
STATUTORY INSTRUMENTS

2008 No. 2164

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

PART 1

Preliminary

Citation and commencement

1. These Regulations may be cited as the Batteries and Accumulators (Placing on the Market) Regulations 2008 and shall come into force on 26th September 2008.

Interpretation

2.—(1) In these Regulations—

“appliance” means any electrical or electronic equipment, as defined by Directive [2002/96/EC](#) of the European Parliament and of the Council on waste electrical and electronic equipment⁽¹⁾, which is fully or partly powered by batteries or accumulators or is capable of being so;

“battery” or “accumulator” means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable) or consisting of one or more secondary battery cells (rechargeable);

“battery pack” means any set of batteries or accumulators that are connected together or encapsulated within an outer casing so as to form a complete unit that the end-user is not intended to split up or open;

“button cell” means any small round portable battery or accumulator whose diameter is greater than its height and which is used for special purposes such as hearing aids, watches, small portable equipment and back-up power;

“compliance notice” has the meaning given in regulation 13(2);

“crossed out wheeled bin symbol” has the meaning given in regulation 5(1);

“enforcement notice” has the meaning given in regulation 14(2);

“enforcement officer” means an officer of the Secretary of State or an officer of a person appointed to act on behalf of the Secretary of State for the purposes of enforcing these Regulations;

“European Economic Area” means the area comprised by the EEA states;

“infringing goods” means batteries or accumulators or appliances the characteristics, contents or labelling of which are not such as are permitted or required by Part 2 and which were placed on the market on or after 26th September 2008; and

(1) OJNo. L37, 13.2.2003, p.24.

“placing on the market” means supplying or making available, whether in return for payment or free of charge, to a third party within the European Economic Area⁽²⁾ and includes import into the customs territory of the Community as defined in Article 3 of Regulation 450/2008/EC of the European Parliament and of the Council laying down the Community Customs Code⁽³⁾, and “place on the market” and “placed on the market” shall be construed accordingly.

(2) In these Regulations, except in paragraph (1), any reference to a battery shall be construed as being a reference to a battery or an accumulator.

Application

3.—(1) These Regulations apply to—

- (a) all types of batteries, regardless of their shape, volume, weight, material composition or use; and
- (b) all appliances into which a battery is or may be incorporated.

(2) These Regulations do not apply to batteries used in—

- (a) equipment connected with the protection of the essential security interests of EEA states, such as arms, munitions and war material, and intended for specifically military purposes; or
- (b) equipment designed to be sent into space.

(2) The application of the Directive was extended to the EEA states by Decision 141/2007 of the European Economic Area Joint Committee (OJ No. L100, 10.4.2008, p.68).

(3) OJ No. L145, 4.6.2008, p.1.