
STATUTORY INSTRUMENTS

2009 No. 890

The Waste Batteries and Accumulators Regulations 2009

PART 8

POWERS AND DUTIES OF THE SECRETARY OF STATE

Information for end-users of batteries

- 68.** The Secretary of State must ensure, in particular through information campaigns, that—
- (a) end-users of batteries are fully informed of the potential effects on the environment and human health of the substances used in batteries;
 - (b) end-users of industrial batteries and automotive batteries are fully informed of—
 - (i) the desirability of not disposing of waste batteries as unsorted municipal waste and of participating in their separate collection so as to facilitate treatment and recycling;
 - (ii) their role in contributing to the recycling of waste batteries;
 - (iii) the collection and recycling schemes available to them; and
 - (iv) the meaning of the crossed out wheeled bin symbol shown in Schedule 5 and the chemical symbols “Hg”, “Cd” and “Pb”(1).

Batteries evidence notes

- 69.** The Secretary of State must approve a format for batteries evidence notes.

Overarching objective: maximising collection of portable batteries

70.—(1) The Secretary of State must keep the collection rates of all battery compliance schemes under review in order to establish whether, having regard to the environmental impact of transport, the schemes are together meeting the overarching objective of maximising the separate collection of portable batteries in the United Kingdom.

(2) If the Secretary of State considers that the overarching objective is not being met, the Secretary of State must take such steps as the Secretary of State considers necessary to ensure it will be met.

(3) In this regulation—

“collection rate” means for any scheme in a compliance period the percentage obtained by dividing the weight of portable batteries for which the scheme supplies batteries evidence notes under regulation 25 in respect of that compliance period by the average weight per year of portable batteries that scheme members place on the market for the first time in the United Kingdom during the relevant period;

(1) Regulation 5 of the Batteries and Accumulators (Placing on the Market) Regulations 2008 (S.I. 2008/2164) requires the marking with the crossed out wheeled bin symbol of batteries or battery packs placed on the market in the UK. Regulation 6 of that instrument requires the marking of batteries placed on the market in the UK where they contain more than the prescribed proportion of mercury, cadmium or lead with the chemical symbols, respectively “Hg”, “Cd” or “Pb”.

“the relevant period” means—

- (a) for the compliance period 2010, the year 2009;
- (b) for the compliance period 2011, the years 2009 and 2010;
- (c) for a compliance period after 2011, the compliance period and the two preceding compliance periods.

Increased environmental performance

71.—(1) In relation to battery manufacturers established in the United Kingdom, the Secretary of State must promote research and encourage improvements in the overall environmental performance of batteries throughout their entire life cycle as well as the development and marketing of batteries which contain smaller quantities of dangerous substances or which contain less polluting substances, in particular as substitutes for mercury, cadmium and lead.

(2) In this regulation “dangerous substance” means any substance which has to be considered dangerous under Council Directive [67/548/EEC](#) on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances⁽²⁾, as amended from time to time.

New recycling technologies

72. The Secretary of State must—

- (a) encourage the development of new recycling and treatment technologies;
- (b) promote research into environmentally friendly and cost-effective recycling methods for all types of batteries; and
- (c) encourage treatment facilities to introduce certified environmental management schemes in accordance with Regulation 2001/761/EC of the European Parliament and of the Council allowing voluntary participation by organisations in a Community management and audit scheme⁽³⁾.

Information for appropriate authorities in relation to producers of industrial or automotive batteries

73.—(1) Where the Secretary of State grants an application for registration made under regulation [43](#) in respect of a producer of industrial or automotive batteries, the Secretary of State must within 14 days of the date the application is granted provide the appropriate authority with—

- (a) details of the information submitted by the producer under regulation [43\(2\)\(c\)](#);
- (b) the producer’s battery producer registration number.

(2) Where the Secretary of State receives a notification under regulation [44](#), the Secretary of State must within 14 days of receiving the notification send a copy of it to the appropriate authority.

Reports and information provided by producers of industrial and automotive batteries

74. The Secretary of State must publish the format in which—

- (a) the information referred to in regulation [40](#) must be submitted to the Secretary of State in accordance with that regulation;

(2) OJ No L 196, 16.8.1967, p 1; English special edition, Series I chapter 1967, p 234. Directive as last amended by Commission Directive [2009/2/EC](#) (OJ No L 11, 16.1.2009, p 6).

(3) OJ No L 114, 24.4.2001, p 1. Regulation as last amended by Commission Regulation 2006/196/EC (OJ No L 32, 4.2.2006, p 4).

- (b) the information referred to in regulation 41 must be submitted to the Secretary of State in accordance with that regulation; and
- (c) an application under regulation 43 and a notification under 44 must be submitted to the Secretary of State in accordance with those regulations.

Monitoring

75. The Secretary of State must monitor—

- (a) compliance by producers with their obligations under Part 5;
- (b) the accuracy of the information provided by any person in connection with the reporting requirements in regulation 40 or 41; and
- (c) the accuracy of the information provided by producers in an application for registration made under regulation 43 or a notification under regulation 44,

and in order to do so the Secretary of State may appoint any person to act on the Secretary of State's behalf.