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New Commission Battery Directive will fail.....yet again

The European Portable Battery Association (EPBA) strongly believes that – despite this industry's best efforts - the new draft battery Directive adopted yesterday by the Commission will fail. This failure will compound that of the previous battery directives, such as 91/157/EEC.

The EPBA however also notes the Commission's efforts in the openness of the procedure leading up to adoption whilst questioning the bases of the extended impact assessment results, knowing that the study was carried out under very tight time constraints and with little opportunity for direct interface with stakeholders.

The current text of the directive includes some requirements, which are not acceptable for the portable battery industry. We have been consistent in our communications on the following 3 points:

- Collection target achievability
- Lack of measurability of recycling efficiency target
- Need for an adequate financing mechanism

Collection Target Achievability

The collection target of 160gr/inhabitant/year for portable batteries will not be reached also taking into account the possible transitional periods and the exceptions introduced. This target is not achievable.

Our privileged overview of collection of batteries in EU countries since 1988 - five which collect all battery types; Austria, Belgium, France, Germany and Holland - allows us to state that the average collection rate per year is no more *than 108gr/inhabitant/year*. Note also that the countries reaching this average rate already have a history of consumer awareness of separate collection, a crucial cultural difference with most of the remaining 10 Member States, let alone accession countries.

RECOMMENDATION:

Therefore, the collection target should be set at *110 gr/ inhabitant/ year*, to be modulated with regards to the economic and environmental situation in the future 25 Member States.

Lack of Measurability of "mandatory" Recycling Efficiency Target

The recycling efficiency target for portable batteries set at a mandatory level of 55% cannot be measured with accuracy. Again, the directive will fail with this target as "mandatory" and not indicative as originally proposed by within the Commission. Note that portable batteries (excluding those that contain Mercury, Cadmium or Lead, which are processed in dedicated plants) are not only recycled in dedicated plants but can also be processed in the metals industry with other scrap metals for myriad future purposes including steel bars used for construction Zinc and slag. The metals industry processes do not allow for ease of checking of recovered materials for the batteries only, fed in with all the other scrap. In brief, the process does not allow for such an analysis of the mass balance. This would be highly complex, disproportionately costly - indeed, where is the environmental advantage ? - and create a huge administrative burden.

RECOMMENDATION:

The 55% target set for recycling efficiency must remain indicative. The planned revision of the directive after 5 years can reassess this point in relation to technical and scientific developments.

Need for an Adequate Financing Mechanism

One of the key reasons for the failure of 91/157/EEC was **the lack of a financing mechanism for the collection of batteries**. This should also not be repeated.

RECOMMENDATION:

There is no need for a guarantee mechanism for the collection of spent batteries for which the participation in a collective scheme provides a "guarantee" on the part of the producer in itself. A visible fee is a necessary condition for the producers to be economically able to shoulder their responsibility under this directive.

Whilst we recognize that DG Environment has come a long way since the draft of 2001, this responsible industry cannot take the gamble of another failed piece of legislation, that will negatively impact the consumer and EU environment if adopted as such.

The EPBA is over 95% representative of the portable battery market in the EU.

The European Portable Battery Association (EPBA) represents the interests of portable battery industry active on the European market. For more information contact EPBA or go to the EPBA website: <http://www.epba-europe.org>

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