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EUROBAT

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Eurobat position on the exemption of substances in batteries from Authorisation requirements in REACH

1. Exemption of substances in batteries from Authorisation requirements (Title VII)

Eurobat, on behalf of the European producers of automotive and industrial batteries, would like to express its concern regarding the inclusion of substances in batteries in the scope of authorisation requirements under REACH (Title VII).

Indeed, the amendment 464/rev to REACH, adopted on 17 November 2005 by the European Parliament during its first reading of REACH, was not adopted in the political agreement of the Council, leaving substances used in batteries within the scope of registration and authorisation requirements under REACH.

All batteries are subject to specific requirements within the scope of the new Directive on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC, which will enter into force before REACH. The new battery Directive is explicitly focused on the reduction of the impact of batteries and accumulators throughout their life cycle.

Although Eurobat fully supports the need to have all substances registered, **having substances used in batteries subject to Authorisation would effectively only result in double legislation and an unnecessary burden for the European battery industry.** For this reason, **as a constructive alternative to the reintroduction of the above Amendment, Eurobat would like to suggest the introduction of the following amendment:**

Article 55, paragraph 4, point (e) (new)

(e) use as substances in batteries and accumulators within the scope of directive 2006/xy/EC

The reference of the directive replacing 91/157/CE will be recorded as this new text is published in the OJ of the EU.

Justification:

The new Directive on batteries and accumulators, to be adopted soon, covers the entire life cycle of all types of batteries. Moreover, substances used in batteries that could be of potential concern for the environment or human health have already been subject to EU risk assessments and use restrictions in batteries, meaning that these substances have undergone thorough and strict tests as foreseen in REACH. In order to avoid double legislation and unnecessary administrative

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burdens, substances used in batteries that are within the scope of the new Battery Directive should be exempted from Authorisation. This would be also in accordance with the following explanation to Art. 53 (5) in the origin proposal of the Commission on 29.10.2003 (page 32).

“Certain uses of substances are not subject to authorisation because their human health and environmental effects are considered to be addressed by equivalent Community legislation. It would be unreasonable to subject such uses to two systems with the cost and resources this would imply.” Moreover, in accordance with article 6 of the Commission’s proposal, substances in batteries are not intended to be released during normal and reasonably foreseeable conditions of use and need therefore not be registered.”

The battery industry has continuously supported the reduction of the impact of batteries on the environment and human health through constant innovation, the voluntary participation in risk assessments for substances used in batteries (such as lead, cadmium, cobalt, nickel and zinc) and the pioneering of a voluntary occupational exposure reduction programme to ensure the highest levels of protection of workers in the battery industry.

2. Eurobat supports the current risk-based approach to Authorisation, as in the original proposal of the Commission.

To the contrary, the hazard-based approach to authorisation adopted by the European Parliament would entail requirements for the substitution of products based on the hazard classification of substances, regardless of risk-reduction measures. This would be counter-productive to the objective of REACH, which is to achieve lower risk to human health and the environment.

Eurobat calls upon the Members of the European Parliament, the European Commission and the representatives of the Council to adopt the above-mentioned amendment and to adopt a balanced approach to Authorisation requirements under REACH, based on risk and not on hazard.

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