

Directive 2013/56/EU of the European Parliament and of the Council of 20 November 2013 amending Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators as regards the placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools, and of button cells with low mercury content, and repealing Commission Decision 2009/603/EC (Text with EEA relevance)

DIRECTIVE 2013/56/EU OF THE EUROPEAN  
PARLIAMENT AND OF THE COUNCIL

of 20 November 2013

amending Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators as regards the placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools, and of button cells with low mercury content, and repealing Commission Decision 2009/603/EC

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure<sup>(2)</sup>,

Whereas:

- (1) Directive 2006/66/EC of the European Parliament and of the Council<sup>(3)</sup> prohibits the placing on the market of portable batteries and accumulators, including those incorporated into appliances, that contain more than 0,002 % of cadmium by weight. However, portable batteries and accumulators intended for use in cordless power tools are exempted from that ban.
- (2) The Commission has reviewed that exemption in accordance with Article 4(4) of Directive 2006/66/EC.
- (3) That review has led to the conclusion that, in order to gradually diminish the amount of cadmium released into the environment, the prohibition of the use of cadmium should be extended to portable batteries and accumulators intended for use in cordless power tools because suitable cadmium-free substitutes for such applications are available on the market, namely nickel-metal hydride and lithium-ion battery technologies.

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- (4) The existing exemption for portable batteries and accumulators intended for use in cordless power tools should continue to apply until 31 December 2016 in order to enable the recycling industry and consumers along the whole value chain to further adapt to the relevant substitute technologies across all the regions of the Union in a uniform manner.
- (5) Directive 2006/66/EC prohibits the placing on the market of all batteries or accumulators, whether or not incorporated into appliances, that contain more than 0,0005 % of mercury by weight. However, button cells with a mercury content of no more than 2 % by weight are exempted from that prohibition. The Union button cell market is already experiencing a shift towards mercury-free button cells. It is therefore appropriate to prohibit the marketing of button cells with a mercury content exceeding 0,0005 % by weight.
- (6) As a consequence of the entry into force of the Lisbon Treaty, the powers conferred on the Commission under Directive 2006/66/EC need to be aligned with Articles 290 and 291 of the Treaty on the Functioning of the European Union (TFEU).
- (7) In order to supplement or amend Directive 2006/66/EC, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of criteria for the assessment of equivalent conditions regarding treatment and recycling outside the Union, capacity labelling of portable and automotive batteries and accumulators and exemptions from the labelling requirements. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and the Council.
- (8) Wherever appropriate, the producer registration requirements and format should be coherent with regard to the registration rules and format established pursuant to Article 16(3) of, and Part A of Annex X to Directive 2012/19/EU of the European Parliament and of the Council<sup>(4)</sup>.
- (9) In order to ensure uniform conditions for the implementation of Directive 2006/66/EC, implementing powers should be conferred on the Commission in respect of transitional arrangements regarding minimum collection rates, a common methodology for the calculation of annual sales of portable batteries and accumulators to end-users, detailed rules regarding the calculation of recycling efficiencies, and a questionnaire or outline for national implementation reports. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>(5)</sup>.
- (10) Directive 2006/12/EC of the European Parliament and of the Council<sup>(6)</sup> was repealed by Directive 2008/98/EC of the European Parliament and of the Council<sup>(7)</sup> with effect from 12 December 2010.
- (11) Directive 2006/66/EC should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

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- (1) [OJ C 229, 31.7.2012, p. 140.](#)
- (2) Position of the European Parliament of 10 October 2013 (not yet published in the Official Journal) and decision of the Council of 15 November 2013.
- (3) Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC ([OJ L 266, 26.9.2006, p. 1.](#))
- (4) Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) ([OJ L 197, 24.7.2012, p. 38.](#))
- (5) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ([OJ L 55, 28.2.2011, p. 13.](#))
- (6) Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste ([OJ L 114, 27.4.2006, p. 9.](#))
- (7) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives ([OJ L 312, 22.11.2008, p. 3.](#))