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**Key-changes of Commission guidance document  
Dated December 2010**

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**2.5 Financing & producer responsibility (page 10)**

- It is specified that producers have to finance the **net cost** of collecting, treating and recycling of **collected** waste batteries. (p10)
- **Note** that it remains unclear what 'net costs' are
  
- A clarification is made on the notions of '**third party**' and '**third parties acting on behalf of producers**'. The responsibilities for a 'third party' (getting involved in collection without being financially responsible for it) only relates to the automotive batteries. (p10)
  
- Regarding **identifying the battery producers**, an example is added to say that private label owners are considered a producer when a battery manufacturer in the same Member State produces batteries which will be sold under the brand of the PLO. (p11)
  
- The Q&A gives more clarification on what exactly needs to be **registered**: (p12)
  - o Regarding the brand names, only the name of legal entity under which the producer operates in a given member state
  - o Regarding the type of batteries, it is only needed to indicate whether it is portable, industrial or automotive. It is not needed to indicate the brand names of the batteries
- **Note** however, that there is no full harmonization of the registration requirements on national level. In addition to the requirements defined by the Commission, some Member States have additional requirements foreseen.
- The EPBA request to include the possibility that a battery producer located in Member State A could do the registration on behalf of its distributors located in Member State B has not been included.

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**2.6 Labels/end-user information (p12)**

- The Q&A provides more detailed information on the **general labeling requirements** of crossed out dustbin and chemical symbol
- On **capacity marking**; the Q&A refers to the Commission Regulation for rechargeable batteries. For primary batteries, the document states that a further assessment is being carried out and that, once the assessment has been completed, rules for labeling batteries of this type will be drawn up, if appropriate.
- The Q&A also states that, although Member States are not obliged to introduce capacity marking labels for primary portable batteries they can do so. This is provided a notification to the Commission and it can only apply until harmonized labeling requirements are introduced.

## **2.9 Implementing the Directive (p17)**

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On the recycling targets, the Q&A does not refer here to the current comitology process and the delays of the deadline.

## **3. Summary of the measures in the directive according to battery type (p18)**

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- The Q&A states that button cells cannot qualify as industrial batteries. Any battery looking like a button cell but designed exclusively for industrial/professional uses will not be classified as a button cell.
- This statement needs to be read together with the specific requirements which apply to portable batteries (incl. button cells) and relates to the substance restrictions and collection targets.

## **4. Link with other pieces of legislation (p21)**

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- The Q&A confirms again that RoHS does not apply to batteries used in EEE.