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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations transpose Articles 8(1) (tailpiece), 12(2) and 14 and Annex III Part A of Directive [2006/66/EC](#) of the European Parliament and of the Council on batteries and accumulators (“the Directive”).

Regulation 3 amends section 33 of the Environmental Protection Act 1990 to remove collection points for waste portable batteries established under Article 8(1)(a) of the Directive from the scope of the criminal offences created by section 33(1)(a) and (b) (depositing, treating, keeping or disposing of controlled waste other than in accordance with a waste management licence).

Regulation 4 amends the Waste Management Licensing Regulations 1994 to require compliance with the conditions for the storage and treatment of waste batteries contained in Article 12(2) and Annex III Part A of the Directive, and to implement the ban on incineration of waste industrial and automotive batteries contained in Article 14 of the Directive through the waste management licensing regime.

Regulation 5 amends the definition of “environmental licence” contained in section 56 of the Environment Act 1995 to include registrations of particular activities involving waste batteries collected in accordance with the Directive. This enables the Scottish Environment Protection Agency (SEPA) to charge for such registrations through charging schemes made under section 41 of the 1995 Act.

Regulation 6 amends the Pollution Prevention and Control (Scotland) Regulations 2000 to implement the ban on incineration of waste industrial and automotive batteries under Article 14 of the Directive through the permitting regime established by those Regulations.

Regulation 7 amends the Landfill (Scotland) Regulations 2003 to add waste industrial and automotive batteries to the list of wastes which must not be accepted at landfills.

Regulations 8 to 10 set out the transitional arrangements for holders of existing licences and permits.

A Regulatory Impact Assessment has been prepared and placed in the Scottish Parliament Information Centre. Copies can be obtained from Environmental Quality Directorate, Victoria Quay, Edinburgh EH6 6QQ.