



Notification Number: 2010/30/E

Draft Royal Decree amending Royal Decree 106/2008 of 1 February on batteries and accumulators and the environmental management of the related waste.

Date received : 19/01/2010
End of Standstill : 20/04/2010 (**20/07/2010**)
Issue of detailed opinion by : Commission

Message

Message 002

Communication from the Commission - SG(2010) D/50143
Directive 98/34/EC
Translation of the message 001
Notification: 2010/0030/E

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201000143.EN)

1. Structured Information Line

MSG 002 IND 2010 0030 E EN 19-01-2010 E NOTIF

2. Member State

E

3. Department Responsible

Subdirección General de Asuntos Industriales, Energéticos, de Transportes, Comunicaciones y Medio Ambiente.

Dirección General del Mercado Interior y otras Políticas Comunitarias.

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4. Notification Number

2010/0030/E – S20E

5. Title

Draft Royal Decree amending Royal Decree 106/2008 of 1 February on batteries and accumulators and the environmental management of the related waste.

6. Products Concerned

Manufacture and placement on the market of batteries and accumulators.

Collection of used batteries and accumulators.

Environmental management of waste batteries and accumulators.

7. Notification Under Another Act

-

8. Main Content

Includes amendments to Articles 5.1, 5.7, 8.6 and 14.3 of Royal Decree 106/2008.

The new wording of Article 5.1 specifies that the calculation of the quantity of batteries and accumulators whose environmental management is the responsibility of the manufacturer shall exclude all batteries and accumulators that, having been placed on the market, are taken out of Spain before being sold to end users.

The new wording of Article 5.7 limits its application to portable batteries and accumulators only.

The new wording of Article 8.6 specifies that, if it is not possible for technical or commercial reasons to mark the integrated management system symbol on a sale unit, consumers may receive the information on this symbol and their related obligations in another manner.

The new wording of Article 14.3 clarifies that manufacturers' funding of integrated management systems must be provided for each battery or accumulator placed for the first time on the market and for which they are responsible for collecting and managing in accordance with Article 5.1.



9. Brief Statement of Grounds

Incorporation of the requirements of Commission Decision 2008/763/EC of 29 September establishing a common methodology for the calculation of annual sales of portable batteries and accumulators.

To facilitate the management of industrial and automotive batteries using individual management systems that enable the passing of voluntary agreements, in accordance with the peculiarities of the industrial and automotive sectors.

To provide alternatives when it is not possible to mark the integrated management system symbol for technical or commercial reasons.

10. Reference Documents - Basic Texts

Waste Law 10/1998 of 21 April.

Royal Decree 106/2008 of 1 February on batteries and accumulators and the environmental management of the related waste. Published in the Official State Gazette (BOE) on 12 February 2008.

11. Invocation of the Emergency Procedure

Yes, it is urgent.

12. Grounds for the Emergency

The grounds for this urgency are as follows:

- To resolve, without delay, the issue currently experienced by manufacturers affiliated to an integrated management system of not being able to mark the system symbol on all sale units for technical reasons (small size of certain units, etc.) or commercial reasons (impossibility of identifying the final destination country of certain units on the production line, etc.), resulting in non-compliance with the Royal Decree or the unnecessary financial disadvantage this may cause.

- The obligation, in the first half of 2010, to calculate the sales of batteries and accumulators in 2009 using the methodology set out in the new wording of Article 5.1, as provided for in Article 15.6 of Royal Decree 106/2008.

- To enable manufacturers of industrial and automotive batteries and accumulators to manage their waste using an individual management system without delay. Many such manufacturers are waiting to conclude voluntary agreements to enable collections to be made in a manner more suited to the peculiarities of the industrial and automotive sectors, freeing them from unnecessary financial costs. Such agreements would be very difficult to conclude if manufacturers' individual responsibility is assumed by means of deposit-and-return systems.

13. Confidentiality

It is not confidential.

14. Fiscal measures

None

15. Impact assessment

General and economic reports on the Royal Decree are attached.



16. TBT and SPS aspects

1.
 - a) NO
 - b)
 - i) The draft is not a technical regulation or a conformity assessment procedure pursuant to Annex 1 to the TBT Agreement.
2.
 - a) NO
 - b)
 - i) The draft is not a sanitary or phytosanitary measure pursuant to Annex A to the SPS Agreement.

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EUROPEAN COMMISSION
GROWTH DIRECTORATE-GENERAL

Single Market for goods
Prevention of Technical Barriers

Denis Colfer