>(b) producers of industrial batteries and accumulators, or third parties acting on their behalf, take back from end-users spent industrial batteries and accumulators, regardless of chemical composition and origin;</p> <p>(c) producers of automotive batteries and accumulators, or third parties acting on their behalf, set up schemes for the collection of spent automotive batteries and accumulators, unless they are collected through the schemes referred to in Article 5(1) of Directive 2000/53/EC.</p> <p>2. Member States shall ensure that, when setting up the collection schemes, the negative external impacts of transport are taken into account.</p>	<p>1. Member States shall ensure that:</p> <p>(a) schemes are set up under which spent portable batteries and accumulators can be returned free of charge and collection facilities are available and accessible, having regard to population density;</p> <p>(b) producers of industrial batteries and accumulators, or third parties acting on their behalf, take back from end-users spent industrial batteries and accumulators, regardless of chemical composition and origin;</p> <p>(ce) producers of automotive batteries and accumulators, or third parties acting on their behalf, set up schemes for the collection of spent automotive batteries and accumulators, unless they are collected through the schemes referred to in Article 5(1) of Directive 2000/53/EC;</p> <p>2. Member States shall ensure that, when setting up the collection schemes, the negative external impacts of transport are taken into account.</p> <p><u>3. Deposit schemes can be implemented as part of a range of measures to promote the collection of spent portable batteries and accumulators. Member States shall be free to set the value of the deposit fee in such a way as to avoid distortions of the internal market. Without prejudice to Directive 98/34/EC, Member States shall notify measures related to the implementation of such deposit schemes to the Commission.</u></p>

Reason: Deposit schemes are an excellent way of encouraging consumers to return batteries after use.

Article 11

Prohibition of final disposal

Text proposed by the Commission	CoR amendment
<p>Member States shall prohibit the final disposal of industrial and automotive batteries and accumulators in landfills or by incineration.</p>	<p>Member States shall prohibit the final disposal of industrial and automotive batteries and accumulators in landfills or by incineration. <u>Member States should ensure that the ban is properly enforced.</u></p>

Reason: The text needs to be stronger and more forceful.

Article 12

Economic instruments

Text proposed by the Commission	CoR amendment
<p>If Member States use economic instruments in order to promote the collection of spent batteries and accumulators or to promote the use of batteries containing less polluting substances, for instance by adopting differential tax rates, they shall notify the measures related to the implementation of those instruments to the Commission.</p>	<p>If Member States use economic instruments in order to promote the collection of spent batteries and accumulators or to promote the use of batteries containing less polluting substances, for instance by adopting <u>deposit schemes or differential tax rates</u>, they shall notify the measures related to the implementation of those instruments to the Commission.</p>

Reason: Deposit schemes (whereby the consumer pays a higher price when purchasing the battery and part of this cost is reimbursed when the spent battery is returned) can encourage consumers to return their batteries.

Article 13

Collection targets

Text proposed by the Commission	CoR amendment
<p>1. No later than four years after the date referred to in Article 32(1), Member States shall achieve a minimum average collection rate equivalent to 160 grams per inhabitant per year for all spent portable batteries and accumulators including portable nickel-cadmium batteries.</p> <p>By the same date, Member States shall achieve a specific minimum collection rate equivalent to 80 % of total quantity of spent portable nickel-cadmium batteries and accumulators per year. The total quantity shall comprise portable nickel-cadmium batteries and accumulators collected annually through collection schemes as well as those disposed of annually in the municipal solid waste stream.</p> <p>2. A report on the results of the monitoring shall be drawn up on the basis of Table 2 in Annex I. Without prejudice to Regulation (EC) 2150/2002 on waste statistics, Member States shall establish the report every year, starting one year after the date referred to in Article 32(1) and covering the whole of each calendar year. It shall be transmitted to the Commission no later than six months after the end of the year concerned.</p>	<p>1. No later than four years after the date referred to in Article 32(1), Member States shall achieve a minimum average collection rate equivalent to 160 grams <u>50 % of national annual sales of two years ago</u> per inhabitant per year for all spent portable batteries and accumulators including portable nickel-cadmium batteries.</p> <p>By the same date, Member States shall achieve a specific minimum collection rate equivalent to 80 % of total quantity of spent portable nickel-cadmium batteries and accumulators per year. The total quantity shall comprise portable nickel-cadmium batteries and accumulators collected annually through collection schemes as well as those disposed of annually in the municipal solid waste stream.</p> <p>2. No later than six years after the date referred to in <u>Article 32 (1)</u>, Member States shall achieve a minimum average collection rate equivalent to <u>60 % of the national annual sales of four years ago of all spent portable batteries and accumulators, including portable nickel-cadmium batteries.</u></p> <p>3. <u>No later than ten years after the date referred to in Article 32 (1), Member States shall achieve a minimum average collection rate of 70 % of the national annual sales of four years ago for all spent portable batteries and accumulators, including portable nickel-cadmium batteries.</u></p> <p>4. A report on the results of the monitoring shall be drawn up on the basis of Table 2 in Annex I. Without prejudice to Regulation (EC) 2150/2002 on waste statistics, Member States shall establish the report every year, starting one year after the date referred to in Article 32(1) and covering the whole of each calendar year. It shall be transmitted to the Commission no later than one year after the end of the year concerned.</p>

Reason: The collection targets should be amended to a percentage of annual sales targets in order to better reflect the level of consumption, which varies throughout the EU. This percentage can easily be achieved through analysing the yearly sales volume. This phased approach to targets is necessary to help develop capacity in collection and recycling without making the targets unrealistic. An overall target of 70 % collection rate is needed to ensure that the collection and recycling rates continually grow up to an optimal level.

Article 15

Treatment operations

Text proposed by the Commission	CoR amendment
<p>1. Member States shall ensure that producers, or third parties acting on their behalf, set up schemes, using the best available treatment and recycling techniques, to provide for the treatment of spent batteries and accumulators collected in accordance with Article 9.</p>	<p>1. Member States shall ensure that producers, or third parties acting on their behalf, set up schemes, using the best available treatment technique for treatment and recycling, to provide for the treatment of spent batteries and accumulators collected in accordance with Article 9.</p>

Reason: Referring to the best available technique makes the directive more in line with the terminology of the EU and put emphasis on using the best available treatment. Otherwise the battery industry – as an example – may point to the steel industry as a possible treatment.

Article 17

New recycling technologies

Text proposed by the Commission	CoR amendment
<p>1. Member States shall promote the development of new recycling and treatment technologies, and research into environmentally friendly and cost-effective recycling methods for all types of batteries and accumulators.</p> <p>2. Member States shall encourage treatment facilities to introduce certified environmental management schemes in accordance with Regulation (EC) 761/2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS).</p>	<p>1. Member States shall promote the development of new recycling and treatment technologies, and research into environmentally friendly and cost-effective recycling methods for all types of batteries and accumulators.</p> <p>2. Member States shall encourage treatment facilities to introduce certified environmental management schemes in accordance with Regulation (EC) 761/2001 allowing voluntary participation by organisations in a Community eco-management and audit scheme (EMAS). <u>The Commission shall submit a progress report to the Council and the European Parliament in this regard five years after entry into force of this Directive.</u></p>

Reason: Self-explanatory

Article 18

Recycling targets

Text proposed by the Commission	CoR amendment
<p>Member States shall ensure that, one year after the date referred to in Article 32(1), producers, or third parties acting on their behalf, achieve the following minimum recycling targets:</p> <p>(a) all portable batteries and accumulators collected in accordance with Article 9 enter a recycling process.</p> <p>(b) Member States may allow to exempt up to a maximum of 10 % of the collected portable batteries and accumulators from the obligation referred to in point (a) for technical reasons;</p> <p>(c) all industrial and automotive batteries and accumulators collected in accordance with Article 9 enter a recycling process.</p>	<p>Member States shall ensure that, one year after the date referred to in Article 32(1), producers, or third parties acting on their behalf, achieve the following minimum recycling targets:</p> <p>(a) all portable batteries and accumulators collected in accordance with Article 9 enter a recycling process.</p> <p>(b) Member States may allow to exempt up to a maximum of 10 % of the collected portable batteries and accumulators from the obligation referred to in point (a) for technical reasons;</p> <p>(be) all industrial and automotive batteries and accumulators collected in accordance with Article 9 enter a recycling process.</p>

Reason: This exemption is not justified by any technical reasons.

Article 19

Recycling efficiencies

Text proposed by the Commission	CoR amendment
<p>1. Member States shall ensure that, no later than three years after the date referred to in Article 32(1), producers, or third parties acting on their behalf, achieve the following minimum recycling efficiencies:</p> <p>(a) recycling of all the lead and a minimum of 65% by average weight of the materials contained in lead-acid batteries and accumulators;</p> <p>(b) recycling of all the cadmium and a minimum of 75% by average weight of the materials contained in nickel-cadmium batteries and accumulators;</p> <p>(c) recycling of 55 % by average weight of the materials contained in other spent batteries and accumulators.</p> <p>2. Member States shall report annually on the recycling targets referred to in Article 18 as well as the recycling efficiencies, referred to in the previous paragraph, actually achieved in each calendar year, starting from the dates referred to in the previous paragraph. That information shall be submitted to the Commission no later than six months after the end of the year concerned.</p>	<p>1. Member States shall ensure that, no later than three years after the date referred to in Article 32(1), producers, or third parties acting on their behalf, achieve the following minimum recycling efficiencies:</p> <p>(a) recycling of all the lead and a minimum of 65% by average weight of the materials contained in lead-acid batteries and accumulators;</p> <p>(b) recycling of all the cadmium and a minimum of 75% by average weight of the materials contained in nickel-cadmium batteries and accumulators;</p> <p>(c) recycling of 55 % by average weight of the materials contained in other spent batteries and accumulators.</p> <p>2. Member States shall report annually on the recycling targets referred to in Article 18 as well as the recycling efficiencies, referred to in the previous paragraph, actually achieved in each calendar year, starting from the dates referred to in the previous paragraph.</p> <p>That information shall be submitted to the Commission no later than six months after the end of the year concerned.</p> <p><u>The minimum recycling efficiencies are to be evaluated regularly and adapted to scientific and technical progress under the procedure laid down in Article 30.</u></p>

Reason: This is the first time a target is set for the recycling efficiencies. This was not made in neither the WEEE directive nor the ELV directive. It is therefore important that the rates are evaluated and regularly updated.

Article 20

Schemes for portable batteries and accumulators

Text proposed by the Commission	CoR amendment
<p>1. Member States shall ensure that producers, or third parties acting on their behalf, arrange the financing for at least the treatment, recycling and sound disposal of all spent portable batteries and accumulators deposited at collection facilities set up under Article 9(1)(a).</p> <p>2. Member States shall ensure that producers comply with the previous paragraph by means of individual or collective schemes.</p>	<p>1. Member States shall ensure that producers, or third parties acting on their behalf, arrange the financing for at least the <u>collection, the treatment, recycling and sound disposal of all spent portable batteries and accumulators</u> deposited at collection facilities set up under Article 9(1)(a).</p> <p>2. Member States shall ensure that producers comply with the previous paragraph by means of individual or collective schemes.</p>

Reason: This is an important amendment for local and regional authorities. The producer responsibility should also apply to the collection of spent portable batteries. The actual carrying out of the collection, treatment, recycling and sound disposal can be taken care of either by the local authorities or by any other organisation. The important point here is to clarify who will finance these activities.

Article 22

Registration and Guarantee

Text proposed by the Commission	CoR amendment
<p>Member States shall take the necessary measures to ensure that, when placing a product on the market, each producer is registered and provides a guarantee, that the management of spent batteries and accumulators will be financed. The producer may provide a guarantee in the form of its participation in appropriate schemes for financing the management of spent batteries and accumulators, or of a recycling insurance, or of a blocked bank account.</p>	<p>Member States shall take the necessary measures to ensure that, when placing a product on the market, each producer is registered and provides a guarantee, that the management of spent batteries and accumulators will be financed. The producer may shall provide a guarantee in the form of its participation in appropriate schemes for financing the management of spent batteries and accumulators, or of a recycling insurance, or of a blocked bank account.</p>

Reason: The word 'may' is too vague and should therefore be changed into 'shall'.

Article 23
Historic waste

Text proposed by the Commission	CoR amendment
<p>1. Responsibility for meeting the costs of managing the spent batteries and accumulators put on the market before entry into force of this Directive, historic waste, shall lie with producers.</p> <p>2. For industrial batteries and accumulators put on the market before the entry into force of the Directive and being replaced by equivalent products or by products fulfilling the same function, the financing of the management should be provided by the producers when supplying those new products. Member States may, as an alternative, provide that the final user also be partially or totally, responsible for this financing.</p> <p>3. For other industrial historical waste batteries, the financing of the costs shall be provided for by the industrial users.</p> <p>4. With regard to historic waste, Member States shall ensure that for a transitional period of four years after the date referred to in Article 32(1) producers are allowed, at the time of sale of new products, to show purchasers the costs of collection, treatment and recycling of all spent batteries and accumulators. The costs mentioned shall not exceed the actual costs incurred.</p>	<p>1. Responsibility for meeting the costs of managing the spent batteries and accumulators put on the market before entry into force of this Directive, historic waste, shall lie with <u>all</u> producers.</p> <p>2. For industrial batteries and accumulators put on the market before the entry into force of the Directive and being replaced by equivalent products or by products fulfilling the same function, the financing of the management should be provided by the producers when supplying those new products. Member States may, as an alternative, provide that the final user also be partially or totally, responsible for this financing.</p> <p>3. For other industrial historical waste batteries, the financing of the costs shall be provided for by the industrial users.</p> <p>4. With regard to historic waste, Member States shall ensure that for a transitional period of four years after the date referred to in Article 32(1) producers are allowed, at the time of sale of new products, to show purchasers the costs of collection, treatment and recycling of all spent batteries and accumulators. The costs mentioned shall not exceed the actual costs incurred.</p>

Reason: The word 'all' clarifies that the producer responsibility is collective and not individual.

Annex I (new)

Text proposed by the Commission	CoR amendment
	<p><i>Annex I</i></p> <p>In accordance with Article 4, paragraph 2, batteries and accumulators, whether or not incorporated into appliances, in the following applications are exempted from the prohibition mentioned in Article 4, paragraph 1:</p> <ul style="list-style-type: none"> — Mercury in button cells for hearing aid applications — Cadmium in batteries or accumulators for Emergency lighting — Cadmium in batteries and accumulators for industrial applications — Cadmium in batteries and accumulators for aeroplanes and trains — Lead in automotive batteries and accumulators

Reason: see amendment on Article 4.

Brussels, 22 April 2004

*The President
of the Committee of the
Regions*
Peter STRAUB