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REPORT

on the 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 implementing powers conferred on the Commission

(COM(2007)0093 – C6-0088/2007 – 2007/0036(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Johannes Blokland

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the 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 implementing powers conferred on the Commission (COM(2007)0093 – C6-0088/2007 – 2007/0036(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2007)0093)¹,
 - having regard to Article 251(2) and Article 175(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0088/2007),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A6-0232/2007),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and the Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
RECITAL 4

(4) In particular power should be conferred on the Commission to adapt Annex III and to adopt and revise detailed rules for labelling of batteries and accumulators. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2006/66/EC and to supplement this Directive by the addition of new non-essential elements, they should be adopted in accordance with the regulatory

(4) In particular power should be conferred on the Commission to adapt Annex III and to adopt and revise detailed rules for **exports and for** labelling of batteries and accumulators. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2006/66/EC and to supplement this Directive by the addition of new non-essential elements, they should be adopted in

¹ Not yet published in OJ.

procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

Justification

The procedure with scrutiny (RPS) should apply to the detailed rules for the implementation of Art. 15(3) allowing exports to count for the fulfilment of the obligations as:

- *"detailed rules for implementation" are of quasi-legislative nature,*
- *Art. 15(3) should be coherent with Art. 21(2) on detailed rules for the implementation of the labelling requirements, for which RPS is proposed,*

EP should be able to oversee the content of the measure (EP achieved in in conciliation that the conditions of recycling in third countries have to be equivalent, and not just "broadly" equivalent).

Amendment 2ARTICLE 1, POINT 2 A (new)
Article 15, paragraph 3 (Directive 2006/66/EC)

(2a) In Article 15, paragraph 3 is replaced by the following:

"3. Detailed rules for the implementation of this Article, in particular criteria for the assessment of equivalent conditions pursuant to paragraph 2 of this Article, shall be laid down in accordance with the regulatory procedure with scrutiny referred to in Article 24(3)."

Justification

The procedure with scrutiny (RPS) should apply to the detailed rules for the implementation of Art. 15(3) allowing exports to count for the fulfilment of the obligations as:

- *"detailed rules for implementation" are of quasi-legislative nature,*
- *Art. 15(3) should be coherent with Art. 21(2) on detailed rules for the implementation of the labelling requirements, for which RPS is proposed,*

EP should be able to oversee the content of the measure (EP achieved in in conciliation that the conditions of recycling in third countries have to be equivalent, and not just "broadly" equivalent).

EXPLANATORY STATEMENT

Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators (Batteries Directive) was subject to third reading agreement by the co-legislators just prior to the entry into force of the new comitology decision (decision 2006/512/EC), introducing the new regulatory procedure with scrutiny. The purpose of the current Commission proposal is therefore to adapt the provisions in the Batteries Directive to the new comitology procedure where relevant.

According to the current proposal the adoption of a common methodology for the calculation of annual sales of portable batteries and accumulators to end-users, adaptations of Annex III to take account of technical and scientific progress, the establishment of the procedural requirements for producer registration and the adoption and revision of detailed rules for labelling of batteries and accumulators will be done in accordance with the new regulatory procedure with scrutiny.

In a few cases the old regulatory procedure has been kept, but as the measures concerned are either specific (Article 10 (4) which is dealing with transitional arrangements aiming at facilitating the situation for a Member State that faces difficulties in the light of specific national circumstances) or purely of an administrative nature not amending the basic act (Articles 15 (3) and 22 (2)), that procedure seems to be the appropriate one for those cases.

PROCEDURE

Title	Batteries and accumulators and waste batteries and accumulators (implementing powers conferred on the Commission)
References	COM(2007)0093 - C6-0088/2007 - 2007/0036(COD)
Date submitted to Parliament	9.3.2007
Committee responsible Date announced in plenary	ENVI 15.3.2007
Rapporteur(s) Date appointed	Johannes Blokland 27.3.2007
Date adopted	5.6.2007
Result of final vote	+: 38 -: 0 0: 2
Members present for the final vote	Adamos Adamou, Georgs Andrejevs, Margrete Auken, Irena Belohorská, Johannes Blokland, John Bowis, Hiltrud Breyer, Martin Callanan, Dorette Corbey, Chris Davies, Avril Doyle, Mojca Drčar Murko, Jill Evans, Anne Ferreira, Matthias Groote, Dan Jørgensen, Christa Klaß, Eija-Riitta Korhola, Holger Kraemer, Jules Maaten, Linda McAvan, Miroslav Ouzký, Antonyia Parvanova, Vittorio Prodi, Frédérique Ries, Guido Sacconi, Daciana Octavia Sârbu, Karin Scheele, Horst Schnellhardt, María Sornosa Martínez, Antonios Trakatellis, Thomas Ulmer, Anja Weisgerber, Glenis Willmott
Substitute(s) present for the final vote	Iles Braghetto, Milan Gaľa, Karsten Friedrich Hoppenstedt, Miroslav Mikolášik, Claude Turmes
Substitute(s) under Rule 178(2) present for the final vote	Agustín Díaz de Mera García Consuegra