



Position Paper

Recycling Efficiency Reporting Responsibilities

1. Actual European legislation

The Batteries Directive¹ stipulates in its Article 12.1 that all collected and identifiable batteries and accumulators have to undergo treatment and recycling through schemes that comply, as a minimum, with Community legislation, in particular as regards health, safety and waste management.

The recycling processes have to meet the recycling efficiencies and associated provisions defined in Annex IIIB of the same Batteries Directive:

- (a) recycling of 65 % by average weight of lead-acid batteries and accumulators, including recycling of the lead content to the highest degree that is technically feasible while avoiding excessive costs;
- (b) recycling of 75 % by average weight of nickel-cadmium batteries and accumulators, including recycling of the cadmium content to the highest degree that is technically feasible while avoiding excessive costs; and
- (c) recycling of 50 % by average weight of other waste batteries and accumulators.

With Regulation 493/2012², the European Commission defined the detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators, an important step in the implementation of the Directive 2006/66. Besides the calculation methodology for the recycling efficiency of the recycling processes, by reference to the chemical composition of the input and output fractions, it also determines the reporting forms and procedures for the recyclers.

As stipulated by Article 3.4 of the Regulation 493/2012, recyclers have to report the information on an annual basis and have to send it to the Member State's competent authorities by no later than four months from the end of a calendar year concerned.

¹ 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

² Commission Regulation (EU) No 493/2012 of 11 June 2012 laying down, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators

2. Reporting responsibilities: Guidelines of the European Commission

The legislation is clear about who is responsible for the reporting of the recycling efficiency. As clarified by the European Commission in its Guidelines³, the responsibility for reporting falls on recyclers. Where the recycling process involves more than one facility, the reporting responsibility falls on the first recycler. Specialist companies that only undertake the "breaking" of batteries and are acting as subcontractors on behalf of the first recycler without performing further parts of the recycling process should provide relevant information to the first recycler who remains responsible for the full reporting and should still be regarded as "first recycler".

The question to whom the recyclers should report is however more delicate.

In its cited Guidelines, the European Commission states clearly that the recyclers have to submit the report to the national authorities of the Member State where they are located. Member States can decide whether reports should be sent to their own national collection system first.

In its note to the members of the informal Expert Group on the Batteries Directive⁴ however, the European Commission seems to come to another conclusion.

The Commission bases its argument on Article 12.1 of the Batteries Directive which states that Member States have to ensure that all batteries and accumulators collected undergo treatment and recycling in line with the provisions of the Directive and other applicable EU legislation. The Commission concludes that the responsibility to ensure treatment and recycling lies with the Member States within which the collection took place, even if treatment or recycling processes occur outside these Member States. Each Member State is responsible to ensure the treatment and recycling - and connected reporting obligations - only for those batteries and accumulators collected within their territory.

If needed, Member States would even have to ensure that recyclers are able to divide the information allowing the calculation of recycling efficiencies according to the origin of the waste batteries and accumulators.

3. Issues

In all European countries, waste batteries are collected by one or more collective schemes, by individual producers of (mostly) industrial or automotive batteries and by private waste operators.

All these collective and individual collection schemes in the 28 member states work together with one or more recycler per battery chemistry. However, the total number of battery recyclers is very limited, except for the lead acid batteries, which have a positive residual value.

³ Guidelines on the application of Commission Regulation EU 493/2012 laying down detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators

⁴Note to the members of the informal Expert Group on the Batteries Directive - Subject: Questions submitted to the Commission on the reporting on recycling levels and efficiencies

A reporting by the recyclers of the same figures to all Member States from which the recycled batteries originate, would lead to a multiplication of the reporting without any added value. It would imply an additional administrative burden, especially if the requested reporting is slightly differing in each Member State. It would also increase the risk of errors and double counting.

In some cases, especially for industrial and automotive batteries collected by producers and centralized at European level, it is impossible for a recycler to know the country of origin.

As for the recyclers, the reporting would also become much more complicated for the Member States, as they would receive the same reporting from the same recycler several times.

Given the fact that there is no substantial difference in the chemical composition of the different types of batteries in the different countries, a diversification of the recycling efficiencies by the recyclers based upon the country of origin has no added value.

4. Euco bat Position

Euco bat proposes that the responsibility for the reporting of the recycling efficiencies would lie with the first recyclers, that would have to report to the Member State where they are located, and that this information would be made available for information to all other Member States where these batteries were collected.

This requires however a harmonised approach by all the Member States, which should be of the highest concern.

5. About Euco bat

Euco bat is the European association of national collection schemes for batteries. They assure that all waste batteries are collected and recycled in an ecological sound way, and contribute this way to a better environment.

Euco bat aisbl
April 2016