

**REGULATIONS CONCERNING CHANGES IN THE "REGULATIONS RELATING TO BATTERIES AND ACCUMULATORS DAMAGING TO THE ENVIRONMENT"**

The following changes are made in the "Regulations relating to batteries and accumulators damaging to the environment" issued by the Ministry of the Environment on 17 July 1990 - as amended 5 May 1992 and 18 July 1994 - by virtue of section 4 of Act No. 79 of 11 June 1976 relating to control with products and consumer services (the Product Control Act), cf. Royal Decree of 5 August 1977 and section 31 of Act No. 6 of 13 March 1981 relating to waste management and protection against pollution (the Anti-pollution Act), cf. Royal Decree of 8 July 1983:

**Section 2 Definitions**

Section 2 of the Regulations, second paragraph to read:

"Pollution control authority" means the State Pollution Control Authority or other agency duly authorized by the Ministry of the Environment.

The existing second paragraph of section 2 is abrogated.

**Section 3 Marking environment damaging batteries**

Section 3 of the Regulations to read:

The manufacturer or importer shall mark, with the symbol (see Appendix 1),:

- a) Nickel/cadmium batteries containing in aggregate 0.025 percent by weight or more of mercury and cadmium
- b) Packs having single button cell batteries (blister packs) of mercury oxide, silver oxide, zinc/air or other types of button cells containing in aggregate 0.025 percent by weight or more of mercury and cadmium

Batteries built up of two or more button cells containing in aggregate 0.025 percent by weight or more of mercury and cadmium

- c) Batteries containing 0.4 percent by weight or more of lead
- d) Batteries covered by a), b) or c) that are installed in an object and the object itself whenever practicable

In addition the manufacturer or importer shall mark as caustic open batteries containing more than 5% sulphuric acid or more than 1% lye, in accordance with the rules set forth in the Regulations of 22 December 1993 relating to marketing, sale etc. of chemical substances that may endanger health.

Sale of the above mentioned batteries and/or packs and objects in which such batteries are installed that are not marked in accordance with this section, is prohibited.

The existing section 3 is abrogated.

#### Section 4 Prohibition against certain types of batteries

Section 4 of the Regulations to read:

Production, import, export and sale of the following is prohibited:

- a) non-rechargeable, alkaline manganese dioxide batteries containing 0.001 percent by weight or more of mercury and/or 0.001 percent by weight or more of cadmium
- b) zinc/carbon batteries containing 0.001 percent by weight or more of mercury
- c) After 1 January 1995: all types of batteries containing 0.001 percent by weight or more of mercury
- d) Batteries subject to marking pursuant to section 3 of these Regulations that are fitted in objects and cannot easily be removed from the object by the consumer when spent.

Items a) and b) do not include button cell batteries.

Item d) does not apply to batteries fitted in objects such as referred to in Appendix 2 to these Regulations.

The existing section 4 is abrogated.

#### **Section 6    Supervision**

Section 6 of the Regulations to read:

The pollution control authority shall exercise supervision to ensure compliance with these Regulations.

The existing section 6 is abrogated.

#### **Section 7    Exemption**

Section 7 of the Regulations to read:

Exemption from the Regulations may be granted by the pollution control authority provided that Norway's obligations under international law do not prevent this. Exemption may be granted by individual decision or by Regulations.

The existing section 7 is abrogated.

#### **Section 8    Appeals**

Section 8 of the Regulations to read:

Decisions made by virtue of these Regulations may be appealed to the Ministry of the Environment or the agency duly authorized by that Ministry.

The existing section 8 is abrogated.

#### **Section 9    Enforcement damages or pollution charges**

Section 9 of the Regulations to read:

To ensure compliance with rules in these Regulations or in decisions made by virtue thereof, the pollution control authority may impose enforcement damages by virtue of Section 13 of the Act relating to control with products and consumer services or a pollution charge by virtue of Section

73 of the Act relating to waste management and protection against pollution.

The existing section 9 is abrogated.

#### Section 10 Penalties

Section 10 of the Regulations to read:

Violation of these Regulations or decisions made by virtue thereof will be subject to Section 12 of the Act relating to control with products and consumer services or Chapter 10 of the Act relating to waste management and protection against pollution, except when the offence is subject to stricter penal provisions. Violation of provisions in these Regulations that are given by virtue of the Act relating to waste management and protection against pollution may be punished by fines, cf. second paragraph of section 79 of the Act relating to waste management and protection against pollution.

The existing section 10 is abrogated.

#### Section 11 Entry into force and transitional rules

Section 11 of the Regulations to read:

The changes made in the Amendment Regulations of 18 July 1994 enter into force on 1 August 1994, except for the changes in Section 3, which enter into force on 31 December 1994.

Batteries for which marking is required may be marked by the manufacturer or importer in accordance with the new rules given in Appendix 1 to these Regulations, as from the date on which the Amendment Regulations are issued.

Sale of batteries marked in accordance with the earlier rules for marking given in the Regulations of 17 July 1990 relating to environment damaging batteries and accumulators, is permitted until 31 December 1995.

Sale of batteries subject to marking that are installed in objects from which they cannot easily be removed by the consumer, is permitted until 31 December 1995.

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CHANGES IN COMMENTS ON THE REGULATIONS

Re Section 1

**Change**

Second paragraph to be replaced by following:

These Regulations also apply to batteries supplied ready installed in objects such as rechargeable hand tools etc.

The existing second paragraph is abrogated.

Re Section 3

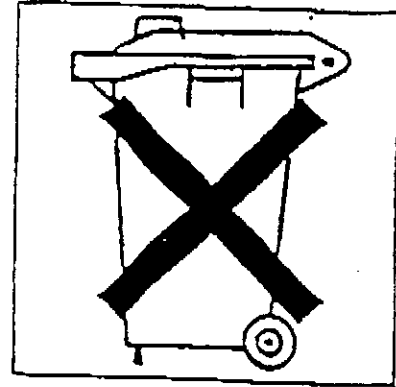
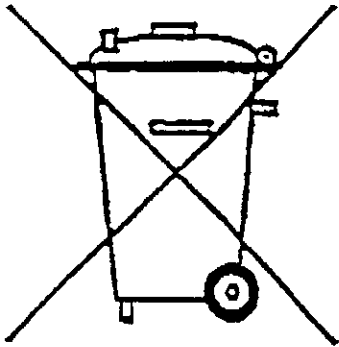
**Change**

First paragraph is abrogated.

The last sentence in the penultimate paragraph is abrogated.

## Design of Marking

1. Batteries for which marking is required and whenever practicable batteries fitted in objects, and also the object in which they are fitted, shall be marked with one of the two following symbols:



2. In addition they shall be marked with:

A symbol indicating the content of heavy metals. This shall consist of the chemical symbol for the heavy metal in question, Hg, Cd or Pb.

The marking shall be durable and easily visible, and shall be printed on the surface of the battery itself and/or on the pack/object in which the battery is fitted. In those cases where this is not possible, the symbol shall be securely fastened and capable of withstanding acid/lye so that it is distinctly legible and remains attached to the battery or accumulator throughout its life. The symbol shall cover at least 3% of the largest surface of the battery and/or pack up to maximum 5 x 5 cm. For cylindrical cells the symbol shall cover at least 3% of half of the side surface and have a maximum size of 5 x 5 cm. If 3% of the surface of the battery is less than 0.5 x 0.5 cm, the pack shall instead be marked with one symbol of 1 x 1 cm.

The symbol referred to in item 2 (statement of heavy metal content) shall be printed under the symbol

referred to in item 1. It shall cover an area that is at least 25% of the symbol referred to in item 1.

The existing Enclosure 1 is abrogated.



Appendix 2

Categories of objects not subject to the requirement that fitted batteries shall be such as can easily be removed by user

1. Objects in which the batteries are soldered, welded or otherwise permanently fastened to the contact point in order to ensure a continuous supply of energy for intensive industrial purposes, or to retain memory and data functions in certain forms of information technology and office equipment where use of batteries is necessary for technical reasons.
2. Reference cells in scientific or other technical equipment, and batteries fitted in medical equipment designed to maintain life-supporting functions, and in pace-makers, where continuous operation is imperative and where batteries can only be removed by qualified personnel.
3. Portable equipment, where removal of batteries by unqualified personnel may represent a safety risk for the user, or affect the function of the equipment, and professional equipment designed for use in especially sensitive surroundings, such as in the presence of combustible or explosive conditions.

Objects fitted with batteries that cannot easily be removed by user, shall be accompanied by instructions for use informing the user that the object is fitted with environment damaging batteries, and explaining how they can safely be removed.

STATENS FORURENSNINGSTILSYN (SFT)  
(State Pollution Control Authority)

Our ref: 94/6777-1 BEK 623.0

Date: 13 Sept. 1994

To

Importers of batteries on the Norwegian market

**Regulations relating to batteries and accumulators damaging to the environment - Information re adopted changes in rules**

For your information we enclose "Regulations concerning changes in the "Regulations relating to batteries and accumulators damaging to the environment", effected as a step towards adaption to EU rules. These changes were adopted on 17 July 1994 and entered into force from 1 August 1994.

As will be seen from the enclosed regulations concerning changes, material alterations are made in Section 3, "Marking environment damaging batteries", and in Appendix 1, "Design of marking". A new Appendix 2 has also been issued - "Categories of objects not subject to the requirement that fitted batteries shall be such as can easily be removed by user". Only minor alterations have been made in the other sections.

The most important changes are that the rules for marking batteries subject to the marking requirements, are altered to conform with EU Directive 93/86/EEC, and that it shall easily be possible for user to remove batteries subject to marking requirements that are fitted in objects, see also EU Directive 91/157/EEC.

Transitional rules have also been included in the Regulations relating to marking and requirements to fitted batteries.

We would call attention to the fact that a new amendment of the battery regulations has recently been sent out for comment. In the main the substance of this new amendment is that manufacturers and importers will be responsible for collecting discarded batteries and delivering them for recycling or environmentally appropriate disposal.

Yours faithfully  
Elisabeth Fadum (signed)  
for Erik Høygaard

Berit Eyde Kjuus (signed)

*It applies  
to lead  
acid batteries  
only.*