
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 “Principal Regulations”) which transpose Articles 4, 6(2), 11 and 21(1), (3), (4), (5) and (6) of Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ No L 266, 26.9.2006, p1) (“the Directive”).

These Regulations give effect to Article 21(2) of the Directive to provide for the capacity labelling of portable secondary (rechargeable) and automotive batteries and accumulators in accordance with Commission Regulation (EU) No 1103/2010 (OJ No L 313, 30.11.2010, p3) (“the Capacity Labelling Regulation”). The Capacity Labelling Regulation contains detailed rules to implement the requirement for capacity labelling in Article 21(2) of the Directive.

Regulation 2(2) inserts a new regulation 5A into the Principal Regulations to give effect to the requirement for capacity labelling in accordance with the Capacity Labelling Regulation. This applies to portable secondary (rechargeable) batteries and automotive batteries and accumulators to which Article 1 of the Capacity Labelling Regulation applies which are placed on the market on or after 31st May 2012.

Regulation 2(3) amends regulation 15 of the Principal Regulations to provide for the enforcement of, and sanctions relating to, the new regulation 5A. Regulation 2(4) allows for the recovery of costs of enforcement in the event of a conviction for an offence relating to a contravention of regulation 5A.

Regulation 2(5) inserts a provision into the Principal Regulations requiring the Secretary of State to review the operation and effect of the Principal Regulations (as amended by these Regulations) and publish a report within five years of the date these amending Regulations come into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Principal Regulations (as amended) should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the Principal Regulations or to amend them.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen. A transposition note setting out how the Government has transposed Article 21(2) of the Directive and the Capacity Labelling Regulation in the United Kingdom has been produced and is published with the Explanatory Memorandum alongside the instrument on www.legislation.gov.uk.