
STATUTORY INSTRUMENTS

2008 No. 2164

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

PART 2

Prohibitions and labelling requirements

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 [^{F1}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 [^{F2}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 [^{F3}(1) of [Directive 2008/98/EC](#) of the European Parliament and of the Council on waste, as last amended by [^{F4}[Directive \(EU\) 2018/851](#)]] [^{F5}, and as read with Articles 5 and 6 of that Directive].

[^{F6}(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.]

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| F1 | 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) |
| F2 | 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) |
| F3 | 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) |

- F4** 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)**
- F5** 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)
- F6** 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, Section 7.