

2015 No. 63

ENVIRONMENTAL PROTECTION

**The Batteries and Accumulators (Placing on the Market)
(Amendment) Regulations 2015**

<i>Made</i>	- - - -	<i>24th January 2015</i>
<i>Laid before Parliament</i>		<i>28th January 2015</i>
<i>Coming into force</i>		
<i>For the purposes of regulation 3</i>		<i>1st October 2015</i>
<i>For the purposes of regulation 4</i>		<i>1st January 2017</i>
<i>For all other purposes</i>		<i>1st July 2015</i>

The Secretary of State is a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to batteries and accumulators. The Secretary of State makes these Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972.

Citation and commencement

1.—(1) These Regulations may be cited as the Batteries and Accumulators (Placing on the Market) (Amendment) Regulations 2015.

(2) These Regulations shall come into force as follows:

- (a) regulation 3 (and any of the other provisions of these Regulations to the extent that they are necessary to give effect to regulation 3) comes into force on 1st October 2015;
- (b) regulation 4 (and any of the other provisions of these Regulations to the extent that they are necessary to give effect to regulation 4) comes into force on 1st January 2017; and
- (c) the remaining provisions of these Regulations come into force on 1st July 2015.

(3) In these Regulations:

- (a) “the 2008 Regulations” mean the Batteries and Accumulators (Placing on the Market) Regulations 2008(c); and
- (b) expressions used in these Regulations which are used in the 2008 Regulations have the same meaning as in those Regulations.

Amendments to the 2008 Regulations

2. The 2008 Regulations are amended as follows.

(a) S.I. 2007/3471

(b) 1972 c.68. Section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a), and by the European Union (Amendment) Act 2008 (c. 7), Schedule, Part 1.

(c) S.I. 2008/2164

Removal of exemption relating to button cells with a mercury content of no more than 2% by weight

3.—(1) Regulation 4(2) is omitted.

(2) Button cells with a mercury content of no more than 2% by weight are not by virtue of the omission of regulation 4(2) to be regarded as infringing goods where they were placed on the market before 1st October 2015.

Removal of exemption relating to portable batteries intended for use in cordless power tools

4.—(1) For regulation 4(3), substitute—

“(3) The prohibition in paragraph (1)(b) shall not apply to a portable battery intended for use in—

- (a) emergency and alarm systems, including emergency lighting; or
- (b) medical equipment.”

(2) In regulation 4(5)—

- (a) after “sealed but is not a portable battery;”, insert “and”;
- (b) for the words from “purpose” to “activities”, substitute “purpose”.

(3) Portable batteries intended for use in cordless power tools are not by virtue of the amendment made by paragraph (1) to be regarded as infringing goods where they were placed on the market before 1st January 2017.

Amendments to requirements for appliances into which batteries are or may be incorporated

5.—(1) In regulation 7(1)(a), after “readily removed from that appliance” insert “by the end-user or, where it cannot be readily removed by the end-user, by a qualified professional who is independent of the manufacturer”.

(2) In regulation 7(1)(b), after “how the battery can be removed safely” insert “by the end-user or by a qualified professional who is independent of the manufacturer”.

Matthew Hancock

Minister of State for Business and Enterprise and Energy
Department for Business, Innovation and Skills

24th January 2015

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Batteries and Accumulators (Placing on the Market) Regulations 2008 (S.I. 2008/2164) (the “2008 Regulations”). The 2008 Regulations implement Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators (OJ L 266, 26.9.2006, p. 1) (the “2006 Directive”).

These Regulations implement Directive 2013/56/EU of the European Parliament and of the Council (OJ L 329, 10.12.2013, p. 5) (the “2013 Directive”). The 2013 Directive amends the 2006 Directive by removing certain exemptions from the prohibitions in the 2006 Directive on the placing on the market of a battery containing more than 0.0005% of mercury by weight and of a battery containing more than 0.002% of cadmium by weight. The 2013 Directive also amends provisions in the 2006 Directive relating to the removability of waste batteries from appliances.

Regulation 3 amends the 2008 Regulations to provide that the exemption for a button cell with a mercury content of no more than 2% by weight will be removed on 1 October 2015 and that button cells lawfully placed on the market before 1st October 2015 are not to be regarded as infringing goods under the 2008 Regulations. Regulation 4 provides that the exemption for a portable battery intended for use in cordless power tools will be removed on 1st January 2017 and that such batteries lawfully placed on the market before 1st January 2017 are not to be regarded as infringing goods. Regulation 5 amends the 2008 Regulations to provide for the removability of waste batteries from appliances by an independent qualified professional where ready removal by the end-user is not possible.

A full impact assessment of the effect that these Regulations will have on the costs of business and the voluntary sector has been prepared. As these Regulations transpose a Directive, a transposition note setting out how the Government has transposed the Directive into UK law has been prepared. Copies of the impact assessment and the transposition note have been placed in the libraries of both Houses of Parliament and are also annexed to the Explanatory Memorandum which is available alongside the instrument on the www.legislation.gov.uk website.

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