

## REGULATION

### ON THE REQUIREMENTS FOR PRODUCTION AND MARKETING OF BATTERIES AND ACCUMULATORS AND FOR TREATMENT AND TRANSPORT OF SPENT BATTERIES AND ACCUMULATORS */unofficial translation/*

#### Chapter One GENERAL CONDITIONS

##### Article 1

(1.) The regulation determines the requirements for production, marketing and storage of batteries and accumulators containing certain dangerous substances and for treatment and transport of spent batteries and accumulators and for the controlled disposal and treatment of spent batteries and accumulators.

(2.) The Regulations aims at determination of the proper measures and requirements for prevention or maximal limitation of the harmful impacts upon environment and the resulting human health threat, therefore launching the relevant requirements upon the marketed batteries and accumulators regarding:

1. dangerous substances content in the batteries and accumulators
2. labeling/marketing
3. separate collection of the spent batteries and accumulators
4. ecology-compatible treatment and disposal of the spent batteries and accumulators

##### Article 2

The management activities concerning the disposal of spent batteries and accumulators shall be organized on the basis of the following principles:

1. prevention of direct risk upon environment and human health;
2. rational utilization of the available raw/initial resources
3. responsibility of the producers and importers for the marketed batteries and accumulators
4. public participation in Municipal Waste Management Program preparation.

##### Article 3

(1.) Prohibition exists on production, import and marketing of alkaline batteries containing manganese dioxide, more than 0,0005% of mercury by weight, including the cases when these batteries are incorporated into appliance.

(2.) The prohibition under Article 1 shall not apply to galvanic elements 'button' type having content not exceeding 2% mercury by weight and to the batteries consisting of such elements.

##### Article 4

(1) Prohibition exists on production, import and supply of appliance, containing the referred to in Annex 1 batteries:

1. When the batteries contained into that appliance are incorporated and could not be removed by the consumer, and
2. The exploitation manual does not indicate how the batteries shall be removed by the consumer.

(2) The prohibition pursuant to paragraph 1 shall not apply to the category of appliance included in Annex 2.

#### Article 5

Prohibitions exist on the production, import and putting into the market of batteries and accumulators containing mercury, cadmium or lead in quantities exceeding the referred to in Annex 1, as well as appliance containing batteries or accumulators if the labeling of above-mentioned batteries, accumulators and appliance does not meet the provisions laid down in this Regulation herein.

### **Chapter Two**

#### **LABELING OF BATTERIES AND ACCUMULATORS CONTAINING DANGEROUS SUBSTANCES**

#### Article 6

- (1) Batteries and accumulators producers and/or importers are obliged to label the supplied and marketed by them batteries and accumulators and the appliance into which they are incorporated, with respect to the provisions of that Regulation herein.
- (2) The marking must include indications as to the following points:
  1. Separate collection
  2. heavy metal content
  3. recycling - where appropriate

#### Article 7

- (1) The symbols indicating separate collection shall consist of one container crossed through.
- (2) The symbols indicating the separate collection are presented in Annex 3.
- (3) The use of any of two symbols referred to in Annex 3 is considered equivalent.
- (4) The choice of mark decision making on the batteries and accumulators covered by Annex 1 shall be made by the person in charge for the marking pursuant to Article 11.
- (5) The symbol shall cover 3% from the surface of the biggest side of the battery or accumulator, but not more than 5x5cm. For cylindrical batteries and accumulators the symbol shall cover 3% from the battery and accumulator surface with the maximal size 5x5cm.
- (6) In cases when the battery or the accumulator is such that the symbol have to be less than 0,5x0,5cm, is not obligatory to mark the battery and the accumulator, but symbols sized 1x1cm must be printed on the packaging.

#### Article 8

The symbol indicating the heavy metal content shall consist of the chemical symbol of the metal concerned - Hg, Cd or Pb according to the type of battery or accumulator concerned, as described in Annex 1.

Article 9

The symbol referred to in Article 8 shall be printed beneath the symbol referred to in Article 7 and it shall cover an area of at least one quarter the size of the symbol described in paragraph 5 of the above-cited Article.

Article 10

The symbols referred to in Articles 7 and 8 shall be printed visibly, legibly and indelibly.

Article 11

The marking referred to in Articles 7 and 8 shall be applied only by the producer of battery or accumulators, or by his authorized representative on the territory of Republic of Bulgaria.

**Chapter Three**  
**REQUIREMENTS FOR COLLECTION, TREATMENT AND DISPOSAL OF**  
**SPENT BATTERIES AND ACCUMULATORS**

Article 12

- (1) The producers and/or importers of batteries and accumulators must ensure the separate collection and where technical and economically feasible – treatment of the batteries and accumulators put by them on the market.
- (2) The execution of the obligations referred to in paragraph 1 is due to applying of the following steps:
  1. Deposit system introduction;
  2. Contract with specialized companies dealing with collection, treatment and disposal of spent batteries and accumulators;
  3. Trade discounts;
  4. Contracts with retailers;
  5. Public campaigns etc.
- (3) While choosing the appropriate system under paragraph 2 shall be considered the requirement that the collection system for spent batteries and accumulators should be nationwide.
- (4) The producers and the importers inform in written the Ministry of Environment and Waters (MEW) about the steps they intend to undertake in order to achieve fulfillment of the obligations under paragraph 1 and 2, and submit information about:
  1. Measures restricting the dangerous substances content into the marketed by them batteries and accumulators;
  2. Methods for organization of collection, storage, treatment and utilization/recovery/ of the collected batteries in regard to their re-use, including sorting of batteries for treatment methods;
  3. Sources financing the proposed steps;
  4. Steps that have been or will be applied in case of temporary stop or decreasing of the collection and disposal rate;
  5. Steps that have been taken or will be taken to ensure collection and treatment, in case when the producers or importers terminate their activities;
  6. Activities to be taken by producers or importers to inform and encourage the customers to separate the batteries and to transfer them in the appropriate sites.

Article 13

On a year basis the MEW shall publish the producers and importers of batteries and accumulators list, who comply with the requirements of Article 12.

#### Article 14

- (1) The activities concerning the collection, storage, treatment and/or disposal of spent batteries and accumulators shall be done by persons having permits under Article 37 of the LHIWEA.
- (2) During the execution of the activities referred to in paragraph 1, shall be conform/meet the provisions of Regulation on requirements for treatment and transportation of industrial hazardous waste (State Gazette issue 29/1999).
- (3) Persons, performing activities under paragraph 1 keep records books and prepare and submit to the Regional Inspectorates on Environment and Waters annual report on hazardous waste according to Regulation No.10/1998 on the filling out of the report and the waste management information documents (SG issue 151/1998).

#### Article 15

- (1) The spent batteries and accumulators are collected separately.
- (2) Prohibition exists on disposal of spent batteries and accumulators into solid waste containers, as well as mixing with other type of waste.

#### Article 16

During transferring, transportation and acceptance of spent batteries and accumulators, the persons acting under Article 14 fill in report cards on “Transferring, transportation and acceptance of hazardous waste” according to the provisions of the Regulation No.10 on the filling out of the report and the waste management information documents.

#### Article 17

- (1) Disposal of separate collected spent batteries and accumulators or spare parts, is allowed only if is not available technical possibility for their treatment in the country till the moment of their collection.
- (2) The waste resulted from spent batteries and accumulators shall be deposited only into hazardous waste landfills, in compliance with the Regulation No.13 on the conditions and requirements towards the construction and operation of waste landfills (SG issue 152/1998).
- (3) In cases under paragraph 2, the waste is deposited separately in specialized containers according to type and/or due to pre-treatment aiming at reduction of the solubility of the dangerous substances contained into the batteries and accumulators in the landfill conditions (for example cementing or capsulling).
- (4) The containers under paragraph 3 shall comply the following requirements:
  1. To be corrosion-resistible towards the substances contained into the batteries and accumulators, and the container material should not react with them;
  2. To be resistible to the external impacts into the deposition site.

#### Article 18

- (1) The transfer, transportation and the storage of spent batteries and accumulators is performed in specialized collection containers meeting the requirements given bellows:
  1. To be corrosion-resistible towards the substances contained into the batteries and accumulators, and the material they are made, not to react with them;
  2. To ensure air ventilation;

3. To be marked with a label :”spent batteries” and with one of the symbols referred to in Annex 3.

(2) it is not allowable placement of containers for collection and storage of spent batteries under open air sites.

#### Article 19

(1) The sites for placement of containers for collection and storage of spent batteries are determined by the Municipal Councils.

(2) To determine the number of container placement sites, the following requirements are to be complied:

1. At least one spent batteries collection site for 1 000 inhabitants;
2. Involvement of the public and the concerned companies and organizations.

#### Article 20

(1) The facility sites under Article 19 paragraph 1 are must organize batteries selling sites.

(2) The persons offering batteries for retailing must foresee spent batteries collection sites.

(3) The persons under paragraph 2 must ensure access to the collection containers on their sites.

#### Article 21

The right to locate spent batteries collection containers at the sites under Article 19, have persons granted with permits under Article 37 paragraph 1 of the LHIWEA.

#### Article 22

(1) The spent batteries are sorted and stored/disposed separately according to type and content in such a way not to disturb their further treatment.

(2) It is not allowed storage of unsorted batteries for period longer than 30 days since the acceptance day in the collection and disposal site.

#### Article 23

The persons marketing/offering accumulators for retail shall enclose to the guarantee card a list of persons, granted with permit for collection of spent batteries, under Article 37 paragraph 1 of the LHIWEA.

#### Article 24

(1) Spent accumulators are collected:

- In stationary collection sites;
- In non-stationary collection sites – directly on situ at the place of their origin, by specially equipped vehicles.

(2) Stationary collection sites are designed, equipped and operated according to paragraph 1, items 1 and 2 from the requirements on facilities and installations for temporary storage of waste according to Annex 2 of the Regulation on requirements for the treatment and transportation of industrial and hazardous waste.

(3) Non-stationary collection sites are equipped and operated in a way ensuring the compatibility with the provisions laid down in chapter three “Transportation of industrial and hazardous waste” of the Regulation on the requirements for treatment and transportation of industrial and hazardous waste.

(4) The collection facilities under paragraph 1 shall be marked with labels “Spent accumulators collection facility”, with size not less than 0,8x1m.

- (5) Prohibition exist on storage of spent accumulators in a non-stationary collection facilities for a period exceeding 24hours.
- (6) It is prohibited storage of spent accumulators in open air facilities.

#### Article 25

- (1) It is prohibited uncontrolled release and/or abandonment of spent accumulators, as well as uncontrolled release, abandonment and/or pouring away of electrolyte from spent accumulators.
- (2) It is prohibited collection of spent accumulators without electrolyte, excluding the cases when they have been damaged in circumstances beyond the of person's responsibility
- (3) The availability of spent accumulators without electrolyte in collection centers, in quantity exceeding 5% from the total collected accumulates number, and the rejection by the persons collecting spent accumulators to accept accumulators containing electrolyte, is a ground for suspension of the permit under article 37 of the LHIWEA.
- (4) The provisions referred to in paragraph 3 shall not apply to cases when accumulators are imported, which is proven by permit under article 51 of the LHIWEA.

#### Article 26

- (1) It is forbidden deposition, combustion and/or disposal by any other means, except those provided in the Regulation herein, of lead-acid accumulators and spare parts or components (electrolyte and others).
- (2) In compliance to the provision laid down in paragraph 1, the spent accumulators collectors shall ensure spent accumulators treatment or transfer to treatment.
- (3) The treatment technologies applied to spent accumulators have to guarantee lead extraction rate not lower than 95%.

### **Chapter Four** **PRODUCT CHARGES**

#### Article 27

- (1) Product charges are to be paid when marketing in Republic of Bulgaria, according to the tariff cited in Annex 4.
- (2) The charges are paid:
  1. By the producers of batteries and accumulators on the territory of Republic of Bulgaria, when they are put on the market in that country;
  2. By the importers of batteries and accumulators:
    - a) according to custom tariff position 8506, excluding tariff No. 8506 90 99 0;
    - b) according to custom tariff positions 8507, excluding tariff No. 8507 90.

#### Article 28

- (1) The producers of batteries and accumulators include/impose/ the production charge on the date of invoice issuing or on the date it was due to be issued.
- (2) The producers of batteries and accumulators pay in the charges, imposed or supposed to be imposed, in the National Environmental Protection Fund of the Ministry of Environment and Waters, not later than the 28<sup>th</sup> date of any month.

- (3) The importers of batteries and accumulators pay in the charges, imposed or supposed to be imposed, in the National Environmental Protection Fund of the Ministry of Environment and Waters, simultaneously with the custom payments.
- (4) The document for charge paying in includes information about the reason of the payment.

#### Article 29

- (1) In cases of export of batteries and accumulators by their direct producer, product charge is not imposed.
- (2) The person, which is not producer of batteries and accumulators and export such with already charge paid, has the right of charge refunding, based on export proving documents submitted to the National Environmental Protection Fund.
- (3) The person pursuant to paragraph 2 proves the export submitting the following documents:
  - invoice for purchase of goods stating the total price and the product charge stated separately;
  - export invoice;
  - custom export declaration;
  - application form according to Annex 5.
- (4) The National Environmental Protection Fund after confirming the reasons for application for product charge refunding, transfer the sum to the bank account of the person pursuant to paragraph 2 within 20 days after the submission of the document referred to in paragraph 3

#### Article 30

Annually the MEW in coordination with the producers of accumulators set out average basic weight for the different types lead-acid accumulators, produced on the territory of Bulgaria. The producers of the lead-acid accumulators use the average basic weight to determine the amount of the charge per number accumulators.

#### Article 31

The funds raised according to Article 27, which are not subject to refunding according to Article 29 paragraph 2, are to be spent for investment and exploitation expenses for encouraging the separate collection, treatment and/or disposal of the spent batteries and accumulators according to the provisions of the Regulation for collection, spending and control of the finance of the environmental protection related funds (promulgated State Gazette 75/1995, amended SG 72 and 106/1996, SG 42 and 54/1997, SG 5 and 81/1999 and SG 48/2000)

## **Chapter Five** PLANNING AND INFORMATION

#### Article 32

- (1) The Municipal Council comply the programs under Article 28 of the LHIWEA with the provisions of the Regulation herein.
- (2) Not later than 6 month after the regulation entering into force, the municipal mayors present to the Regional Inspectorates of Environment and Water the decision under Article 19 paragraph 1.

#### Article 33

The producers and importers of batteries and accumulators submit annually not later than the 31<sup>st</sup> of March to the MEW information about the previous year, containing:

1. Report free text on the implementation of the measures under Article 12;
2. Reference data sheet according to the Annex 6

## Additional Provision

### §1. Pursuant to the Regulation:

1. 'Battery or accumulator' means: a source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary (non-rechargeable) batteries or secondary (rechargeable) cells.
2. 'Accumulator' means electro-chemical system able to convert the received external energy into chemical one, to store it and to transfer it back as converted in electrical.
3. 'Spent battery or accumulator' means battery or accumulator not suitable for reuse and destined for treatment or disposal.
4. 'Disposal' means any operation cited in Annex 1A under Article 4 of the Regulation on the requirements on treatment and disposal of industrial and hazardous waste, which is applicable to spent batteries and accumulators.
5. 'Treatment' means any operation included in annex 2B under Article 4 of the Regulation on the requirements on treatment and disposal of industrial and hazardous waste, applicable to spent batteries and accumulators.
6. 'Collection' means gathering, sorting and/or grouping together of batteries and accumulators.

For collection shall not be considered any placement of spent batteries and accumulators collection containers, by persons selling batteries and accumulators, in the cases when the containers are operated by second person granted with permit under Article 37 of the LHIWEA.

7. 'Deposit system' means a system under which the buyer, upon purchase of batteries or accumulators pays the seller a sum of money which is refunded when the spent battery or accumulators are returned.
8. 'Household/consumers appliance' means devices/appliance designed for household use, containing one or more batteries.
9. 'Production' means production of batteries and accumulators aiming at market supply in Republic of Bulgaria.
10. 'Storage of batteries and accumulators' means any kind of logistics in storage facilitates for marketing in Republic of Bulgaria.
11. 'Charge' is a payment benefiting the National Environmental Protection Fund bank account.

## **Transitive and Concluding Provisions**

### **§2. The regulation is adopted pursuant to Article 23, paragraph 1 and §11a of the Transitive and Concluding Provisions of the LHIWEA**

§3. The regulation shall become effective as of 1<sup>st</sup> of January 2001.

§4. The provision of Articles 3, 12, 32 and 33 shall become effective as of 1<sup>st</sup> of January 2002.

§5. The provision of Article 4 and Article 26 paragraphs 1 and 2 shall become effective as of 1<sup>st</sup> of January 2003.

§6. The Minister of Environment and Waters shall issue instructions and orders on the implementation of that Regulation.

## **Annex 1**

### **Supplement to Article 4, paragraph 1**

#### **Categories batteries and accumulators containing dangerous substances**

1. Batteries and accumulators put on the market as from the 1<sup>st</sup> of January 1999 containing more than 0,0005% mercury by weight.
2. Batteries and accumulators put on the market as from the 18<sup>th</sup> of September 1992 containing:
  - more than 25mg mercury per cell, except alkaline manganese batteries;
  - more than 0,025% cadmium by weight;
  - more than 4% lead by weight.
1. Alkaline manganese batteries containing more than 0,025% mercury by weight put on the market as from the 18<sup>th</sup> of September 1992.

## **Annex 2**

### **Supplement to Article 4, paragraph 2**

#### **List of categories of appliance excluded from the scope of article 4 paragraph 1**

1. Those appliance whose batteries are soldered, welded or otherwise permanently attached to the terminals to ensure the necessarily continuity of power supply in demanding industry usage and to preserve the memory and data functions of information technology and business equipment, where use of batteries and accumulators referred to in Annex 1 is necessarily.
2. The reference cells for scientific and professional equipment, and batteries and accumulators placed in medical devices designed to maintain vital functions and in heart pace-

makers, where uninterrupted functioning is essential and the batteries and accumulators can be removed only by qualified personnel.

3. Portable appliance where replacement of the batteries and accumulators by unqualified personnel could present safety hazard to the user or could affect the operation of the appliance, and professional equipment intended for use in highly sensitive surroundings, for example in the presence of volatile substances.

Those appliance the batteries and accumulators of which cannot be readily replaced by the user, shall be accompanied by instructions informing the user of the content of environmentally hazardous batteries and accumulators and showing how they can be removed safely.

**Annex 3**  
**Supplement to Article 7**

Separate collection marking of spent batteries and accumulators

( two images)

**Annex 4**  
**Supplement to Article 27**  
**Tariff for batteries and accumulators charges**

1. The charge for batteries and accumulators is calculated according to the formulae:  $P=T \cdot E$ , where P - total amount of the charge; T- amount of batteries or accumulators in kg; E - charge amount in lV/kg.
2. The amount of the charge (E) is determined in dependence of the type of the batteries and accumulators as follow:

Custom Tariff Number	Batteries and accumulators type	Charge (E), lV/kg
8506	Electrical batteries. Containing one or more galvanic elements including:	
8506 10	with manganese dioxide	0,8
8506 30	with mercury dioxide	0,8
8506 40	with silver oxide	0,8
8506 50	with lithium	0,8
8506 60	air-zinc containing	0,8
8506 80	other	0,8
8507	Electrical accumulators, including their separators, including with square and rectangular shape, including:	
8507 10	lead - types used for start of valve engines	0,1
8507 20	other lead accumulators	0,1
8507 30	nickel-cadmium	0,8
8507 40	nickel-iron	0,8
8507 80	others	0,8

**Annex 5**  
**Supplement to Article 29, paragraph 3, item 4**

To the National Environmental Protection Fund  
of the Ministry of Environment and Waters

**Application Form/Declaration**  
on refunding of imposed product charge for batteries and accumulators

A. Name and Address of the Person	Tax Number
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No.	Name and custom tariff number according to Annex 4	Quantity/kg/ for which the charge is to be re-funded	Single unit/ charge (lv)	Total amount, (lv)
Total:				

The undersigned,.....,  
I declare that I represent the person cited in cell A, and the quoted into this form information is truthful and exact.

I am aware that for untruthful data I am responsible under Article 313 of the Penalty Codex.

Date:.....

Position:.....  
Signature and Seal.....

**Remark:** The form must be filled in typing. The monetary terms are in Bulgarian Leva.

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**Annex 6  
Supplement to Article 33, item 2**

Company/Organization:  
BULSTAT:  
Permit under the LHIWEA:  
Address:  
Telephone:  
Fax number:

**Reference Data Sheet  
on batteries and accumulators  
for the period 1<sup>st</sup> of January - 31<sup>st</sup> of December .....year**

Batteries and accumulators type					Batteries and accumulators quantities						Charge		
No.	Trade brand	Type (according to Annex4)	Custom tariff number (according to Annex 4)	Single weight per unit	Produced		Imported		Ex-ported	Separately collected and treated and/or disposed	Quantity, for which the charge is imposed	Single charge unit	Imposed amount
				kg	num ber	kg	num ber	kg	kg				
iI	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	XIII	XIV

- 1.
- 2.
- 3.
- 4.

Dare:.....

Manager:.....  
(seal and signature)