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PRESS RELEASE

PORTABLE BATTERY INDUSTRY TAKES NOTE OF THE CONCILIATION RESULT ON THE BATTERY DIRECTIVE

Brussels, 9 May 2006 – The EPBA takes note of the conciliation agreement on the Battery Directive reached on 2 May. Although we welcome the outcome of the Directive as a whole, we are concerned that some key requirements will affect the workability of the Directive and its implementation on national level.

The outcome of the EP's second reading confirmed to a certain extent the need to have a pragmatic and realistic Directive. In particular the more reasonable collection targets, the requirement for mandatory distributor involvement and the rejection of a lead ban for portable batteries. Furthermore, the conciliation decision to make the producer registration subject to the same procedural requirements in all Member States will streamline and harmonize the national registration systems thus helping to avoid the problems as experienced in the implementation of the WEEE Directive.

The EPBA is however anxious that the Directive will jeopardise the financing and the functioning of the collection systems. We feel greatly exposed by the general requirement for producers to finance public information campaigns which could result in them being presented with costs over which they have no oversight or control and which they cannot finance by themselves anyway. It is our view that the shared responsibility approach should also be applied to public information campaigns. We have also concerns regarding the *de minimis* rule on the basis of which producers placing small quantities of batteries on the market could be exempted from the participation in the financing of the collection schemes. Any possibility for exempting small producers goes against the principle of producer responsibility which will be established by the Directive. On these issues we will be looking to Member States to provide appropriate protection against such exposures in their transposition of the Directive.

Finally, we reiterate that the requirement to indicate the capacity on primary portable batteries cannot be realized in a meaningful format since, as we have always advocated, it varies with the application and the way it is used. It will therefore not only confuse but also mislead the consumer rather than help him make an informed purchasing decision. As a result we will be available to work closely with the Commission and the committee formed under the procedures referred to in Article 21(2).

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