

FREQUENTLY ASKED QUESTIONS

on

Subsidiary Legislation 549.54 – the Waste Management (Waste Batteries and Accumulators) Regulations



December 2016

Version 2



Foreword

The aim of this Frequently Asked Questions (FAQ) document is to assist all economic operators and the general public to understand all their obligations emanating from [Subsidiary Legislations 549.54 – the Waste Management \(Waste Batteries and Accumulators\) Regulations](#), ensuring compliance with the requirements of the Regulations.

This FAQ document is considered to be a *‘living document’* and the Environment and Resources Authority (ERA) may update it as necessary in light of experience with the implementation of the Regulations and any future requirements.

The information provided in this document is for guidance only. It is not intended and should not be construed to constitute a legal advice of the Legislation referred to herein. The definitive interpretation of Maltese Legislation is the sole prerogative of the Courts of Justice in Malta and Gozo. Readers are advised to refer to the relevant legislation for comprehensive information on requirements.

For the purpose of this document Subsidiary Legislations 549.54 – the Waste Management (Waste Batteries and Accumulators) Regulations shall be referred to as the *‘Waste Batteries Regulations’*.

Table of Contents

| | |
|-------------------------------------------------------------------------------------------------------------------------------------|-----|
| Foreword..... | ii |
| Table of Contents..... | iii |
| 1 Introduction..... | 1 |
| 1.1 What is a battery or accumulator pursuant to the Waste Batteries Regulations (S.L. 549.54)? | 1 |
| 1.2 What is a waste battery or accumulator? | 1 |
| 1.3 Who is a ‘producer’? | 1 |
| 1.4 Am I considered to be a producer if I import batteries or accumulators for my own use?..... | 2 |
| 1.5 Can a company not established in Malta be considered to be a producer of batteries and/or accumulators in Malta? | 2 |
| 1.6 Should waste batteries and accumulators be removable from appliances? ... | 3 |
| 2 Scope | 4 |
| 2.1 Which batteries and/or accumulators are excluded from the scope of the Waste Batteries Regulations? | 4 |
| 2.2 Am I a producer of batteries and accumulators if EEE incorporates batteries and accumulators? | 4 |
| 2.3 Am I a producer of batteries and accumulators if a vehicle incorporates batteries and accumulators? | 4 |
| 3 Producer Responsibility..... | 5 |
| 3.1 What are the main legal obligations set by the Waste Batteries Regulations on producers of batteries and accumulators? | 5 |
| 3.2 What are the main legal obligations set by the Waste Batteries Regulations on the schemes?..... | 6 |
| 4 Registration as a Producer of Batteries and/or Accumulators | 7 |
| 4.1 What should I do to register as a producer of Batteries and/or Accumulator? | 7 |
| 4.2 Do I need to renew my registration? | 7 |
| 4.3 What if I cease to place Batteries and/or Accumulators on the market?..... | 8 |
| 4.4 What if I transferred my business as a producer of Batteries and/or Accumulators (in whole or in part) to another person? | 8 |
| 4.5 What if I fail to register or renew my registration as a producer of Batteries and/or Accumulators? | 9 |
| 5 Financing of Waste Batteries and/or Accumulators | 10 |
| 5.1 Am I obliged to finance the management of Waste Batteries and/or Accumulators?..... | 10 |

| | | |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 6 | Reporting Obligations | 11 |
| 6.1 | What information needs to be reported by self-compliant producers to the Competent Authority?..... | 11 |
| 6.2 | What information needs to be reported by authorised Waste Batteries and Accumulators Compliance Schemes to the Competent Authority? | 11 |
| 6.3 | Are self-compliant producers and Waste Batteries and Accumulators Compliance Schemes required to verify the information reported to ERA? . | 12 |
| 7 | Collection Rate & Recycling Efficiencies..... | 14 |
| 7.1 | What is the minimum collection rate that self-compliant producers or Waste Batteries and Accumulators Compliance Schemes are obliged to achieve? . | 14 |
| 7.2 | How should the collection targets for portable batteries be calculated? | 14 |
| 7.3 | Why is there no collection target for industrial and automotive batteries? . | 14 |
| 7.4 | Are producers for portable batteries and/or accumulators obliged to ensure that collection systems are in place? | 14 |
| 7.5 | Are producers for industrial batteries and/or accumulators obliged to ensure that collection systems are in place? | 15 |
| 7.6 | Are producers for automotive batteries and/or accumulators obliged to ensure that collection systems are in place? | 15 |
| 7.7 | What treatment requirements are producers or Waste Batteries and Accumulators Compliance Scheme(s) required to achieve?..... | 16 |
| 7.8 | What Recycling Efficiencies need to be achieved? | 17 |
| 7.9 | What requirements for the treatment of waste batteries are laid down?.... | 17 |
| 7.10 | As a citizen, how can I commit myself to ensure the environmentally sound management of waste batteries and accumulators generated at household level?..... | 17 |
| 8 | Non-Compliance with the Waste Batteries Regulations..... | 18 |
| 8.1 | What if a person commits an offence against these Regulations or does not comply? | 18 |
| | References | 19 |

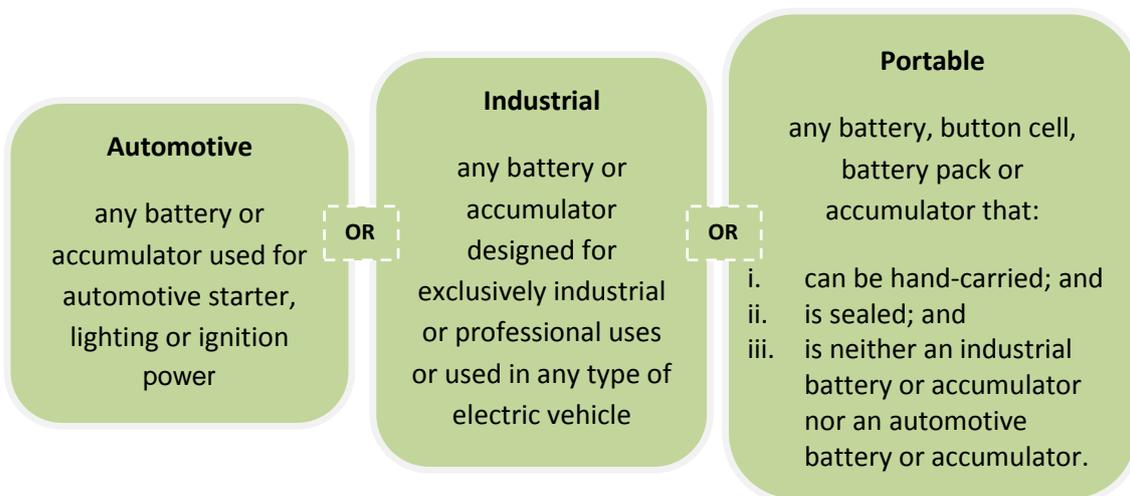
1 Introduction

1.1 What is a battery or accumulator pursuant to the Waste Batteries Regulations ([S.L. 549.54](#))?

A battery or accumulator:

- is any source of electrical energy generated by direct conversion of chemical energy; and
- consists of either one or more primary battery cells (non-rechargeable) or of one or more secondary battery cells (rechargeable).

A battery or accumulator can be one of the following types:



This flow diagram can be used to enable one in determining the battery types.

1.2 What is a waste battery or accumulator?

A waste battery or accumulator is a battery or accumulator which the holder discards, or intends, or is required to discard.

1.3 Who is a 'producer'?

A 'producer' is any person in Malta who, irrespective of the selling technique used, including by means of distance communication (as defined in the Distance Selling Regulations), places batteries or accumulators, including those incorporated into appliances or vehicles, on the market for the first time within the territory of Malta on a professional basis.

The following are some examples of a "battery producer":

- In the case of a battery manufacturer or importer who sells batteries to a retailer who in turn sells them to customers ('end-users'), the battery manufacturer or the

importer is the 'producer' as they are placing the batteries on the market for the first time in Malta.

- In the case of a retailer in Malta who sells batteries bought from an EU Member State or third country, the retailer who is placing these batteries on the market is the 'producer'.

- In the case of an equipment/car manufacturer in Malta who buys batteries from a battery manufacturer or importer in Malta and then puts the batteries into equipment/cars which are sold in Malta, the battery manufacturer or importer is the 'producer' as they are selling them to the equipment/car manufacturer and thus placing the batteries on the market in the country for the first time.

- In the case of an equipment/car manufacturer or importer who buys batteries from an EU Member State or third country and incorporates these batteries into the equipment or car and are then sold, the 'battery producer' is the equipment/car manufacturer or importer himself, since he is the person who places the batteries on the Maltese market for the first time.

1.4 Am I considered to be a producer if I import batteries or accumulators for my own use?

A legal person who imports batteries or accumulators for his/her own use is considered to be a producer of batteries or accumulators.

If the imported batteries or accumulators are consumed or used by the natural person for himself/herself on a professional basis (i.e. relating to his trade, business, craft or profession) then s/he is considered to be a producer of batteries or accumulators.

If the imported batteries or accumulators are not consumed or used by the natural person for himself/herself on a professional basis (i.e. not relating to his trade, business, craft or profession) then s/he is not considered to be a producer of batteries or accumulators.

1.5 Can a company not established in Malta be considered to be a producer of batteries and/or accumulators in Malta?

According to current legislation, if a company is not established in Malta and sells directly to an end-user (and not a third party), the company is not considered to be a producer.

1.6 Should waste batteries and accumulators be removable from appliances?

Regulation 8 of the Waste Batteries Regulations requires that 'manufacturers design appliances in such a way that waste batteries and accumulators can be readily removed' and that 'appliances into which batteries and accumulators are incorporated shall be accompanied by instructions showing how they can be removed safely'.

Waste batteries should be removable from appliances during the lifetime of the appliance if the batteries have a shorter lifetime than the appliance, or at the latest at the end of the life of the appliance. (Directorate General for Environment (DG ENV) (2014))

Exemptions to these requirements are allowed for appliances 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 or accumulator.

2 Scope

2.1 Which batteries and/or accumulators are excluded from the scope of the Waste Batteries Regulations?

This legislation applies to all types of batteries and accumulators, regardless of their shape, volume, weight, material composition or use, and applies also to those batteries incorporated in electrical and electronic equipment, as well as those accumulators incorporated in end of life vehicles, with the exception of:

- (a) equipment connected with the protection of Malta's essential security interests, arms, munitions and war material, with the exclusion of products that are not intended for specifically military purposes; and
- (b) equipment designed to be sent into space.

2.2 Am I a producer of batteries and accumulators if EEE incorporates batteries and accumulators?

A person that places on the market EEE incorporating batteries is considered to be a producer of EEE as well as a producer of batteries and accumulators under [S.L. 549.54 – the Waste Management \(Waste Batteries and Accumulators\) Regulations](#).

As regards to registration as a producer of Electrical and Electronic Equipment you may wish to visit the dedicated page on ERA's website [[Click Here](#)]. With regards to registration as a producer of Batteries and/or Accumulators you may wish to visit the dedicated page on ERA's website [[Click Here](#)].

Where batteries or accumulators are collected together with WEEE, such batteries or accumulators shall be removed from the collected WEEE and shall undergo the treatment and recycling pursuant to S.L. 549.54 – the Waste Management (Waste Batteries and Accumulators) Regulations.

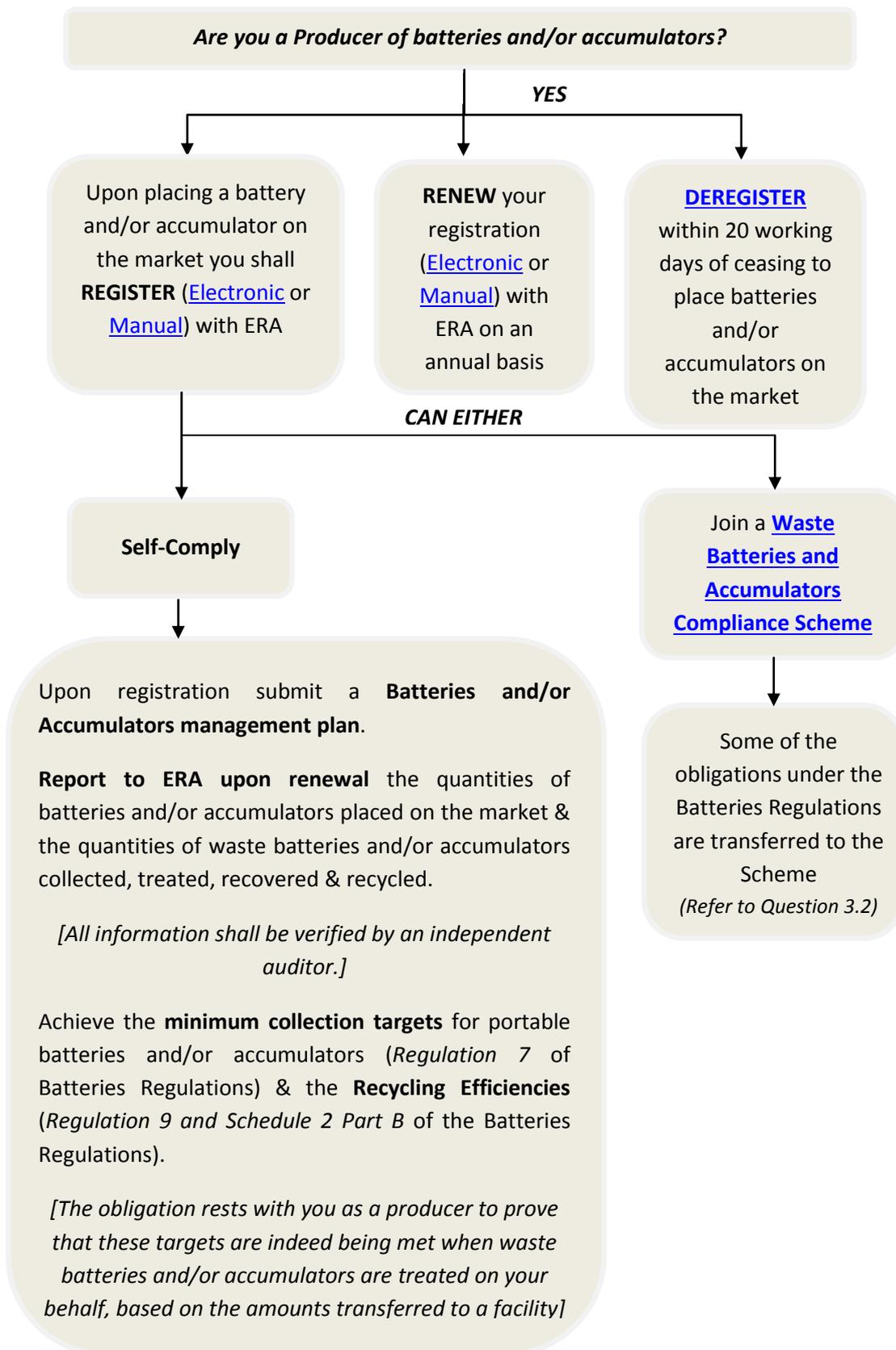
2.3 Am I a producer of batteries and accumulators if a vehicle incorporates batteries and accumulators?

A person that places on the market a vehicle incorporating batteries is considered to be a producer of batteries and accumulators under [S.L. 549.54 – the Waste Management \(Waste Batteries and Accumulators\) Regulations](#).

Where batteries or accumulators are collected together with an End-of Life Vehicle (ELV), such batteries or accumulators shall be removed from the collected ELV and shall undergo the treatment and recycling pursuant to S.L. 549.54 – the Waste Management (Waste Batteries and Accumulators) Regulations.

3 Producer Responsibility

3.1 What are the main legal obligations set by the Waste Batteries Regulations on producers of batteries and accumulators?



3.2 What are the main legal obligations set by the Waste Batteries Regulations on the schemes?

A person who intends to operate a Waste Batteries and Accumulators Compliance Scheme shall require and obtain a valid permit from ERA [[Click to access](#) the permit(s) of the current authorised Waste Batteries and Accumulators Compliance Scheme(s)].

The person applying to operate a Scheme [[Download Application](#)] must submit a work plan describing the operations of the proposed Scheme.

Authorised Waste Batteries and Accumulators Compliance Schemes have to:

- **Abide to all the provisions laid down in the Scheme Permit**, thus ensuring compliance with the Waste Batteries Regulations.
- **Report to ERA on a Quarterly and Annual basis** in the format specified in the Scheme permit. Such reports should include the list of producers participating in the Scheme during the operational year as well as information on the quantities of Batteries and/or Accumulators placed on the market & the quantities of Waste Batteries and Accumulators collected, treated, recovered & recycled. All information shall be verified by an independent auditor.
- The **Scheme should only use waste management undertakings** (i.e. authorised facilities, carriers and brokers) **in compliance with** regulations 19 to 24 of **Subsidiary Legislation 504.37 – the Waste Regulations**, duly authorised by the Authority, for the waste management operations involved in the Scheme.
- Achieve the **minimum collection targets** (*Regulation 7* of Waste Batteries Regulations) & the **Recycling Efficiencies** (*Regulation 9 and Schedule 2 Part B* of the Waste Batteries Regulations and in line with Commission Regulation (EU) No 493/2012 of 11 June 2012 laying down detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators) on behalf of the members of the Scheme, which targets are also laid down in the Scheme Permit.

[The obligation rests with you as a Scheme to prove that these targets are indeed being met when the waste batteries and/or accumulators are treated on your behalf, based on the amounts transferred to a facility]

4 Registration as a Producer of Batteries and/or Accumulators

4.1 What should I do to register as a producer of Batteries and/or Accumulator?

Producers must upon placing Batteries and/or Accumulators on the national market for the first time apply to be registered with ERA.

Registration is required in case of all three types of "categories of batteries or accumulators": automotive batteries or accumulators; industrial batteries or accumulators; and portable batteries or accumulators.

The Application Form for Registration - **Form D** ([Electronic](#) or [Manual](#)) shall be accompanied by:

- The electronic form is against a fee of €10, whereas the manual form is against a fee of €35; which are to be made payable to Malta Environment and Planning Authority (ERA) until 31st March;
- A copy of your signed agreement if participating in an authorised Waste Batteries and Accumulators Compliance Scheme;
- A work plan of how you intend to fulfil your obligations, if you opt to be self-compliant (i.e. not member of a Waste Batteries and Accumulators Compliance Scheme). [Please download the following guidelines]

The producer is provided with a registration number upon registration, which number is considered to be the unique identity number for the said producer. It is important for the producer to quote this number when requested to show evidence that s/he is a registered producer of Batteries and/or Accumulators.

4.2 Do I need to renew my registration?

Yes. Producers registered with ERA are to renew their registration on an annual basis by 31st March of each year.

The Application Form for Renewal - **Form E** ([Electronic](#) or [Manual](#)) shall be accompanied by:

- The electronic form is against a fee of €10, whereas the manual form is against a fee of €35; which are to be made payable to Malta Environment and Planning Authority (ERA) until 31st March. As from 1st April late renewals are accepted at an additional fee of €20 per month or part thereof;
- A work plan of how you intend to fulfil your obligations, if you opt to be self-compliant (i.e. not member of a Waste Batteries and Accumulators Compliance Scheme), with the submission of 'Form E – Renewal Form as a Producer of

Batteries and Accumulators, Year 2016' - following publication of L.N. 296 of 2015. [Please download the following guidelines]

- An Audit Report compiled by an independent auditor, approved by ERA, to certify that all the information reported is in conformity with the obligations of S.L. 549.54, if not a member of a Waste Batteries and Accumulators Compliance Scheme. The auditor should have access to in-house environmental expertise or otherwise appoint a consultant having environmental expertise to assist him;
- A signed Declaration from an authorised waste management undertaking/s, if not a member of a Waste Batteries and Accumulators Compliance Scheme. The said Declaration should provide evidence that the Waste Batteries and/or Accumulators have been recovered / recycled in an environmentally sound manner, including details on the actual amount that has been recovered / recycled and its final destination.

Waste Batteries and Accumulators Compliance Scheme/s submitting the renewal form on behalf of their members must provide ALL the information requested in the Renewal Form for each member.

4.3 What if I cease to place Batteries and/or Accumulators on the market?

Where a person ceases to put Batteries and/or Accumulators on the national market the latter is to deregister by informing ERA within twenty working days of his/her ceasing to do so.

The [Application for Deregistration - Form F](#) is to be accompanied by:

- All pending reporting information until the date of application for deregistration, if not a member of a Waste Batteries and Accumulators Compliance Scheme;
- A signed agreement between interested parties only in the case of transfer of a producer's business to another;
- A copy of a signed declaration by the Waste Batteries and Accumulators Compliance Scheme indicating that you are no longer a member of the said Scheme, if applicable.

4.4 What if I transferred my business as a producer of Batteries and/or Accumulators (in whole or in part) to another person?

If your business is transferred in whole or in part to another person, you remain responsible for the Batteries and/or Accumulators for which you would have registered, unless you demonstrate to ERA that the person to whom the transfer has been made has agreed to meet your obligations in respect of any Batteries and/or

Accumulators which fall within the scope of the Waste Batteries Regulations. Upon transfer of whole business to another person, you can [Apply for Deregistration](#), endorsing a signed agreement between both parties.

On the other hand, the person to whom the whole or part of the business is transferred is considered to be a producer for the purposes of the Waste Batteries Regulations and thus must apply for Registration ([Electronic](#) or [Manual](#)). Moreover, the new producer would be required to meet the stipulated collection rates and recycling efficiencies in the Waste Batteries Regulations.

4.5 What if I fail to register or renew my registration as a producer of Batteries and/or Accumulators?

A person who commits an offence against the Waste Batteries Regulations is liable on conviction to the penalties pursuant to regulation 26 of the said Regulations.

5 Financing of Waste Batteries and/or Accumulators

5.1 Am I obliged to finance the management of Waste Batteries and/or Accumulators?

Yes, producers or third parties acting on their behalf must finance any net costs arising from the:

- (a) the collection, treatment and recycling of all waste portable batteries and accumulators collected in accordance with regulation 5(1) and (2) of S.L. 549.54 – the Waste Management (Waste Batteries and Accumulators) Regulations; and
- (b) the collection, treatment and recycling of all waste industrial and automotive batteries and accumulators collected in accordance with regulation 5(3) and (4) of S.L. 549.54 – the Waste Management (Waste Batteries and Accumulators) Regulations.

Provided that any double charging of producers in the case of batteries or accumulators collected under treatment and recycling systems set up in accordance with the Waste Management (End-of Life Vehicles) Regulations or the Waste Management (Electrical and Electronic Equipment) Regulations shall be avoided.

Producers, or third parties acting on their behalf, shall also finance any net costs arising from public information campaigns on the collection, treatment and recycling of all waste portable batteries and/or accumulators.

6 Reporting Obligations

6.1 What information needs to be reported by self-compliant producers to the Competent Authority?

Registered self-compliant producers must upon renewing their registration, report the information requested in the Renewal Form – Form E ([Electronic](#) or [Manual](#)), mainly:

- Batteries and/or accumulators placed on the national market by weight and category;
- Waste Batteries and/or Accumulators collected by weight, category and type;
- Waste Batteries and Accumulators treated by weight and category, distinguishing between Waste Batteries and Accumulators treated in Malta, in another Member State or a third country; and the
- Recycling Efficiencies achieved in line with Commission Regulation (EU) No 493/2012 of 11 June 2012 laying down detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators*.

** Substantiated by a signed Declaration from an authorised waste management undertaking/s, providing evidence that the Recycling Efficiencies in line with Commission Regulation (EU) No 493/2012 of 11 June 2012 laying down detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators have been achieved.*

The information must be submitted on an annual basis by 31st March of each year. As from 1st April late renewals/reporting are accepted at an additional fee of €20 per month or part thereof.

Self-compliant producers applying for deregistration must ensure that all pending information related to their operations is submitted to ERA.

6.2 What information needs to be reported by authorised Waste Batteries and Accumulators Compliance Schemes to the Competent Authority?

The authorised Waste Batteries and Accumulators Compliance Schemes must compile and submit the information requested in their Permits on a Quarterly and Annual basis. The Scheme Permit obliges the Schemes to submit the following information both electronically and in hard copy:

- Statement of Compliance;
- List of Producers participating in the Scheme during the reporting period;

- Quantities of batteries and/or accumulators placed on the market (Kgs);
- Quantities of waste batteries and/or accumulators collected (Kgs);
- Quantities of waste batteries and/or accumulators treated (Kgs);
- Recycling efficiencies achieved and reporting tables in line with Commission Regulation (EU) No 493/2012 of 11 June 2012 laying down detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators;
- Information on return and collection systems;
- List of Authorised Waste Management Undertakings used during the reporting period for the carrying out of the waste management operations involved in the Scheme;
- Proof of recovery and/or reuse and recycling; and
- Information and Awareness Campaigns.

Quarterly reports are submitted within forty (40) working days following the end of the specific period, whilst the Annual report is submitted within six (6) calendar month of the closing year. The reports submitted by the authorised Waste Batteries and Accumulators Compliance Schemes are publically available on request.

Waste Batteries and Accumulators Compliance Scheme/s submitting the renewal form on behalf of their members must provide ALL the information requested in the Renewal Form for each member.

6.3 Are self-compliant producers and Waste Batteries and Accumulators Compliance Schemes required to verify the information reported to ERA?

Self-compliant producers and authorised Waste Batteries and Accumulators Compliance Schemes must ensure that a sound auditing procedure for traceability, monitoring and control is put in place for all waste batteries and/or accumulators managed.

Self-compliant producers and authorised Waste Batteries and Accumulators Compliance Schemes must use the services of an independent warranted auditor, approved by ERA, to certify all of the information reported is in conformity with the obligations of the Waste Batteries Regulations. The auditor should have access to in-house environmental expertise or otherwise appoint a consultant having environmental expertise to assist him.

The auditors must abide to the [Terms of Reference for Compliance Audits set by ERA for Self-Compliant Producers](#) or the [Terms of Reference for Compliance Audits for](#)

[Waste Batteries and Accumulators Compliance Schemes](#). The terms of reference may be amended by the Authority from time to time.

In the case of authorised Waste Batteries and Accumulators Compliance Schemes, the auditor is required to certify that the information reported is as specified in the permit issued by ERA.

The audit trail should cover all waste batteries and/or accumulators from the point of generation or collection to the end recovery or disposal facility (local or foreign).

7 Collection Rate & Recycling Efficiencies

7.1 What is the minimum collection rate that self-compliant producers or Waste Batteries and Accumulators Compliance Schemes are obliged to achieve?

As of 26th September 2016, self-compliant producers or authorised Waste Batteries and Accumulators Compliance Schemes acting on behalf of their members are obliged to achieve a collection rate of 45% for all waste portable batteries, pursuant to regulation 7 and calculated as per Schedule 1 of the Waste Batteries Regulations.

There are no stipulated targets for industrial and automotive batteries (refer to 7.3).

7.2 How should the collection targets for portable batteries be calculated?

The collection target for portable batteries should be calculated based on the annual sales of portable batteries to end-users using the method outlined in Commission Decision 2008/763/EC i.e. the quantities in weight of portable batteries placed on the market in a given year, excluding batteries exported to other EU countries, counting each battery placed on the market only once.

7.3 Why is there no collection target for industrial and automotive batteries?

There is no collection target for such batteries, since:

- (a) for industrial batteries, producers, or third parties acting on their behalf and/or for automotive batteries third parties are obliged to take waste batteries back from end-users;
- (b) there is a ban from landfill or incineration;
- (c) such batteries are large in size; and
- (d) such batteries are mainly collected by professionals due to their economic value;

thus ensuring that batteries are collected.

7.4 Are producers for portable batteries and/or accumulators obliged to ensure that collection systems are in place?

Yes, producers of portable batteries and accumulators, or third parties acting on their behalf, shall use existing collection systems or set up collection systems, individually or collectively, or both, in accordance with any existing laws and regulations, to provide for the collection of waste portable batteries and accumulators.

Such collection systems:

(a) shall enable end-users to discard waste portable batteries or accumulators at an accessible collection point in their vicinity, free of charge and without any obligation to buy a new battery;

(b) shall require distributors to take back waste portable batteries or accumulators at no charge when supplying portable batteries or accumulators, unless the existing schemes prove to be environmentally effective;

(c) shall not involve any charge to end-users when discarding waste portable batteries or accumulators, nor any obligation to buy a new battery or accumulator; and

(d) may be run in conjunction with the collection systems referred to in regulation 6(2) of the Waste Management (Electrical and Electronic Equipment) Regulations:

Provided that all economic operators and all competent public authorities may participate in these collection systems:

Provided further that these collection systems shall also apply to batteries and accumulators imported from third countries under non-discriminatory conditions and shall be designed to avoid barriers to trade or distortions of competition.

7.5 Are producers for industrial batteries and/or accumulators obliged to ensure that collection systems are in place?

Producers of industrial batteries and accumulators, or third parties acting on their behalf, shall not refuse to take back waste industrial batteries and accumulators from end-users, regardless of chemical composition and origin.

Provided that:

(a) independent third parties may also collect waste industrial batteries and accumulators;

(b) all economic operators and all competent public authorities may participate in these collection systems; and

(c) these collection systems shall also apply to batteries and accumulators imported from third countries under non-discriminatory conditions and shall be designed to avoid barriers to trade or distortions of competition.

7.6 Are producers for automotive batteries and/or accumulators obliged to ensure that collection systems are in place?

Producers of automotive batteries and accumulators, or third parties acting on their behalf, shall set up schemes, in accordance with any existing laws and regulations, to provide for the collection of waste automotive batteries and accumulators from end-

users or from an accessible collection point in their vicinity, where collection is not carried out under the collection systems referred to in regulation 5(1) of the Waste Management (End of Life Vehicles) Regulations.

Provided that:

(a) in the case of automotive batteries and accumulators from private, non-commercial vehicles, such collection systems shall not involve any charge to end-users when discarding waste batteries or accumulators, or any obligation to buy a new battery or accumulator;

(b) all economic operators and all competent public authorities may participate in these collection systems; and

(c) these collection systems shall also apply to batteries and accumulators imported from third countries under non-discriminatory conditions and shall be designed to avoid barriers to trade or distortions of competition.

7.7 What treatment requirements are producers or Waste Batteries and Accumulators Compliance Scheme(s) required to achieve?

- Producers, or third parties acting on their behalf, shall use existing treatment and recycling systems or setup treatment and recycling systems, individually or collectively, or both, in accordance with any existing laws and regulations, to provide for the treatment and recycling of waste batteries and accumulators, using best available techniques, in terms of the protection of health and the environment; and all identifiable waste batteries and accumulators collected in accordance with regulation 5 or with the Waste Management (Electrical and Electronic Equipment) Regulations, shall undergo treatment and recycling through treatment and recycling systems that comply, as a minimum, with national legislation, in particular as regards health, safety and waste management:

Provided that all economic operators and all competent public authorities may participate in these treatment and recycling systems; and these treatment and recycling systems shall also apply to batteries and accumulators imported from third countries under non-discriminatory conditions and shall be designed to avoid barriers to trade or distortions of competition.

- Treatment shall meet the minimum requirements set out in Part A of Schedule 2.
- Where batteries or accumulators are collected together with waste electrical and electronic equipment on the basis of the Waste Management (Electrical and Electronic Equipment) Regulations, batteries or accumulators shall be removed from the collected waste electrical and electronic equipment.
- Recycling processes shall meet the recycling efficiencies and associated provisions set out in Part B of Schedule 2.

7.8 What Recycling Efficiencies need to be achieved?

Schedule 2 Part B of S.L. 549.54 the Waste Management (Waste Batteries and Accumulators) Regulations requires that recycling processes shall achieve the following minimum recycling efficiencies:

- (a) recycling of 65% by average weight of lead-acid waste batteries and accumulators, including recycling of the lead content to the highest degree that is technically feasible while avoiding excessive costs;
- (b) recycling of 75% by average weight of nickel-cadmium waste batteries and accumulators, including recycling of the cadmium content to the highest degree that is technically feasible while avoiding excessive costs; and
- (c) recycling of 50% by average weight of other waste batteries and accumulators.

In this regards detailed rules regarding the calculations of recycling efficiencies of the recycling processes of waste batteries and accumulators are laid down in [Commission Regulation \(EU\) No 493/2012 of 11 June 2012](#).

7.9 What requirements for the treatment of waste batteries are laid down?

Further to the recycling efficiencies, minimum treatment requirements for waste batteries, as well as the conditions under which the waste batteries must be treated and stored are laid down in Part A (Treatment) of Schedule 2 of [S.L. 549.54 – the Waste Management \(Waste Batteries and Accumulators\) Regulations](#).

7.10 As a citizen, how can I commit myself to ensure the environmentally sound management of waste batteries and accumulators generated at household level?

Households are encouraged to dispose of waste batteries and accumulators:

- By making use of battery bins which are available at several points;
- At WasteServ's Civic Amenity Sites [[Click for more info](#)].

8 Non-Compliance with the Waste Batteries Regulations

8.1 What if a person commits an offence against these Regulations or does not comply?

Pursuant to regulation 26 of the Waste Batteries Regulations, a person who has committed an offence against the Waste Batteries Regulations is liable to:

- On first conviction, to a fine (multa) of not less than €1,164.69, but not exceeding €2,329.37; and
- On a second conviction or subsequent convictions, to a fine (multa) of not less than €2,329.73, but not exceeding €4,658.75, or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

Furthermore, Part VII of the Environment Protection Act (CAP 549) outlines the “Powers of the Authority, Monitoring, Compliance Action and Enforcement of Control” and Part VIII of the Environment Protection Act (CAP 549) outlines Offences.

References

Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators.

Commission Regulation (EU) No 493/2012 of 11 June 2012 laying down, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators.

Directorate General for Environment (DG ENV) (2014). *Frequently Asked Questions on Directive 2006/66/EC on Batteries and Accumulators and Waste Batteries and Accumulators*. Brussels: European Commission.

Subsidiary Legislation 549.54 – the Waste Management (Waste Batteries and Accumulators) Regulations as published by Legal Notice 55 of 2010.