



Mr. José Rizo Martin
Principle Administrator
DG Environment
European Commission

Brussels, 19 May 2015

Dear Mr. Rizo Martin,

We have been informed that the technical adaptation committee (TAC) on batteries has been requested to assess the classification of waste batteries under the List of Waste. This is a very important exercise which could lead to significant changes in the transport of waste batteries (ADR), cross-border transfers of waste and recycling permits. All actors involved in the end-of-life management of waste batteries will be affected.

We have consistently advocated that any changes to the List of Waste should be based on a coherent methodology. This will require a proper impact assessment to evaluate the consequences of any proposal in terms of modifying the classifications which should in particular look into the administrative and economic consequences for waste batteries and WEEE industries.

For legal reasons, any changes to the classification should be based on the evaluation of the hazard properties as defined by the criteria proposed in ANNEX III of the Directive 2008/98/EC. The Annex III classification is based on the hazard criteria of the CLP regulation, which was created for the classification of the hazard properties of substances and mixtures of substances. Its application is now extended to the classification of waste, including articles which are deemed to have the same hazard properties as the substances they contain. Without consideration for the physical and chemical status of the substances contained in articles such as batteries, the classification may generate inconsistencies.

Indeed, the physical properties of an individual substance contained in an article such as a battery cannot be used to qualify the properties of the article as the presence of the substance may be subject to parameters that will govern the properties of the article: e.g. the concentration of the substance in the article, the chemical status, the internal design of the battery, etc... in addition to the physical confinement offered by the casing.

Due to the diversity, complexity and constant evolution of the composition of batteries and the wide range of composition observed, it will be justified to include some mirror entry classifications (both hazardous and not hazardous).



The European Battery Industry, represented by the co-signatories of this letter, invites the Commission and the Competent Authorities to establish, together with all concerned stakeholders, a methodology to properly classify waste batteries and mixtures of various types of waste batteries in the List of Waste and to assess the overall impact and consequences.

Yours sincerely,

Alain Vassart
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