

SCHEDULE 4 **U.K.**

Regulations 58, 59, 62 to 64 and 66

Approval of battery treatment operators and exporters

PART 1 **U.K.**

Information to be included in an application for approval

1. The name of the battery treatment operator or exporter.
2. The registered office address and telephone number of the battery treatment operator or exporter or, if the battery treatment operator or exporter is not a company registered in the United Kingdom, its principal place of business and telephone number in the United Kingdom.
3. Where the battery treatment operator or exporter is a partnership or a limited liability partnership, the names of all the partners or members of the partnership, as the case may be.
4. Where the battery treatment operator or exporter is a body other than a company registered in the United Kingdom, partnership or limited liability partnership, the name of a person having control or management of that body.
5. An address for service of notices if different from that referred to in paragraph 2.
6. The year for which approval is applied for.
7. In the case of an application made by a battery treatment operator for approval to—
 - (a) issue batteries evidence notes in respect of waste portable batteries accepted for treatment and recycling; or
 - (b) treat and recycle waste industrial or automotive batteries accepted for treatment and recycling,

the name and address of each site in relation to which the battery treatment operator is applying for that approval.

8. In the case of an application made by an exporter—
 - (a) the name and address of each site to which it is proposed to export batteries for treatment or recycling;
 - (b) in respect of each site named in accordance with sub-paragraph (a)—
 - (i) the amount in tonnes of waste batteries that it is proposed to export to that site for treatment or recycling by reference to each category of battery; and
 - (ii) the applicable treatment or recycling operations carried out by that site.
 - (c) whether approval is sought to issue batteries evidence notes.
9. Confirmation of whether or not the battery treatment operator or exporter has been convicted of an offence under these Regulations; and where a positive confirmation is given an explanation of how the contravention of these Regulations which resulted in the conviction occurred and what steps have been taken to ensure such a contravention will not occur in the future.

PART 2 **U.K.**

General conditions of approval

10.—(1) An approved battery treatment operator must ensure that the requirements of sub-paragraph (3) are met in relation to waste batteries accepted at a specified site by that approved battery treatment operator for treatment and recycling by, or on behalf of, that approved battery treatment operator.

(2) An approved battery exporter must ensure that—

- (a) waste batteries are exported for treatment or recycling at a site in relation to which the exporter is approved; and
- (b) the requirements of sub-paragraph (3) are met by each establishment or undertaking to which it exports waste batteries for treatment or recycling.

(3) The requirements of this sub-paragraph are that—

- (a) treatment and recycling of waste batteries—
 - (i) uses best available techniques, in terms of the protection of health and the environment;
 - (ii) complies, as a minimum, with [F1retained EU law and, in relation to Northern Ireland, EU legislation which has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement], in particular as regards health and safety and waste management;
- (b) treatment of waste batteries meets the following minimum requirements—
 - (i) treatment must, as a minimum, include removal of all fluids and acids; and
 - (ii) treatment and any storage, including temporary storage, at treatment facilities must take place in sites with impermeable surfaces and suitable weatherproof covering or in suitable containers;
- (c) subject to sub-paragraph (4), recycling of waste batteries meets the following minimum recycling efficiencies and associated requirements—
 - (i) recycling of 65% by average weight of lead-acid batteries, including recycling of the lead content to the highest degree that is technically feasible while avoiding excessive costs;
 - (ii) recycling of 75% by average weight of nickel-cadmium batteries, including recycling of the cadmium content to the highest degree that is technically feasible while avoiding excessive costs; and
 - (iii) recycling of 50% by average weight of other waste batteries.

(4) The requirements of sub-paragraph (3)(c) are not required to be met at any time before 26th September 2011.

Textual Amendments

F1 Words in Sch. 4 para. 10(3)(a)(ii) substituted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **14(13)** (as amended by [S.I. 2020/1540](#), regs. 1(2), **11(8)(e)**); 2020 c. 1, [Sch. 5 para. 1\(1\)](#)

11. An approved battery treatment operator or approved battery exporter must comply with the requirements of regulation 66.

12.—(1) An approved battery treatment operator must hold a relevant authorisation in respect of any treatment of waste batteries accepted at a specified site to be carried out by it.

(2) In sub-paragraph (1), “relevant authorisation” means one of the following—

- (a) an environmental permit granted under regulation 13 of [^{F2}the Environmental Permitting (England and Wales) Regulations 2016];
- (b) an exempt waste operation under [^{F2}the Environmental Permitting (England and Wales) Regulations 2016] or any other operation exempt from the requirements of section 33(1) (a) and (b) of the Environmental Protection Act 1990 ^{M1} under those Regulations.
- (c) a permit granted under [^{F3}regulation 11 of the Pollution Prevention and Control (Scotland) Regulations 2012];
- (d) an authorisation granted under section 6 of the Environmental Protection Act 1990 ^{M2} (“the 1990 Act”);
- (e) a waste management licence granted under section 36 of the 1990 Act ^{M3};
- (f) an exemption registered or otherwise permitted under [^{F4}regulations 17 and 19 of the Waste Management Licensing (Scotland) Regulations 2011];
- (g) a permit granted under regulation 10 of the Pollution Prevention and Control Regulations (Northern Ireland) 2003 ^{M4};
- (h) an exemption registered under regulation 18 of the Waste Management Licensing Regulations (Northern Ireland) 2003 ^{M5};
- (i) a waste management licence granted under article 8 of the Waste and Contaminated Land (Northern Ireland) Order 1997 ^{M6}.

Textual Amendments

- F2** Words in Sch. 4 para. 12(2) substituted (E.W.) (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 29 para. 29** (with regs. 1(3), 77-79, Sch. 4)
- F3** Words in Sch. 4 para. 12(2)(c) substituted (S.) (7.1.2013) by [The Pollution Prevention and Control \(Scotland\) Regulations 2012 \(S.S.I. 2012/360\)](#), reg. 1(2), **Sch. 11 para. 21(2)** (with reg. 71)
- F4** Words in Sch. 4 Pt. 2 para. 12(2)(f) substituted (S.) (27.3.2011) by [The Waste \(Scotland\) Regulations 2011 \(S.S.I. 2011/226\)](#), reg. 1(1), **sch. para. 25**

Marginal Citations

- M1** 1990 c. 43. Section 33(1) was amended section 120 and Schedule 24 of the [Environment Act 1995 \(c. 25\)](#), and by regulation 73 and paragraphs 2 and 4 of Schedule 21 to the [Environmental Permitting \(England and Wales\) Regulations 2007 \(S.I. 2007/3538\)](#).
- M2** 1990 c. 43. Section 6 was amended by paragraph 48 of Schedule 22 to the [Environment Act 1995 \(c. 25\)](#) and, in relation to England and Wales, by [S.I. 2000/1973](#) with corresponding amendments in relation to Scotland made by [S.S.I. 2000/323](#).
- M3** Section 36 was repealed in relation to England and Wales by [S.I. 2007/3538](#). There are other amendments to that section not relevant to these Regulations. It was amended by paragraph 68 of Schedule 22 and Schedule 24 to the [Environment Act 1995](#) and, as regards Scotland, by the [Nature Conservation \(Scotland\) Act 2004 \(asp 6\)](#), **Schedule 7, paragraph 7** and by the [Natural Heritage \(Scotland\) Act 1991 \(c. 28\)](#), **Schedule 2, paragraph 10**.
- M4** [S.R. 2003/46](#).
- M5** [S.R. 2003/493](#).
- M6** [S.I. 1997/2778 \(N.I. 19\)](#).

PART 3 U.K.

Conditions of approval relating to portable batteries: approved battery treatment operators

- 13.** An approved battery treatment operator must not issue a batteries evidence note unless—
- (a) it relates to waste portable batteries accepted at a specified site for treatment and recycling by, or on behalf of, that approved battery treatment operator in a relevant approval period;
 - (b) it is issued with respect to waste portable batteries that have arisen as waste in the United Kingdom;
 - (c) it specifies the quantity in tonnes of waste portable batteries that have been accepted for treatment and recycling.
- 14.** An approved battery treatment operator must record a quantity of waste portable batteries on a batteries evidence note in tonnes.
- 15.** An approved battery treatment operator must retain a duplicate copy of any batteries evidence note issued by it and make that duplicate available for inspection by the appropriate authority at all reasonable times.
- 16.** An approved battery treatment operator must not issue a batteries evidence note for more than the total amount of waste portable batteries—
- (a) accepted at a specified site for treatment and recycling by, or on behalf of, the approved battery treatment operator in the relevant approval period; and
 - (b) which is capable of being recycled no later than the end of the year following the relevant approval period.
- 17.** An approved battery treatment operator must not issue a batteries evidence note in respect of any waste portable battery that has previously been accepted by another approved battery treatment operator.
- 18.** An approved battery treatment operator must issue batteries evidence notes in the format approved by the Secretary of State under regulation 69.
- 19.** An approved battery treatment operator must issue a batteries evidence note only to—
- (a) a scheme operator;
 - (b) a producer of portable batteries who is not a scheme member or a small producer.
- 20.** An approved battery treatment operator must not issue a batteries evidence note which relates to waste portable batteries accepted for treatment and recycling in any relevant approval period after 30th April in the year following the relevant approval period.
- 21.** An approved battery treatment operator must not arrange for the export of waste portable batteries which it has accepted other than by an approved battery exporter.

PART 4 U.K.

Conditions of approval relating to portable batteries: approved battery exporters

- 22.** An approved batteries exporter must not issue a batteries evidence note unless—
- (a) it relates to waste portable batteries accepted by that exporter in a relevant approval period for treatment and recycling at a site in relation to which the exporter is approved;

- (b) it is issued in respect of waste batteries that are exported in accordance with Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste^{M7} with respect to waste portable batteries that have arisen as waste in the United Kingdom and that have been exported for treatment and recycling at an establishment or undertaking outside the United Kingdom;
- (c) it is issued with respect to waste portable batteries that have arisen as waste in the United Kingdom;
- (d) it specifies the quantity in tonnes of waste portable batteries that have been accepted for export for treatment and recycling.

Marginal Citations

M7 OJ No L 190, 12.7.2006, p 1.

23. An approved batteries exporter must record a quantity of waste portable batteries on a batteries evidence note in tonnes.

24. An approved batteries exporter must retain a duplicate copy of a batteries evidence note issued under these Regulations and make it available for inspection by the appropriate authority at all reasonable times.

25. An approved batteries exporter must not issue a batteries evidence note—

- (a) for more than the total amount of waste portable batteries exported by that exporter; or
- (b) for waste batteries that are partially treated or recycled in the United Kingdom before being exported by that exporter.

26. An approved batteries exporter must issue batteries evidence notes only in the format approved by the Secretary of State under regulation 69.

27. An approved batteries exporter must issue a batteries evidence note only to—

- (a) an scheme operator;
- (b) a producer who is not a scheme member or a small producer.

28. An approved batteries exporter must not issue a batteries evidence note which relates to waste batteries accepted for treatment or recycling in any relevant approval period after 30th April in the year following the relevant approval period.

Changes to legislation:

There are currently no known outstanding effects for the The Waste Batteries and Accumulators Regulations 2009, SCHEDULE 4.