

3.10.2013

A7-0131/ 001-020

AMANDMANI 001-020

podnositelj Odbor za okoliš, javno zdravlje i sigurnost hrane

Izješće

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A7-0131/2013

Prijenosne baterije i akumulatori koji sadrže kadmij

Prijedlog direktive (COM(2012)0136 – C7-0087/2012 – 2012/0066(COD))

Amendment 1

Proposal for a directive

Title

Text proposed by the Commission

Amendment

Proposal for a Directive of the European Parliament and of the Council *of* amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as regards the placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools

Proposal for a Directive of the European Parliament and of the Council amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as regards the placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools *and of button cells with low mercury content*

Justification

Although beyond the scope of the Commission proposal, the revision of Directive 2006/66/EC is an opportunity for removing an exemption that is clearly out of date today: the possibility for button cell batteries to still contain mercury. An EC commissioned report (BIOIS 2012)¹ proposed that the best policy option, from an environmental and economic point of view, is to ban the placing on the market of mercury-containing button cell batteries in the EU, with a view to reduce the negative environmental impact from the use of mercury in these products.

¹ Study on the potential for reducing Mercury pollution from dental amalgam and batteries, EC, DG-ENVI, 5 March, 2012, http://ec.europa.eu/environment/chemicals/mercury/pdf/Final_report_11.07.12.pdf

Amendment 2

Proposal for a directive Recital 4

Text proposed by the Commission

(4) The existing exemption for that use should continue to apply until 31 December 2015 in order to enable industry to further adapt the relevant technologies.

Amendment

(4) The existing exemption for that use should continue to apply until 31 December 2015 in order to enable producers, the recycling industry and consumers along the whole value chain to further adapt the relevant substitute technologies across all the regions of the Union in a uniform manner.

Amendment 3

Proposal for a directive Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) Directive 2006/66/EC prohibits the placing on the market of all batteries or accumulators, whether or not incorporated into appliances, that contain more than 0,0005% of mercury by weight. However, button cells with a mercury content of no more than 2% by weight are exempted from that prohibition. It is important to reduce the risk of mercury being released into the environment, as button cells easily escape separate collection. The Union button cell market is already experiencing a shift towards Hg-free button cells. Hg-free versions are now commercially available for all applications and have nearly the same performance parameters as the mercury-containing ones, as also confirmed by the majority of industry. It is therefore appropriate to prohibit the marketing of button cells with a mercury content exceeding 0,0005% by weight. As a consequence of such a prohibition, it is expected that countries exporting large amounts of button cells to the Union

market would be encouraged to accelerate the switch to the manufacture of Hg-free button cells, which can have a global impact on the use of mercury in this industry sector.

Amendment 4

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) In order to supplement or amend Directive 2006/66/EC, the power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission in respect of Annex III regarding treatment and recycling requirements, criteria for the assessment of equivalent conditions regarding treatment and recycling outside the European Union, producer registration, capacity labelling of portable and automotive batteries and accumulators, and exemptions from the labelling requirements. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Amendment

(6) In order to supplement or amend Directive 2006/66/EC, the power to adopt acts in accordance with Article 290 of the Treaty *on the Functioning of the European Union (TFEU)* should be delegated to the Commission in respect of **a common methodology for the calculation of annual sales of portable batteries and accumulators to end-users**, Annex III regarding treatment and recycling requirements, criteria for the assessment of equivalent conditions regarding treatment and recycling outside the Union, producer registration, capacity labelling of portable and automotive batteries and accumulators, and exemptions from the labelling requirements. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and **to the** Council.

Justification

It is important to ensure a level playing field for all participants.

Amendment 5

Proposal for a directive

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6 a) The producer registration requirements and format should be consistent with the registration requirements and format established pursuant to Article 16(3) of, and Annex X, Part A to, Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE)¹.

The producer registration requirements and format should remain consistent with the registration requirements and format adopted by the Commission Decision of August 5, 2009 - (2009/603/EC) - establishing requirements for registration of producers of batteries and accumulators in accordance with Directive 2006/66/EC of the European Parliament and of the Council.

¹ OJ L 197, 24.7.2012, p. 38.

Justification

Since batteries and accumulators are incorporated into the EEE, it is natural the producer registration process to follow the same procedure. This will save producers' time to be used for organising the production. The registration requirements for the batteries were adopted in a Commission Decision of August 2009(2009/603/EC). There are registration systems in the EU not only for batteries incorporated in equipment but also for batteries sold individually. The requirements of Commission Decision 2009/603/EC should also remain applicable.

Amendment 6

Proposal for a directive

Recital 7

Text proposed by the Commission

Amendment

(7) In order to ensure uniform conditions for the implementation of Directive 2006/66/EC, implementing powers should

(7) In order to ensure uniform conditions for the implementation of Directive 2006/66/EC, implementing powers should

be conferred on the Commission in respect of transitional arrangements regarding minimum collection rates, ***a common methodology for the calculation of annual sales of portable batteries and accumulators to end-users***, and a questionnaire or outline for national implementation reports. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 28 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

be conferred on the Commission in respect of transitional arrangements regarding minimum collection rates and a questionnaire or outline for national implementation reports. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

Justification

cf. justification to Recital 6

Amendment 7

Proposal for a directive
Article 1 – point -1 (new)
Directive 2006/66/EC
Article 3 – point 13 a (new)

Text proposed by the Commission

Amendment

-1. In Article 3 the following point (13a) is inserted:

'(13a)'making available on the market' means any supply of a battery or an accumulator for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;'

Amendment 8

Proposal for a directive
Article 1 – point -1 a (new)
Directive 2006/66/EC
Article 3 – paragraph 14

Text proposed by the Commission

Amendment

-1a. In Article 3 point (14) is replaced by the following:

'(14) 'placing on the market' means making available a battery or an accumulator on the Union market for the first time;'

Amendment 9

Proposal for a directive

Article 1 – point -1b (new)

Directive 2006/66/EC

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

-1b. Article 4(2) is replaced by the following:

'2. The prohibition set out in paragraph 1(a) shall not apply to button cells with a mercury content of no more than 2% by weight until 31 December 2014.'

Amendment 10

Proposal for a directive

Article 1 – point 1 a (new)

Directive 2006/66/EC

Article 4 – paragraph 4

Text proposed by the Commission

Amendment

1a. Article 4(4) is deleted

Justification

Once the ban on Cadmium has entered into force, no review of the exemption for CPTs should be necessary in the future.

Amendment 11

Proposal for a directive
Article 1 – point 1 b (new)
Directive 2006/66/EC
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

Article 6(2) is replaced by the following:

'2. Member States shall take the necessary measures to ensure that batteries or accumulators that do not meet the requirements of this Directive are not placed on the market [...].

Member States shall take the necessary measures to ensure that batteries or accumulators which do not meet the requirements of this Directive are no longer made available on the market three years after the respective phase-out date.

Batteries and accumulators which do not meet the requirements of this Directive and which are placed on the market after the respective phase-out dates shall be withdrawn from the market.'

Amendment 12

Proposal for a directive
Article 1 – point 2
Directive 2006/66/EC
Article 10 – paragraph 4 – subparagraph 2

Text proposed by the Commission

Amendment

The Commission shall ***establish by means of implementing acts*** a common methodology for the calculation of annual sales of portable batteries and accumulators to end-users ***by 26 September 2007. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 24(2)'***.

The Commission shall ***be empowered to adopt delegated acts in accordance with Article 23a in order to establish*** or amend a common methodology for the calculation of annual sales of portable batteries and accumulators to end-users.';

Justification

Commission decision 2008/763/EC establishes the common methodology for the calculation of

annual sales of portable batteries and accumulators to end-users. Modifications of the common methodology, as a matter of general application within the meaning of Art. 290 TFEU, should be made through delegated acts.

Amendment 13

Proposal for a directive
Article 1 – point 2 a (new)
Directive 2006/66/EC
Article 11

Text proposed by the Commission

Amendment

2a. Article 11 is replaced by the following:

'Removal of waste batteries and accumulators

Member States shall ensure that manufacturers design appliances in such a way that waste batteries and accumulators can be readily removed. Where they cannot be removed by the end-user, Member States shall ensure that manufacturers design appliances in such a way that waste batteries and accumulators can be easily removed by professionals that are independent of the manufacturer. Appliances into which batteries and accumulators are incorporated shall be accompanied by instructions how they can be removed safely by the end-user or by independent professionals. Where appropriate, the instructions shall also inform the end-user of the type of the incorporated batteries and accumulators. These provisions 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 or accumulator.'

Amendment 14

Proposal for a directive

Article 1 – point 4

Directive 2006/66/EC

Article 12 – paragraph 7

Text proposed by the Commission

4. Article 12(7) is *deleted*;

Amendment

4. Article 12(7) is *replaced by the following*:

‘Before amending or supplementing Annex III the Commission shall consult with relevant stakeholders, in particular producers, collectors, recyclers, treatment operators, environmental organisations, consumer organisations and employee associations [...]’;

Justification

Maintaining the consultation requirement in the current Directive. Considering the opinion of “real-life players” will ensure the use of working with the best available technologies in practice.

Amendment 15

Proposal for a directive

Article 1 – point 10

Directive 2006/66/EC

Article 23a – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Articles 12(6), 15(3), Article 17 and Articles 21(2) and 21(7) shall be conferred on the Commission for ***an indeterminate period of time*** from the date of entry into force of this Directive.

Amendment

2. The delegation of power referred to in Articles ***10(4)***, 12(6), 15(3), Article 17 and Article 21(2) and 21(7) shall be conferred on the Commission for ***a period of five years*** from the date of entry into force of this Directive. ***The Commission shall draw up a report in respect of the delegations of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***

Justification

Other EU legislative institutions have to be informed on the adoption of delegated acts in the Union and on the results of those acts.

Amendment 16

Proposal for a directive

Article 1 – point 10

Directive 2006/66/EC

Article 23a – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Articles 12(6), 15(3), Article 17 and Articles 21(2) and 21(7) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the

Amendment

3. The delegation of power referred to in Articles ***10(4)***, 12(6), 15(3), Article 17 and Article 21(2) and 21(7) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the*

European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 17

Proposal for a directive

Article 1 – point 10

Directive 2006/66/EC

Article 23a – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Articles 12(6), 15(3), Article 17 and Articles 21(2) and 21(7) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.’;

Amendment

5. A delegated act adopted pursuant to Articles **10(4)**, 12(6), 15(3), Article 17 and Article 21(2) and 21(7) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.’;

Amendment 18

Proposal for a directive

Article 2 – paragraph 1

Text proposed by the Commission

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1(1) *of this Directive* by **18** months after entry into force at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 1(1) **and Article 1 (-1b)** by **12** months after entry into force *of this Directive* at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Amendment 19
Proposal for a directive
Article 3 – title

Text proposed by the Commission

Entry into force

Amendment

Entry into force ***and consolidation***

Amendment 20
Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Amendment

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. ***A consolidated version of Directive 2006/66/EC shall be drawn up within three months of the date of entry into force of this Directive.***