
STATUTORY INSTRUMENTS

2008 No. 2164

**The Batteries and Accumulators (Placing
on the Market) Regulations 2008**

PART 2

Prohibitions and labelling requirements

Prohibitions on mercury and cadmium

- 4.—(1) No person shall place on the market—
- (a) a battery that contains more than 0.0005% of mercury by weight;
 - (b) a portable battery that contains more than 0.002% of cadmium by weight.

^{F1}(2)

^{F2}(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.]

(4) This regulation does not apply to a battery which is a component of a vehicle for the purposes of regulation 6 of the End-of-Life Vehicles Regulations 2003(1).

(5) In this regulation—

“portable battery” means any battery or battery pack which is—

- (a) sealed,
- (b) can be hand-carried by an average natural person without difficulty, and
- (c) is neither an automotive battery nor an industrial battery;

“automotive battery” means any battery used for automotive starter, lighting or ignition power;

“industrial battery” means any battery or battery pack which is—

- (a) designed exclusively for industrial or professional uses,
- (b) used as a source of power for propulsion in an electric vehicle,
- (c) unsealed but is not an automotive battery, or
- (d) sealed but is not a portable battery; ^{F3}and]

“electric vehicle” means a vehicle which uses electricity as a source of power for propulsion and includes a vehicle which in addition uses, or is capable of using, other sources of power for this ^{F4}purpose]

(1) [S.I. 2003/2635](#) to which there are amendments not relevant to these Regulations. This instrument implements Directive [2000/53/EC](#) of the European Parliament and of the Council on end-of life vehicles (OJNo. L269, 21.10.2000, p.34).

- F1** Reg. 4(2) omitted (1.10.2015) by virtue of [The Batteries and Accumulators \(Placing on the Market\) \(Amendment\) Regulations 2015 \(S.I. 2015/63\)](#), regs. 1(2)(a), **3(1)** (with reg. 3(2))
- F2** Reg. 4(3) substituted (1.1.2017) by [The Batteries and Accumulators \(Placing on the Market\) \(Amendment\) Regulations 2015 \(S.I. 2015/63\)](#), regs. 1(2)(b), **4(1)** (with reg. 4(3))
- F3** Word in reg. 4(5) inserted (1.1.2017) by [The Batteries and Accumulators \(Placing on the Market\) \(Amendment\) Regulations 2015 \(S.I. 2015/63\)](#), regs. 1(2)(b), **4(2)(a)**
- F4** Word in reg. 4(5) substituted (1.1.2017) by [The Batteries and Accumulators \(Placing on the Market\) \(Amendment\) Regulations 2015 \(S.I. 2015/63\)](#), regs. 1(2)(b), **4(2)(b)**

Marking with crossed out wheeled bin symbol

5.—(1) No person shall place on the market any battery or battery pack unless it is marked with the symbol shown in Schedule 1 (the “crossed out wheeled bin symbol”).

(2) Subject to paragraph (3), the crossed out wheeled bin symbol shall cover at least 3% of the area of the largest side of the battery or battery pack and shall have a maximum size of 5 x 5 centimetres.

(3) In the case of cylindrical cells, the crossed out wheeled bin symbol shall cover at least 1.5% of the surface area of the battery and shall have a maximum size of 5 x 5 centimetres.

(4) Where the size of the battery or battery pack is such that the crossed out wheeled bin symbol would be smaller than 0.5 x 0.5 centimetres, the battery or battery pack need not be marked but a crossed out wheeled bin symbol measuring at least 1 x 1 centimetre shall be printed on the packaging.

(5) The crossed out wheeled bin symbol shall be printed visibly, legibly and indelibly.

[^{F5}Capacity Labelling

5A.—(1) No person shall place on the market any portable secondary (rechargeable) battery or automotive battery or accumulator to which Article 1 of the Capacity Labelling Regulation applies unless the capacity of the battery is indicated upon it visibly, legibly and indelibly in accordance with the requirements of that Regulation.

(2) The “Capacity Labelling Regulation” means Commission Regulation (EU) No 1103/2010 of 29 November 2010 establishing, pursuant to Directive [2006/66/EC](#) of the European Parliament and of the Council, rules as regards capacity labelling of portable secondary (rechargeable) and automotive batteries and accumulators.]

- F5** [Reg. 5A](#) inserted (31.5.2012) by [The Batteries and Accumulators \(Placing on the Market\) \(Amendment\) Regulations 2012 \(S.I. 2012/1139\)](#), regs. 1, **2(2)**

Marking with mercury, cadmium and lead symbols

6.—(1) No person shall place on the market—

- (a) a button cell containing more than 0.0005% of mercury by weight unless it is marked with the chemical symbol “Hg”;
- (b) a battery containing more than 0.002% of cadmium by weight unless it is marked with the chemical symbol “Cd”;
- (c) a battery containing more than 0.004% of lead by weight unless it is marked with the chemical symbol “Pb”.

(2) Each of the chemical symbols mentioned in paragraph (1) shall—

- (a) be printed beneath the crossed out wheeled bin symbol;
- (b) cover an area of at least one quarter the size of that symbol; and

- (c) be printed visibly, legibly and indelibly.

Appliances into which batteries are or may be incorporated

7.—(1) No person shall place on the market an appliance into which a battery is or may be incorporated unless that appliance is—

- (a) designed in such a way that a waste battery can be readily removed from that appliance [^{F6}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]; and
- (b) accompanied by instructions showing how the battery can be removed safely [^{F7}by the end-user or by a qualified professional who is independent of the manufacturer] and, where appropriate, informing the end-user of the type of the incorporated battery.

(2) Paragraph (1) shall not apply where for safety, performance, medical or data integrity reasons continuity of power supply is necessary and requires a permanent connection between the appliance and the battery.

(3) In this regulation “waste battery” means any battery which is waste within the meaning of Article [^{F8}3(1) of [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste, as last amended by [^{F9}Directive (EU) 2018/851]] [^{F10}], and as read with Articles 5 and 6 of that Directive].

[^{F11}(4) For the purposes of paragraph (3), [Directive 2008/98/EC](#) is to be read in accordance with paragraphs (5) and (6).

(5) Article 5 is to be read as if—

- (a) in paragraph 1, “Member States shall take appropriate measures to ensure that” were omitted;
- (b) after paragraph 1 there were inserted—
 - “**1A.** Any decision as to whether a substance or object is a by-product must be made—
 - (a) in accordance with any regulations setting out detailed criteria on the application of the conditions in paragraph 1 to specific substances or objects; and
 - (b) having regard to any guidance published by the appropriate authority or the appropriate agency for the purposes of this Article.”;

(c) paragraphs 2 and 3 were omitted.

(6) Article 6 is to be read as if—

- (a) in paragraph 1, “Member States shall take appropriate measures to ensure that” were omitted;
- (b) after paragraph 1 there were inserted—
 - “**1A.** Any decision as to whether a substance or object has ceased to be waste must be made—
 - (a) in accordance with any regulations or retained direct EU legislation setting out detailed criteria on the application of the conditions in paragraph 1 to specific types of waste; and
 - (b) having regard to any guidance published by the appropriate authority or the appropriate agency for the purposes of this Article.”;

(c) in paragraph 2—

- (i) the first subparagraph were omitted;
- (ii) in the second subparagraph, for “Those detailed criteria” there were substituted “Any detailed criteria set out in guidance as referred to in paragraph 1A”;

- (iii) the third and fourth subparagraphs were omitted;
- (d) paragraph 3 were omitted;
- (e) in paragraph 4—
 - (i) in the first subparagraph—
 - (aa) in the first sentence, for the words from the beginning to “Member State”, there were substituted “Where criteria have not been set out as referred to in paragraph 1A(a), the appropriate agency”;
 - (bb) the second sentence were omitted;
 - (ii) in the second subparagraph—
 - (aa) for “Member States” there were substituted “The appropriate agency”;
 - (bb) “by competent authorities” were omitted.
- (7) In paragraphs (5) and (6)—
 - “appropriate agency” means—
 - (a) in relation to England, the Environment Agency;
 - (b) in relation to Wales, the Natural Resources Body for Wales;
 - (c) in relation to Scotland, the Scottish Environment Protection Agency;
 - (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs;
 - “appropriate authority” means—
 - (a) in relation to England, the Secretary of State;
 - (b) in relation to Wales, the Welsh Ministers;
 - (c) in relation to Scotland, the Scottish Ministers;
 - (d) in relation to Northern Ireland, the Department of Agriculture, Environment and Rural Affairs.]

- F6** Words in reg. 7(1)(a) inserted (1.7.2015) by [The Batteries and Accumulators \(Placing on the Market\) \(Amendment\) Regulations 2015 \(S.I. 2015/63\)](#), regs. 1(2)(c), **5(1)**
- F7** Words in reg. 7(1)(b) inserted (1.7.2015) by [The Batteries and Accumulators \(Placing on the Market\) \(Amendment\) Regulations 2015 \(S.I. 2015/63\)](#), regs. 1(2)(c), **5(2)**
- F8** Words in reg. 7(3) substituted (28.2.2019) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(a), **5(2)**
- F9** Words in reg. 7(3) substituted (1.10.2020) by [The Waste \(Circular Economy\) \(Amendment\) Regulations 2020 \(S.I. 2020/904\)](#), regs. 1(1), **12(3)**
- F10** Words in reg. 7(3) inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **13(4)(a)** (as amended by S.I. 2020/1540, regs. 1(2), 11(2)); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Reg. 7(4)-(7) inserted (31.12.2020) by [The Waste \(Miscellaneous Amendments\) \(EU Exit\) \(No. 2\) Regulations 2019 \(S.I. 2019/188\)](#), regs. 1(2)(b), **13(4)(b)** (as amended by S.I. 2020/1540, regs. 1(3), **11(7)(c)**); 2020 c. 1, Sch. 5 para. 1(1)

Changes to legislation:

There are currently no known outstanding effects for the The Batteries and Accumulators (Placing on the Market) Regulations 2008, PART 2.