

MINISTRY OF PRESIDENTIAL AFFAIRS

2387

ROYAL DECREE 106/2008 of 1 February 2008, on batteries and accumulators and environmental waste management.

Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances required Member States to adopt appropriate laws so that used batteries and accumulators could be collected separately for recovery or disposal.

This Directive was transposed into Spanish law through Royal Decree No 45 of 19 January 1996 regulating various aspects relating to batteries and accumulators containing certain dangerous substances. Said regulation aimed to facilitate the recovery or controlled disposal of used batteries and accumulators by establishing a series of measures such as the organisation of efficient separate collection schemes, the obligation for batteries and accumulators to be incorporated only in equipment from which they could be easily removed, the imposition of labelling rules and the preparation of plans in this respect and also the requirement to inform consumers about such measures.

The Waste Act No 10 of 21 April 1998 subsequently established that producers, or any other person responsible for placing on the market products which, after use, would become waste, could be required to assume direct responsibility for managing this waste and for participating in an organised waste management system or financially contributing to public waste management systems. The fourth final provision of this Act also authorises the Government to regulate a deposit, return and refund scheme for used batteries.

Recently, Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC has laid down, among other provisions, rules prohibiting the marketing of batteries and accumulators containing certain dangerous substances and promoting the treatment, recycling and disposal of waste batteries and accumulators.

This Royal Decree transposes said Directive into Spanish law and also develops the requirements laid down in Act No 10 of 21 April 1998, in accordance with the authorisation given in the fourth final provision thereof, in order to ensure appropriate environmental management of waste batteries and accumulators. The scope of this Royal Decree encompasses both portable batteries and accumulators, i.e. those used for normal household purposes, and industrial and automotive batteries and accumulators, prohibiting the marketing of those that contain certain amounts of mercury and cadmium. It lays down a series of obligations for placing batteries, accumulators and battery packs on the market and sets a timetable for compliance with the collection targets for both portable batteries and accumulators and industrial and automotive batteries and accumulators.

Producers of batteries, accumulators and battery packs may meet their obligations by using any of the management systems indicated in Article 7 of Act No 10 of 21 April 1998. However, batteries, accumulators and battery packs which, after use, become waste classified as hazardous must without question be placed on the market through a deposit, return and refund scheme.

The involvement of bodies expressly authorised to manage waste batteries, accumulators and battery packs classified as hazardous is also required.

Regulating the management of waste batteries and accumulators firstly involves the creation of networks of

separate collection points for used batteries, accumulators and battery packs. Certain special requirements are then laid down for the collection of used industrial and automotive batteries, accumulators and batteries packs.

With regard to treatment and recycling plants, the text sets out in detail the technical instructions and requirements which must be met and the rules governing the authorisation of these facilities.

Special mention should be made of the measures established to enable public authorities to promote the prevention of waste production, the development of new treatment and recycling technologies and environmental management and audit procedures and the development of certified work safety and quality schemes.

All the costs of the collection and management of this waste and the public information campaigns are to be met by producers, including importers where applicable.

Criteria are established for the labelling and identification of batteries, accumulators and battery packs which are placed on the market and also for facilitating their removal from the equipment in which they are incorporated. As already required for other types of waste, the requirement to include batteries and accumulators which are placed on the market in a special register is established.

Finally, it is planned to control and monitor the implementation of this Royal Decree in practice, the information which must be provided by those responsible for placing batteries and accumulators on the market to government and consumers and the requirement imposed on holders to hand over used batteries, accumulators and battery packs.

The first final provision amends Royal Decree No 679 of 2 June 2006 regulating the management of used industrial oils by rewording Article 3(4) on the labelling of industrial oil containers which are placed on the market.

Pursuant to the sole derogation provision, articles 3.4 and 5.5 of Royal Decree 679/2006 of 2 June, that regulates management of waste industrial oil, on the labelling of packaging for industrial oil placed on the market, are derogated, in order to resolve the matters raised by the European Commission in the finding concerned.

This regulation is basic and is enacted as a Royal Decree because, due to the nature of the matter regulated, it is a necessary complement to guarantee achievement of the objective purpose to which state competence related to bases refers.

This Royal Decree has been subject to the procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services provided for in Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998, amended by Directive 98/48/EC of 20 July 1998, and also in Royal Decree No 1337 of 31 July 1999 transposing both these Directives into Spanish law.

The Autonomous Communities and the sectors concerned have been consulted about the drafting of this Royal Decree.

By virtue whereof, on a proposal from the Minister for the Environment, the Minister for Industry, Tourism and Trade and the Minister for Health and Consumer Affairs, the Council of State and after discussion by the Cabinet in its meeting on February 1, 2008,

STIPULATE :

CHAPTER I

General Provisions

Article 1. *Objective.*

The purpose of this Royal Decree is to, in accordance with the "polluter pays" and producer responsibility principles:

a) Prevent the generation of waste batteries and accumulators and facilitate their separate collection and their correct treatment and recycling in order to minimise their danger and prevent the disposal of used batteries, accumulators and battery packs through the unsorted municipal waste flow;

b) Establish rules governing the placing on the market of batteries, accumulators and battery packs and, in particular, a prohibition on the placing on the market of batteries and accumulators containing certain quantities of dangerous substances; and

c) Establish specific rules governing the collection, treatment, recycling and disposal of waste batteries and accumulators and promote a high level of collection and recycling of this waste.

Through these measures, this Royal Decree seeks to improve the environmental performance of batteries, accumulators and battery packs and the activities of all economic operators involved in their life cycle, e.g. producers, distributors, end-users and, in particular, recyclers and other managers of waste batteries and accumulators.

Article 2. *Scope of application.*

1. This Royal Decree will apply to all types of batteries, accumulators and battery packs, irrespective of their shape, volume, weight, composition or use. It shall also apply to batteries, accumulators and battery packs from end-of-life vehicles and from electrical and electronic equipment regulated, respectively, by Royal Decree No 1383 of 20 December 2002 on the management of end-of-life vehicles and by Royal Decree No 208 of 25 February 2005 on electrical and electronic equipment and the management of its waste, without prejudice to the provisions of these Royal Decrees.

2. This Royal Decree shall not apply to batteries, accumulators and battery packs used in:

a) Equipment connected with the protection of Spain's essential security interests, arms, munitions and war material. However, this Royal Decree shall apply to batteries and accumulators used in products that are not intended for specifically military purposes;

b) Equipment designed to be sent into space.

Artículo 3. *Definitions.*

For the purposes of this Royal Decree, the following definitions shall apply:

a) battery: any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more primary battery cells (non-rechargeable);

b) accumulator: any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more secondary battery cells (rechargeable);

c) button cell: any small round portable battery or accumulator whose diameter is greater than its height and which is used for special purposes such as hearing aids, watches, small portable equipment and back-up power;

d) standard battery: battery weighing less than 1 kg, other than button cells, that is designed to be installed in consumer or professional products;

e) Portable battery or accumulator: any battery, button cell, accumulator or battery pack that is sealed, can be hand-carried and is neither an industrial battery or accumulator nor an automotive battery or accumulator, such as button cells, standard batteries and accumulators used in mobile phones, video cameras, emergency lights and portable tools;

f) automotive battery or accumulator: any battery or accumulator used for automotive starter, lighting or ignition power;

g) industrial battery or accumulator: any battery or accumulator designed for exclusively industrial or professional uses or used in any type of electric vehicle;

h) battery pack: any set of batteries or accumulators that are connected together and/or encapsulated within an outer casing so as to form a complete unit that the end-user is not intended to split up or open. Examples of battery packs are automotive battery packs and industrial battery packs;

i) waste battery or accumulator: any battery, accumulator or battery pack which is waste within the meaning of Article 3(a) of the Waste Act No 10 of 21 April 1998;

j) hazardous waste battery or accumulator:

1) waste batteries or accumulators corresponding to the following codes in Order MAM/304/2002 of 8 February 2002 setting out the waste recovery and disposal operations and the European Waste Catalogue:

16 06 01* (lead batteries and accumulators)

16 06 02* (Ni-Cd batteries and accumulators)

16 06 03* (mercury-containing batteries)

20 01 33* (batteries, accumulators and battery packs

included in the above codes which may be generated as waste in private homes, shops, offices, services and similar places, and also unsorted parts thereof containing these batteries or accumulators);

2) waste batteries or accumulators displaying any of the hazardous characteristics indicated in Commission Decision 2001/118/EC of 16 January 2001 amending Decision 2000/532/EC as regards the list of wastes;

k) recycling: the reprocessing in a production process of waste materials for their original purpose or for other purposes, but excluding energy recovery;

l) disposal: any of the operations provided for in Annex 1, Part A, to Order MAM/304/2002 of 8 February 2002 or any regulation replacing this;

m) treatment: any activity carried out on waste batteries and accumulators after they have been handed over to a facility for sorting, preparation for recycling or preparation for disposal;

n) appliance: any electrical or electronic equipment, as defined by Royal Decree No 208 of 25 February 2005, which is fully or partly powered by batteries or accumulators or is capable of being so;

ñ) cordless power tool: any handheld tool or appliance powered by a battery or accumulator and intended for maintenance, construction or gardening activities;

o) producer: any natural or legal entity who, irrespective of the selling technique used, places batteries or accumulators, including those incorporated into appliances or vehicles, on the market for the first time on a professional basis. The selling techniques used may include distance communication as defined in Act No 47 of 19 December 2002 amending Act No 7 of 15 January 1996 on the Regulation of the Retail Trade, transposing into Spanish law Directive 97/7/EC on distance contracts and adapting the law to various Community Directives;

p) distributor or seller: any natural or legal person who provides or sells batteries and accumulators on a professional basis to an end-user;

q) placing on the market: supplying or making available, whether in return for payment or free of charge, to a third

party within Spain, batteries and accumulators manufactured in Spain, purchased in European Union countries or imported from countries not belonging to the European Union;

r) economic operators: any producer, distributor, collector, recycler or other manager of waste batteries and accumulators;

s) holder: any natural or legal person who has used batteries, accumulators or battery packs in their possession and who is not regarded as an economic operator;

t) separate collection: collection of used batteries, accumulators and battery packs separately from other waste flows in such a way as to facilitate their subsequent sorting, treatment and recycling;

u) temporary storage centre: facility designed to store and sort, prior to their transfer to treatment and recycling plants, waste batteries and accumulators which have been separately collected;

v) separate collection points: places set up by the competent public authorities or by economic operators for holders and end-users to deposit used batteries, accumulators and battery packs for their subsequent transport to storage, treatment and recycling centres, such as battery collection containers situated in urban spaces, business premises and household waste recycling centres;

w) Public Management System: set of management operations organised by one or more public authorities for the separate collection, transport, storage, sorting, treatment, recycling or disposal of used batteries, accumulators and battery packs and waste batteries and accumulators;

x) Individual Management System: set of management operations organised by a single producer in order to meet the obligations laid down in this Royal Decree;

y) Integrated Management System: set of management operations organised by a group of battery and accumulator producers, together with other economic operators who may be legitimately interested in this, in order to meet the obligations laid down in this Royal Decree;

z) Deposit, Return and Refund Scheme: set of management operations organised in order to meet the obligations laid down in this Royal Decree, characterised by the form of collection of this waste which involves the return of used batteries, accumulators or battery packs by the end-user to the seller or distributor. The latter will then, in exchange, refund to the end-user the additional sum of money charged to this end-user as a deposit when the latter was sold the battery, accumulator or battery pack;

aa) collection rate: the percentage obtained by dividing the weight of waste portable batteries and accumulators collected in accordance with Article 10 of this Royal Decree or with Royal Decree No 208 of 25 February 2005 in a given calendar year by the average weight of portable batteries and accumulators that producers either sell directly to end-users or deliver to third parties in order to sell them to end-users during that calendar year and the preceding two calendar years.

CHAPTER II

Obligations of the operators

Article 4. *Prohibitions.*

1. Only batteries, accumulators and battery packs meeting all the conditions and requirements laid down in this Royal Decree may be placed on the market in Spain. Should the commercialisation of batteries, accumulators or battery packs that do not comply with these conditions or requirements be detected in any part of the national territory, said products will immediately be withdrawn from the market in the manner established by current legislation.

2. The above paragraph shall also apply to imported batteries, accumulators and battery packs and those purchased in other European Union countries. In these cases, when designing and implementing collection, treatment and

recycling schemes, measures may not be established which pose obstacles to these products or lead to discriminatory requirements, barriers to trade or competition distortions.

3. Without prejudice to Royal Decree No 1383 of 20 December 2002 on the management of end-of-life vehicles, the placing on the market of the following shall be prohibited:

a) all batteries or accumulators, whether or not incorporated into appliances, that contain more than 0.0005% of mercury by weight; and

b) portable batteries or accumulators, including those incorporated into appliances, that contain more than 0.002% of cadmium by weight.

4. The prohibition set out in paragraph 3(a) shall not apply to button cells with a mercury content of no more than 2% by weight.

5. The prohibition set out in paragraph 3(b) shall not apply to portable batteries and accumulators intended for use in:

a) emergency and alarm systems, including emergency lighting;

b) medical equipment; or

c) cordless power tools.

6. The incineration and disposal in landfills of waste industrial and automotive batteries and accumulators shall be prohibited. However, residues of any batteries and accumulators that have undergone both treatment and recycling in accordance with Article 12 may be disposed of in landfills or by incineration.

Article 5. Obligations deriving from the placing on the market of batteries, accumulators or battery packs for these products.

1. Pursuant to Article 7(1) of Act No 10 of 21 April 1998, all producers shall be required to assume responsibility for collecting and managing the same quantity, by weight and type, of used batteries, accumulators and battery packs which they have placed on the market, whatever their method of sale, either direct, electronic, by mail or automatic. This collection and management shall be carried out in the manner laid down in this Royal Decree.

For these purposes, at least the following types of battery and accumulator shall be taken into account:

a) button cells,

b) standard batteries,

c) portable accumulators,

d) automotive batteries, accumulators and battery packs,

e) industrial batteries, accumulators and battery packs,

f) other types.

These quantities shall be calculated per calendar year according to the unit of weight.

2. Pursuant to Article 7(1)(b) and (c) of Act No 10 of 21 April 1998, producers shall assume responsibility for the collection and management referred to in the above paragraph in one of the following ways:

a) by financially contributing to Public Management Systems;

b) by setting up their own Individual Management System;

c) by participating in an Integrated Management System;

d) by setting up a Deposit, Return and Refund Scheme for the used batteries, accumulators or battery packs which they have placed on the market.

3. The collection and management systems chosen by producers from among those indicated in the above paragraph must be provided with sufficient resources to cover the whole

territory within which their products have been marketed and with a network of periodic separate collection points which is sufficient, in the opinion of the competent authority, for authorisation in each of the Autonomous Communities where these products are marketed. Having been collected and sorted waste batteries and accumulators shall be transferred to authorised treatment and recycling plants.

4. The companies or entities that carry out waste handling activities relating to batteries or accumulators that are legally considered to be dangerous must be authorised as hazardous waste handlers for the intents and purposes of article 22 of Law 10/1998 of 21 April relating to residues. In the event that any of these handling operations is carried out directly by the handling entity or by an entity that is responsible for a handling system, using their own means, then they must be authorised as handlers of hazardous waste.

Those responsible for public or private separate collection points who simply receive at their establishments used batteries or battery packs to be handed over to a manager shall not be regarded as waste managers.

5. Within the scope of their respective authorities, the Public Administrations will ensure that all the economic operators and competent public authorities are able to participate in the collection, handling and recycling systems.

6. The producers of batteries, accumulators and battery packs will communicate their condition as producers to the competent authorities in the autonomous community in which their head office is located and will have their name included in the Register of industrial establishments.

7. The producers of batteries, accumulators and battery packs which, once used, may give rise to residues that may legally be considered to be hazardous, must guarantee that they comply with the obligations of this Royal Decree, either by placing them in the market by means of a deposit, return and refund system or by an integrated management system carried out by an entity that ensures compliance with the ecological objectives and remaining obligations contained in this regulation, or by a public management system.

CHAPTER III

Management Systems

Article 6. *Public Management Systems.*

1. In order to meet the obligations laid down in Article 5(1), in places where Public Management Systems duly authorised by the competent government bodies have been set up, producers of batteries, accumulators or battery packs may participate in these systems by assuming, in each case, their share of responsibility for the quantities which they place on the market within the territory in which these Public Management Systems operate.

2. Public Management Systems must have separate collection points, equipped by the local authorities or Autonomous Communities organising these, where holders and end-users of used batteries, accumulators and battery packs can deposit these free of charge so that they can then be managed in accordance with this Royal Decree.

Article 7. *Individual Management Systems.*

1. Producers of batteries, accumulators or battery packs may meet the obligations laid down in Article 5(1) by setting up their own Individual Management System which must be duly authorised by the competent body of the Autonomous Community in which this system is set up.

2. Using this Individual Management System, the producer shall directly organise, at his cost, the corresponding management operations for the waste batteries and accumulators which he has placed on the market.

When, in accordance with Article 6(1), the producer opts to contribute to Public Management Systems set up within his area of operation by meeting the relevant cost, he must,

however, organise, at his cost, the other operations which are not provided by the public system.

3. In order to obtain the authorisation referred to in paragraph 1, producers must submit an authorisation application to the competent body of the Autonomous Community, accompanied by the documentation proving the creation of this System. This documentation must at least contain the following information:

a) identification and address of the producer, together with his tax number (NIF), manufacturer, purchaser in the European Union or importer;

b) quantities (by weight and unit) and types of batteries, accumulators and battery packs placed on the market during each of the two years prior to the date of submission of the documentation;

c) area of operation of the management system;

d) identification and address of the undertakings or bodies carrying out the management operations, including treatment and recycling plants;

e) identification and location of the management resources, such as separate collection points, transfer stations, route plans;

f) description of the set of operations making up the System;

g) contract or document of undertaking signed between the producer and the treatment and recycling plants;

h) predicted quantities and percentages by weight of waste batteries and accumulators to be collected, treated and recycled annually, and recycling percentages for the materials which they contain;

i) mechanisms for monitoring, operational control and verification of the data indicated under the above letter;

j) method of financing the System;

k) procedures for collecting and validating the data and supplying information to the public authorities;

identification of the symbol for the Integrated Management System.

Authorisations shall be granted for five-year periods and shall be renewable.

4. Where a producer of batteries, accumulators or battery packs meets the obligations laid down in this Royal Decree by setting up an Individual Management System, the production undertaking which the producer owns shall undergo an audit, carried out by an independent body, which shall check every year the degree of compliance with these obligations.

Article 8. *Integrated Management Systems.*

1. Producers of batteries, accumulators or battery packs may meet the obligations laid down in Article 5.1 through Integrated Management Systems.

2. Integrated Management Systems must be authorised by the Autonomous Communities in which they operate. This authorisation shall be published in the relevant official gazette and shall establish the requirements and technical, organisational, financial, logistical and operational guarantees needed to comply with the provisions of this Royal Decree.

The application for authorisation of Integrated Management Systems must be accompanied by at least the following information:

a) identification and address of the body managing the Integrated Management System; this body must have its own legal personality and must be set up as non-profit-making;

b) identification of the producers belonging to the Integrated Management System, specifying the group of producers for whom deposit, return and refund operations are organised under Article 9.1;

c) identification of other economic operators belonging to the System, detailing how they participate in this;

d) description of the set of operations making up the Integrated Management System, including the deposit, return and refund operations organised under Article 9.1;

e) identification of existing agreements reached with other Integrated Management Systems and the contents of these agreements which are relevant for the purposes of this Royal Decree;

f) identification and address of the undertakings or bodies to which management, treatment and recycling operations are assigned;

g) identification and location of the plants or facilities taking charge of the waste for treatment and recycling;

h) document of undertaking signed between the body managing the system and the treatment and recycling plants;

i) area of operation of the Integrated Management System;

j) identification and location of the management resources, such as separate collection points, transfer stations and route plans, including establishments for selling and collecting the batteries and accumulators covered by the deposit, return and refund operations organised under Article 9.1;

k) quantities (by weight and unit) and types of batteries and accumulators placed on the market, during the two years prior to the application, by the group and by each one of the producers belonging to the Integrated Management System;

l) expected quantities and percentages by weight of waste batteries and accumulators to be collected, treated and recycled annually, and recycling percentages for the materials which they contain;

m) mechanisms for monitoring, operational control and verification of the data indicated under the above letter;

n) mechanisms for financing the Integrated Management System and guarantee provided;

o) procedures for collecting and validating data and supplying information to the public authorities;

p) identification of the symbol for the Integrated Management System.

The authorisations granted to Integrated Management Systems shall be temporary. They shall be granted for a maximum period of five years and may be renewed for successive periods.

3. For the purposes of applying this Royal Decree, Integrated Management Systems shall establish collaboration agreements with local authorities and Autonomous Communities. Both sets of authorities shall participate in the negotiation and implementation of these agreements in accordance with their respective powers. In addition to their environmental objectives, these agreements shall lay down the conditions for the collection, storage, treatment and disposal of the materials contained in used batteries, accumulators and battery packs.

4. Autonomous Communities may require the body managing the System to periodically undergo an external audit carried out by an independent body in order to check the degree of compliance of these operations.

5. In order to achieve the targets set in this Royal Decree, Integrated Management Systems shall be financed through fees or contributions paid by producers of batteries, accumulators and battery packs. Their financial solvency must be guaranteed to the Autonomous Community authorities through any of the following means:

a) report by financial institutions or, where applicable, proof of the existence of professional indemnity insurance;

b) In the case of legally established entities, the presentation of the annual accounts prepared in accordance with the regulations by which they are regulated, or failing this, in accordance with the regulations that adapt to the General Accounting Plan for non-profit entities, approved by Royal Decree 776/1998 of 30 April, supposing that the publication of these is mandatory in the States in which these entities are established.

c) declaration in relation to the overall turnover and the work, supplies and services provided by the undertaking in the last three financial years;

d) where, for justified reasons, an operator cannot provide the references requested, he may prove his financial

solvency through any other documentation regarded as sufficient by the authorities.

6. The identification symbol for the Integrated Management System must visibly appear on each sales unit which may be purchased by the consumer or user.

Article 9. *Deposit, Return and Refund System.*

1. For the purposes of Article 7.1.c) and the fourth final provision of Act No 10 of 21 April 1998, producers of batteries, accumulators or battery packs may meet the obligations laid down in Article 5(1) by setting up their own Deposit, Return and Refund System which shall be duly authorised by the competent body of the relevant Autonomous Community. This Deposit, Return and Refund System may be organised and operated within an Integrated Management System.

2. Producers using this management system shall be required to guarantee that sellers or distributors of their batteries, accumulators or battery packs placed on the market:

a) charge consumers or end-users purchasing these products, as a deposit, an additional sum of money for each battery, accumulator or battery pack which is sold. Under no circumstances may this sum be charged as a fee for the waste management of this product;

b) allow consumers or end-users to return the used batteries, accumulators or battery packs which they have placed on the market, by refunding to them, in exchange, the same additional sum of money which they charged in accordance with the above letter;

c) identify or mark those batteries, accumulators or battery packs managed through this system so that these are clearly identifiable when sold and returned for their subsequent management as waste.

3. In order to facilitate the operations indicated in the above paragraph, producers or managers of the system shall provide the establishments of sellers or distributors with special and appropriate containers which allow the used batteries and accumulators returned by consumers to be deposited and duly sorted.

4. The sum of money paid as a deposit, as referred to in paragraph 2, shall be set by an order of the Environment Ministry, subject to agreement by the Conferencia Sectorial de Medio Ambiente [body ensuring environmental cooperation between national government and the Autonomous Communities] and reports from the Ministries involved, for each type of battery, accumulator or battery pack. This sum shall be sufficient to guarantee the return of these products after use.

5. Producers who set up their own Deposit, Return and Refund System must apply for authorisation from the competent body of the relevant Autonomous Communities by submitting the documentation proving the creation of this System. This documentation must contain the same information as indicated in Article 7(3), together with the identification of the sellers of their batteries and accumulators placed on the market and the location of the establishments for selling and collecting these products.

6. When a producer of batteries, accumulators or battery packs complies with the obligations that are required by the application of this Royal Decree, by establishing a Deposit, Return and Refund System, the production company will be subjected to an audit carried out by an independent entity which, every year, will verify the degree of compliance with said obligations, when it is so established in the regulations of the autonomous communities.

Collection, Management and Recycling

Article 10. *Collection of waste portable batteries and accumulators.*

1. Waste portable batteries and accumulators must be collected through specific separate collection schemes. These collection points shall be distributed in sufficient number with regard to the population density and shall be accessible and close to holders or end-users. Under no circumstances shall holders or end-users be charged anything to discard these products nor shall they be obliged to purchase new batteries or accumulators.

These schemes may be used in conjunction with the systems referred to in Article 7 of Royal Decree No 208 of 25 February 2005.

2. In the case of separate collection points located in the establishments of distributors, the schemes referred to in the above paragraph shall be organised such that distributors shall be obliged to allow the return of used portable batteries and accumulators without any charge to their holders or end-users nor may the latter be obliged to purchase new portable batteries or accumulators.

In all cases, when supplying portable batteries or accumulators, the distributors of these products shall be obliged to allow the return of used portable batteries and accumulators without any charge to their holders or end-users.

An exemption may be given from the obligations specified in the above paragraph, through an order of the Environment Ministry, subject to agreement by the Conferencia Sectorial de Medio Ambiente, if, following an independent assessment of the environmental achievements of alternative separate collection schemes, it becomes clear that the environmental targets set in this Royal Decree can be achieved through these schemes. This assessment shall be published in the Spanish Official Gazette.

3. The separate collection points referred to in paragraph 1 shall not be subject to the authorisation scheme laid down in Act No 10 of 21 April 1998.

4. Within the territory of local authorities, the separate collection of used portable batteries and accumulators generated by private homes, shops, offices or services or other places similar to these and their transport from the separate collection points to the temporary storage centres, before transfer to the treatment and recycling plants, shall be carried out by the services of Public Management Systems organised by the local authorities in the manner laid down by local legislation and bylaws.

Alternatively, and subject to authorisation or concession by the local authorities, the collection and transport referred to in the above paragraph may also be carried out via any of the following:

a) through other public services operated by the local authorities or Autonomous Communities. In the case of partnerships between various municipalities, the decisions made by the corresponding local authorities in agreement with the Autonomous Communities shall be observed;

b) through collection services set up in partnership between the corresponding local authorities and economic operators or other private organisations, officially authorised by the corresponding Autonomous Community;

c) through services operated by Integrated Management Systems or Individual Management Systems;

d) through the services of other managers officially authorised by the Autonomous Community in whose territory they operate.

5. Sufficient information shall be provided to the public at separate collection points to facilitate and allow used batteries and accumulators to be correctly discarded at these points and also to be pre-sorted according to their types and

sizes, by at least separating button cells from other batteries and accumulators.

6. At temporary storage centres, the used portable batteries and accumulators received shall be sorted again. This shall involve at least separating the waste button cells, standard batteries, portable accumulators containing cadmium or lead, other portable accumulators and other types of portable batteries. Waste button cells and accumulators containing cadmium or lead shall be transferred to an authorised hazardous waste manager. The other types of batteries and accumulators shall be regarded, unless otherwise proven, as non-hazardous waste which shall be transferred to an authorised manager of this type of waste.

7. Producers shall guarantee, through their own Individual Management Systems, third parties or Integrated Management Systems, the transfer of this waste from the temporary storage centres to the treatment and recycling plants.

8. Where producers have set up Deposit, Return and Refund Systems, it shall be their own organisation or service which shall be responsible for collecting the waste batteries, accumulators and battery packs which have been placed on the market and for transporting these directly from the establishments of distributors or sellers to the treatment and recycling plants or to the temporary storage centres for their subsequent transfer, at their cost, to the treatment and recycling plants.

9. The operations referred to in the above paragraphs shall be carried out in accordance with the following requirements:

a) Collection services must have sufficient resources and capacity to guarantee that the targets set in this Royal Decree are met.

b) Collection, storage and transport operations must be free of charge for the holder or end-user.

Article 11. *Collection of waste industrial or automotive batteries and accumulators.*

1. Waste industrial or automotive batteries, accumulators and battery packs shall preferably be collected and transported to the treatment and recycling plants either by the producers themselves or by the services of the Management Systems set up by these producers, subject to authorisation by the Autonomous Communities. These waste collection, storage and transport operations must be free of charge for the holder or end-user. These producers may sign voluntary agreements with other economic operators or with third parties in order to hand over the collection and transport services to the appropriate authorised facilities to ensure correct environmental management of this waste.

2. Producers of automotive batteries, accumulators and battery packs or third parties acting on their behalf shall set up collection systems allowing end-users to directly return these products after use or to discard these at an accessible separate collection point in their vicinity, where these are not collected through the system indicated in Article 4 of Royal Decree No 1383 of 20 December 2002 on the management of end-of-life vehicles.

In the case of used automotive batteries, accumulators and battery packs from private vehicles not used for commercial purposes, the collection systems shall not involve any cost for end-users when returning these products or discarding these at separate collection points, and neither does it carry the commitment to purchase a battery, accumulator or new battery.

3. Producers of industrial batteries, accumulators and battery packs or third parties acting on their behalf shall be obliged to accept the used industrial batteries accumulators and battery packs given to them by holders or end-users, without any cost to the latter. This obligation is imposed regardless of the chemical composition or origin of these used batteries, accumulators and battery packs. The industrial batteries, accumulators and battery packs may be collected by independent third parties as long as they have the prior

authorisation of the competent organism in the autonomous community where said collection is to take place.

Article 12. *Treatment and recycling.*

1. All waste batteries and accumulators collected in accordance with Articles 10 and 11 or with Royal Decree No 208 of 25 February 2005 shall undergo treatment and recycling, and from December 31 2008 onwards it shall be applied schemes at least complying with the requirements of this Royal Decree and the other legislation in force on waste and health and safety.

2. The treatment and recycling of waste batteries and accumulators must be carried out in authorised installations, applying the principles of proximity established by producers or by third parties and, as from 26 September 2009, the best available techniques for the protection of health and the environment must be used.

Treatment and recycling may also occur at plants located in other Member States of the European Union, or outside this Community. In these cases cross-border transportation will be carried out in accordance with the European Parliament and Council's (CE) Regulation 1013/2006 of 14 June 2006 relating to the transfer of waste and, as the case may be, of the Commission's Regulation (CE) 1418/2007 of 29 November 2007 relating to the export, for evaluation purposes, of certain residues listed in Addenda III or IIIA of the European Parliament and Council's (CE) Regulation 1013/2006 to certain countries where the OECD's decision on the control of cross-border movement of residues does not apply.

In the case of exports of residues from batteries and accumulators out of the European Union, these must accredit the fact that the treatment and recycling operations are carried out in conditions that equate to those required by this Royal Decree and in plants that have the equivalent authorisation to that required by the community regulations issued by the State in which they are located.

3. Treatment operations shall meet the minimum requirements set out in Annex III, Part A. Where waste batteries and accumulators are collected together with waste electrical and electronic equipment on the basis of Royal Decree No 208 of 25 February 2005, the batteries and accumulators shall be removed from inside this waste.

4. Recycling processes shall, no later than 26 September 2011, meet the recycling efficiencies and associated provisions set out in Annex III, Part B.

5. The Environment Ministry shall report to the European Commission, within six months of the end of the calendar year concerned, on the levels of recycling achieved in each calendar year concerned and whether the efficiencies referred to in Annex III, Part B have been met.

Article 13. *Measures for prevention, increased environmental performance of batteries and accumulators and encouragement of new treatment and recycling technologies.*

The public authorities shall, within their respective powers:

a) promote research and encourage improvements in the environmental performance of batteries, accumulators and battery packs throughout their entire life cycle as well as the development and marketing of batteries, accumulators and battery packs which contain smaller quantities of dangerous substances or which contain less polluting substances, in particular as substitutes for mercury, cadmium and lead;

b) encourage the development of new treatment and recycling technologies and promote research into more environmentally friendly and more cost-effective recycling methods for all types of batteries and accumulators;

c) Promote treatment and recycling facilities to use duly certified environmental management procedures in accordance with Regulation (EC) No 761/2001 of the European Parliament and of the Council of 19 March 2001 allowing voluntary participation by organisations in a Community eco-

management and audit scheme (EMAS), as well as duly certified work safety and quality schemes;

d) encourage the use, as a priority, of the batteries, accumulators and battery packs indicated in the above letter through public awareness-raising schemes, campaigns and other similar initiatives in relation to waste;

e) use economic instruments, including tax instruments, to promote the collection of waste batteries and accumulators or to promote the use of batteries and accumulators containing less polluting substances. Where these instruments are adopted, the Environment Ministry shall notify the measures adopted to the European Commission.

CHAPTER V

Financing

Article 14. *Financing of the collection and management of waste batteries and accumulators.*

1. All the costs of the collection and management operations for waste portable, industrial and automotive batteries and accumulators carried out in accordance with Articles 10 and 11 respectively, including the separate collection, transport, sorting, temporary storage, treatment and recycling operations, shall be borne by producers in accordance with the Management System used.

2. In the specific case of batteries, accumulators and battery packs collected pursuant to Royal Decrees No 1383 of 20 December 2002 and No 208 of 25 February 2005, the cost of the collection and management operations, including transport, sorting, temporary storage, treatment and recycling, shall be borne by the producers of these batteries, accumulators and battery packs. However, this may not under any circumstances give rise to double charging for the same management operation. In order to meet this obligation, said producers may conclude agreements with producers of vehicles, or with integrated management systems for end-of-life vehicles and with the Authorised Treatment Centres (ATC) regulated by Royal Decree No 1383 of 20 December 2002, and with producers of electrical and electronic equipment or the integrated management systems for their waste regulated by Royal Decree No 208 of 25 February 2005.

3. Where producers opt to set up Integrated Management Systems in order to meet this obligation, these must be financed through a sum of money paid for each battery or accumulator placed on the national market for the first time. This sum shall be proportional to the environmental impact of the product's components, in particular the heavy metals which it contains, and to the costs of managing, treating and recycling its waste. This sum, which must be the same throughout the area of operation of the Integrated Management System concerned, shall not be regarded as a price and its payment shall allow the identification symbol for the system to be used.

4. In order to facilitate monitoring and control of the financing for integrated management systems and to guarantee maximum transparency and traceability, producers of batteries and accumulators belonging to these systems, when placing their products on the market, must identify and declare the contribution paid to the system per unit, in each category of batteries and accumulators, by specifying this in the invoice, bearing in mind that, where the amount of the contribution paid to the integrated management system is not identified, it shall be presumed, unless otherwise proven, that the financial contribution for the batteries or accumulators placed on the market has not been paid to the integrated management system. The costs of collection, treatment and recycling operations shall not under any circumstances be indicated separately to end-users at the time of sale of new portable batteries and accumulators.

5. Producers shall be obliged to help those responsible for the various collection systems check the quantity and types of batteries and accumulators which they place on the market. Producers belonging to any Integrated Management System shall meet this same obligation with regard to the specific

Integrated Management System. Distributors or sellers shall provide Integrated Management Systems with duly accredited information on the quantity and type of batteries and accumulators which they supply or sell to end-users.

6. Producers or, where applicable, Integrated Management Systems or other bodies acting on behalf of producers, shall finance the costs of conducting public information campaigns about the collection, treatment and recycling of waste portable batteries and accumulators. These campaigns shall be approved by the Autonomous Communities.

7. This Article shall apply to all waste batteries and accumulators, irrespective of the date of their placing on the market.

CHAPTER VI

Targets and management control

Article 15. *Environmental collection targets.*

1. The collection rate shall be calculated for the first time in respect of the year 2011. Annual collection and sales figures shall include batteries and accumulators incorporated into appliances.

2. Without prejudice to the obligations of producers laid down in Article 5, the following minimum collection rates for waste portable batteries and accumulators throughout the national territory shall be achieved:

- a) 25% by 31 December 2011 and thereafter;
- b) 45% by 31 December 2015 and thereafter.

3. Without prejudice to the obligations of producers laid down in Article 5, the following minimum collection targets for waste automotive batteries and accumulators throughout the national territory shall be achieved:

- a) by 31 December 2009: annual collection of 90% by weight of the automotive batteries, accumulators and battery packs sold to users in the year prior to that of collection;
- b) by 31 December 2011: annual collection of 95% by weight of the automotive batteries, accumulators and battery packs sold to users in the year prior to that of collection;

4. Without prejudice to the obligations of producers laid down in Article 5, the annual collection target for the whole of the national territory of 95% by weight of the waste industrial batteries, accumulators and battery packs containing cadmium, generated in the year prior to that of collection, shall at least be achieved by 31 December 2011.

5. Where Autonomous Communities have approved a Management Plan for waste batteries and accumulators with more demanding environmental targets, producers shall also meet these additional targets, whatever the management system used.

6. The Autonomous Communities shall monitor collection rates on a yearly basis according to the scheme set out in Annex I. Without prejudice to Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics, they shall inform the Environment Ministry so that this department can transmit the corresponding annual reports to the European Commission within six months of the end of the calendar year concerned. These reports shall indicate how they obtained the data necessary to calculate the collection rates.

Article 16. *Labelling and identification of batteries, accumulators and battery packs.*

1. Producers of portable and automotive batteries and accumulators, and battery packs containing any of these products, shall ensure that their energy capacity is indicated on them in a visible, legible and indelible form by 26 September 2009.

2. Producers shall also ensure that the outer surface of the batteries, accumulators and battery packs which they

place on the market is marked with the separate collection symbol shown in Annex II.

3. Batteries, accumulators and button cells containing more than 0.0005% mercury, more than 0.002% cadmium or more than 0.004% lead shall be marked, under the conditions laid down in Annex II, with the chemical symbol for the metal concerned: Hg, Cd or Pb. These symbols shall also appear on the guarantee certificate and in the user instructions for appliances incorporating batteries or accumulators.

4. The graphic symbol that appears in Annex II will cover a minimum of 3 per cent of the surface of the largest side of the battery, accumulator or battery pack, up to a maximum size of 5 x 5 cm. In the case of cylindrical batteries or accumulators, the symbol will cover a minimum of 1.5 per cent of the surface of the battery or accumulator, and will have a maximum size of 5 x 5 cm.

5. If the small size of the battery, accumulator or battery pack means that the symbol must occupy a space smaller than 0.5 x 0.5 cm, it will not be necessary for the battery, accumulator or battery pack to be marked, but a symbol measuring a minimum of 1 x 1 cm will be printed on the packaging that contains them or on the appliances in which they are incorporated.

6. The symbols will be stamped in a visible, legible and indelible manner.

7. These symbols must also feature on the guarantee certificate and the instructions for use of the apparatus that have batteries or accumulators incorporated in them, highlighting the prohibition of disposing of them alongside domestic waste.

Article 17. *Removal of batteries and accumulators from appliances containing these.*

1. Manufacturers of appliances containing batteries or accumulators shall design these in such a way that the batteries or accumulators can be readily removed, except where, for safety, health, performance, data integrity or continuity of power supply reasons, a permanent connection between the battery or accumulator and the appliance containing this is necessary.

2. Appliances shall be accompanied by information for the user on the type of batteries and accumulators needed to operate these appliances. They shall also be accompanied by precise instructions showing how the batteries and accumulators can be safely removed, except in the cases in the above paragraph.

Article 18. *Information for public authorities.*

1. Before 1 April of each year, producers or those responsible for the Management Systems set up in accordance with Article 5(2), including Deposit, Return and Refund Systems, shall send the authorities responsible for waste in the Autonomous Communities within which they are established an annual report on their activities:

a) management activities carried out and resources used during the previous calendar year.

b) quantities by type, weight and unit of the batteries, accumulators and battery packs which producers have placed for the first time on the market during each of the three previous calendar years.

c) quantities by type, weight and unit of the batteries, accumulators and battery packs exported or transferred by producers to other countries during each of the three previous calendar years.

d) quantities by weight of the waste batteries and accumulators collected and managed by the system during the previous calendar year.

e) collection rates achieved and any other information needed to check the degree of compliance with this Royal Decree and with the National, Autonomous Community and Local Plans on waste batteries and accumulators which are in force.

f) where applicable, contribution to the Public Management Systems for which producers have opted, indicating the operations covered by the public system.

g) proof of how the volume of sales of these products has been determined until the corresponding calculation method is regulated.

This information shall be accompanied by the reports on audits carried out on these systems, as indicated in Articles 7.4, 8.4 and 9.6.

2. In order to meet the obligation to provide information to the European Commission, the competent authorities in the Autonomous Communities shall annually send the Directorate-General for Environmental Quality and Assessment of the Environment Ministry, by 1 June of each year, the following information in relation to their area of operation and the previous year:

a) quantities, by weight and unit, of batteries, accumulators and battery packs placed on the market;

b) quantities, by weight, of waste batteries and accumulators generated;

c) quantities, by weight, of waste batteries and accumulators actually collected and recycled;

d) new treatment and recycling technologies introduced by authorised managers;

e) management systems set up and the various economic operators participating in these;

f) innovations and measures adopted by producers to reduce the content of heavy metals and other dangerous substances in batteries and accumulators;

g) research activities carried out in these areas;

measures adopted to encourage the prevention of this waste;

h) other data, duly broken down, needed to check compliance with this Royal Decree and obtained from the annual reports of producers and those responsible for the management systems indicated in section 1.

i) Where, exceptionally, any quantitative data needed cannot be obtained, the competent authorities in the Autonomous Communities shall estimate this as closely as possible.

3. The Environment Ministry, using the information received from the Autonomous Communities, shall each year produce a Management Inventory for waste batteries and accumulators, relating to the previous year, which shall be updated, published and incorporated in the National Waste Inventory.

Article 19. *Information for consumers.*

1. The public authorities, economic operators and bodies managing the various Management Systems for waste batteries and accumulators shall be obliged to provide consumers and the general public with full and rigorous information on the management of this waste. This information may be provided via public awareness-raising campaigns, publications or other similar channels. The minimum information provided shall be:

a) the potential effects on health and the environment of the substances contained in batteries, accumulators and battery packs;

b) the collection and recycling schemes available to them;

c) the collection points where they may discard used batteries, accumulators and battery packs;

d) their role, as consumers, in contributing to the treatment and recycling of waste batteries and accumulators, by participating in their separate collection;

e) the right of consumers to discard or return used batteries, accumulators and battery packs free of charge;

f) the civic importance and the environmental obligation of not disposing of used batteries, accumulators and battery packs, particularly those classified as hazardous, in unsorted municipal waste flows;

g) the meaning of the labelling of batteries, accumulators and battery packs (Annex II) and the chemical symbols Hg, Cd and Pb;

h) the methods for safely removing batteries from appliances;

i) compliance with the targets set in Article 15;

j) distributors shall also inform consumers about the possibility of discarding used batteries, accumulators and battery packs at their own sales points.

2. Producers shall inform consumers and end-users that the sale price of batteries, accumulators and battery packs includes the cost of the environmental management of their waste without the amount of this cost being under any circumstances indicated separately in this information or in the invoice given to end-users.

Article 20. *Voluntary agreements.*

1. Producers may comply with Articles 10, 11, 12.2 and 19.1 by means of voluntary agreements signed with the competent authorities in the Autonomous Communities and other economic operators, provided that the following requirements are met:

a) that achievement of the environmental targets set in this Royal Decree is guaranteed;

b) that these agreements set specific targets and indicate the deadlines for achieving these and the responsibility incurred if these targets are not met;

c) that these agreements are published in the official gazettes of the Autonomous Communities in whose territory they apply. The Autonomous Communities concerned shall report on this to the Directorate-General for Environmental Quality and Assessment of the Environment Ministry which shall transmit this information to the European Commission;

d) that a system for monitoring and periodically controlling compliance with the agreement is set up and that the competent authorities in the Autonomous Communities and the public are informed about the requirements laid down in these voluntary agreements, and also about their application and the results achieved. The Autonomous Communities concerned shall report on all this to the Directorate-General for Environmental Quality and Assessment of the Environment Ministry which shall transmit this information to the European Commission.

2. In cases of non-compliance with the voluntary agreements, the Autonomous Communities shall guarantee in all cases the application of this Royal Decree to the producers which signed these agreements.

Article 21. *Obligations of holders.*

Holders of used batteries, accumulators or battery packs shall be obliged to discard these at separate collection points or at the corresponding establishments of distributors or sellers so that these can be correctly managed in accordance with this Royal Decree.

Article 22. *Penalty rules.*

Breaches of the provisions of this Royal Decree shall be subject to the penalty rules laid down by Act No 10 of 21 April 1998 and by Industry Act No 21 of 16 July 1992.

First additional provision. *Registration in the National Register of Industrial Establishments.*

1. All producers of batteries, accumulators or battery packs must register themselves or be registered in the National Register of Industrial Establishments created under Act No 21 of 16 July 1992 and the Regulation on the National Register of Industrial Establishments approved by Royal Decree No 697 of 28 April 1995.

2. A special section shall be created in the National Register of Industrial Establishments for producers of batteries, accumulators and battery packs, to which the following information must be provided:

a) identification of the producer;

b) The communication from the producer to the Register identifying the autonomous community in which their headquarters are located and advising the date on which the producer advised the autonomous community in question, as well as the communication identifying the autonomous communities in which the producer has placed batteries, accumulators or battery packs in the market.

c) scheme for meeting the obligations in terms of managing the waste batteries and accumulators which they place on the market:

1) in the case of a collective scheme, identification of the integrated management systems;

2) In the case of an individual scheme, indication of at least the type and amount of the guarantee.

3) in the case of a public scheme, its identification and area of operation.

In all three cases, the corresponding supporting documentation shall be submitted, and a list will be provided of the quantities in weight of the battery, accumulator or battery pack residues collected and treated by the system during the preceding natural year.

d) the batteries, accumulators and battery packs annually placed on the market:

1) types of batteries, accumulators and battery packs;

2) origin:

Manufactured in Spain by the producer.

Manufactured in Spain by another undertaking.

Purchased in other European Union countries.

Imported from third countries.

Sold or transferred to other European Union countries.

Exported to third countries.

3) quantities;

Units and weights in tonnes (by type and origin).

4) origin:

Portable.

Automotive.

Industrial.

3. Within the first three months of each year, the Register shall send the Directorate-General for Environmental Quality and Assessment of the Environment Ministry a summary report showing the quantities of each type of battery, accumulator and battery pack placed on the national market by each producer during the previous year, grouped into:

a) manufactured in Spain by the producer;

b) manufactured in Spain by another undertaking;

c) purchased in other European Union countries;

d) imported from third countries;

e) sold or transferred to other European Union countries;

f) exported to third countries.

Second additional provision. *Disposal of portable batteries and accumulators containing mercury, cadmium or lead.*

By order of the Environment Ministry, subject to agreement by the Environment Council, the disposal in hazardous waste landfills or in underground stores of portable batteries and accumulators containing mercury, cadmium or lead which have been collected may be authorised in any of the following cases:

a) where the producers provide documentary evidence proving that there is no viable end market for the materials resulting from their treatment and recycling;

b) where this measure forms part of a national strategy for the disposal and removal of heavy metals, based on environment impact, financial and social assessments proving that the disposal option is preferable to recycling.

In these cases, the Government shall publish this documentary evidence or these assessments and shall notify the measures to be adopted to the European Commission in accordance with Royal Decree No 1337 of 31 July 1999, regulating the provision of information in the field of technical standards and regulations and of rules on Information Society services.

Third additional provision. *Public authority involvement in the recycling of waste batteries and accumulators.*

The public authorities, within their respective powers and having regard to the environmental impact of transport, shall take the necessary measures to maximise the separate collection of waste batteries and accumulators and to minimise the disposal of this waste in the municipal waste flow in order to achieve a high level of recycling for all waste batteries and accumulators.

Sole repealing provision. *Repeal of legislation.*

1. All regulations of an equal or similar scope that contradict or oppose that which is contained in this Royal Decree are repealed.

2. The following provisions are expressly repealed:

a) Royal Decree 45/1996, of 19 January which regulates different aspects relating to batteries and accumulators that contain certain dangerous materials.

b) Articles 3.4 and 5.5. of Royal Decree 679/2006, of 2 June which regulates the handling of used industrial oils.

First additional provision. *Competence.*

This royal Decree is issued under the auspices of that which is contained in article 149.1.23 of the Constitution, which attributes to the State the competence regarding basic legislation regarding the protection of the environment.

Second additional provision. *Incorporation of community law.*

This Royal Decree incorporates into the Spanish legal regulations the European Parliament and Council's Directive 2006/66/CE of 6 September 2006 which relates to battery, accumulator or battery packs and the residues therefrom and which repeals Directive 91/157/CE.

Third final provision. *Authorisation for regulatory development.*

The Ministers of the Environment, Industry, Tourism and Commerce, and Health and Consumer Affairs are authorised to introduce into the Annexes to this Royal Decree as many modifications as are deemed necessary to adapt it to that which is contained in the community regulations.

Fourth final provision. *Coming into effect.*

The present Royal Decree will come into effect on 26 September 2008.

Issued in Madrid, on 1 February 2008.

JUAN CARLOS R.

The first Vice-President of the Government and Minister of Presidential Affairs,
MARÍA TERESA FERNÁNDEZ DE LA VEGA SANZ

ANNEX I
Monitoring of compliance with the Article 15 collection rates

Year	Data collection	Calculation	Reporting requirement	
X*+1	Sales in year 1 (S1)	–	–	
X+2	Sales in year 2 (S2)	–	–	
X+3	Sales in year 3 (S3)	Collection in year 3 (C3)	Collection rate (CR3) = $3 \cdot C3 / (S1 + S2 + S3)$.	
X+4	Sales in year 4 (S4)	Collection in year 4 (C4)	Collection rate (CR4) = $3 \cdot C4 / (S2 + S3 + S4)$ (Target set at 25%).	
X+5	Sales in year 5 (S5)	Collection in year 5 (C5)	Collection rate (CR5) = $3 \cdot C5 / (S3 + S4 + S5)$.	CR4
X+6	Sales in year 6 (S6)	Collection in year 6 (C6)	Collection rate (CR6) = $3 \cdot C6 / (S4 + S5 + S6)$.	CR5
X+7	Sales in year 7 (S7)	Collection in year 7 (C7)	Collection rate (CR7) = $3 \cdot C7 / (S5 + S6 + S7)$.	CR6
X+8	Sales in year 8 (S8)	Collection in year 8 (C8)	Collection rate (CR8) = $3 \cdot C8 / (S6 + S7 + S8)$ (Target set at 45%).	CR7
X+9	Sales in year 9 (S9)	Collection in year 9 (C9)	Collection rate (CR9) = $3 \cdot C9 / (S7 + S8 + S9)$.	CR8
X+10	Sales in year 10 (S10)	Collection in year 10 (C10)	Collection rate (CR10) = $3 \cdot C10 / (S8 + S9 + S10)$.	CR9
X+11	etc.	etc.	etc.	CR10
Etc.				

* X is year 2008.

Recycling of 75% by average weight of nickel-cadmium batteries and accumulators, including recycling of the cadmium content to the highest degree that is technically feasible while avoiding excessive costs; and

Recycling of 50% by average weight of other waste batteries and accumulators.

ANNEX II
Symbols for batteries, accumulators and battery packs for separate collection.

The symbol indicating "separate collection" for all batteries, accumulators and battery packs shall be the crossed-out wheeled bin shown below.



ANNEX III
Detailed treatment and recycling requirements

Part A: Treatment.

1. Treatment shall, as a minimum, include removal of all fluids and acids.

2. Treatment and any storage, including temporary storage, at treatment facilities shall take place in sites with impermeable surfaces and suitable weatherproof covering or in suitable containers;

Part B: Recycling.

3. Recycling processes shall achieve the following minimum recycling efficiencies:

Recycling of 65% by average weight of lead-acid batteries and accumulators, including recycling of the lead content to the highest degree that is technically feasible while avoiding excessive;