



**Battery industry comments on the Bonafé report  
Directive 2008/98/EC on waste  
Directive 2006/66/EC on batteries and accumulators**

Brussels, 2 March 2017

**To: Members of the European Parliament**

The undersigned associations representing the battery industry in Europe are strongly calling Members of the European Parliament to carefully consider the following elements before voting on the Bonafé report on the Waste Framework Directive & Batteries Directive in plenary session mid-March 2017:

**WASTE FRAMEWORK DIRECTIVE**

***Extended Producer Responsibility: yes to general minimum EPR requirements, details should be left to product specific EPR schemes (Amendment 28, 127, 128)***

A strengthened EU regulatory framework for EPR will be beneficial to help reach national and EU collection targets in an efficient way. However, it will have to be complemented by detailed criteria taking into account product specific aspects.

***Circular Economy principles: beware of enacting unrealistic policies (Amendment 65, 122, 123, 126, 140, 146, 234)***

The battery industry has already been implementing circular economy principles by developing rechargeable batteries, extending battery lifetime, investing in the continuous search for more efficient use of resources & product design, as well as battery recycling. However, circular economy thinking cannot be applied to all products in a similar manner. This is especially true for the amendment calling for modulation of EPR contributions from producers according to real end of life costs taking into account the circular economy principles.

The success of the Circular Economy will depend greatly on its ability to recognise differences across materials and products.

***Municipal waste definition: avoid creating confusion with existing battery categories (Amendment 81)***

Waste batteries are already governed by vertical EU legislation i.e. the 2006/66/EC Directive which defines specific battery categories (portable, industrial, automotive) and requirements. Including waste batteries in the municipal waste definition should not complicate enforcement and implementation of specific battery legislation. In particular, it should not result in a duplication of reporting requirements for battery collectors and recyclers, who already report on the specific collection targets and recycling efficiencies laid down in the Batteries Directive.

***Substance bans: preserve the EU Internal Market (Amendment 10, 11, 75)***

The revised Waste Framework Directive should not open the possibility for individual Member States to adopt new substance bans: it would result in a fragmentation of EU product policy & internal market. Chemical substances management in general is governed by the REACH

Regulation and some specific substance bans have been included in product legislation (e.g. in the WEEE, ELV and Batteries Directives), in both cases after an extensive consultation and assessment exercise. The WFD is not the right place to include new substance bans on articles or products.

## **BATTERY DIRECTIVE**

### ***Revision of the Battery Directive: the European Commission review process is launched, no need to anticipate deadlines***

The European Commission has formally started the process of having a comprehensive evaluation of the Batteries Directive. A dedicated roadmap was published in August 2016 and a public consultation is planned for March/April 2017. Therefore, there is no point for the European Parliament to call for a revision by 31 December 2018 as some amendments suggest.

### ***Removing metals and hazardous substances from batteries: look at available science and applicable technologies (Amendment 24)***

Amendment 24 calls for removing heavy metals or other metals in the technical development of new types of batteries. All batteries contain metals, there is currently no battery technology substituting metals. Therefore, the objective to remove metals or metal ions is not sounded and unrealistic at short or medium term. Any discussion on substituting substances should refer to advanced research objectives rather than a circular economy directive in 2018. In addition, the usage of metals is suitable for a circular economy as they are infinitely recyclable. Therefore, the Circular Economy approach for batteries should not promote their elimination. The incentive for substitution of hazardous substances is already part of the REACH directive, which is the main directive for substances management. Any additive proposal for incentive should avoid redundancy or incoherence with this legislation.

### ***List of technical and fiscal instruments to promote the Circular Economy: Impact on other EU rules to be considered (Amendment 20, 25)***

The Bonafé report adopted in ENVI is putting forward a list of measures including tax rebates and other technical incentives for Member States to promote a shift to the circular economy. Past experiences in other EU policy areas show that such measures can create significant distortions to the internal market as well as state aid and competition issues.

The implementation of the Batteries Directive in 2006 has set the basis of a circular economy for batteries. Since that time, a lot of experience has been accumulated by the industry and the specific aspects relevant for the improvement of the Batteries Directive will be analysed during the revision process starting in 2017. Therefore, we consider that the proposed generic list of instruments should belong to the Waste Framework Directive, but not to the Batteries Directive, as there is the risk that it introduces confusion and non-harmonized initiatives among the Member-states.