

OPINION OF THE COMMISSION

on the amendments proposed by the European Parliament
to the Council's common position on the

proposal for a
COUNCIL DIRECTIVE

relating to batteries and accumulators
containing certain dangerous substances

(presented by the Commission pursuant to Article 149.2(d)
of the EEC treaty)

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1. Background

Date of transmission of the proposal to the Council: 1.12.88
Date of the opinion of the European Parliament on first reading: 25.5.89
Date of the opinion of the Economic and Social Committee: 31.5.89
Date of transmission of the amended proposal: 6.11.89
Date of adoption of the common position: 17.9.90
Date of transmission to the European Parliament: 8.10.90
Date of the opinion of the European Parliament on second reading: 21.12.90

2. Aim of the Commission proposal

The object of this Directive is to harmonize Member State legislation on the disposal and controlled valorization of spent batteries and accumulators containing dangerous substances.

3. Comments on the amendments proposed by the European Parliament (second reading)

- It should be pointed out in the preamble that all the amendments proposed by the European Parliament on first reading have been incorporated in the amended proposal, with the exception of a single amendment relating to the extension of the scope of the ban on the marketing of certain batteries. This amendment, which had been rejected by the Commission, was reinstated by the Council. Consequently, the European Parliament has obtained satisfaction on the entire set of proposals which it submitted on first reading.
- On the other hand, the Council, in formulating the common position, removed several points in the amended proposal submitted by the Commission. It is to these points that the European Parliament's proposed amendments refer.
- Amendment No 1 (Article 3(1)(2)) is a drafting amendment that is not necessary, since the marketing ban applies only to manganese alkaline batteries. The proposal by the European Parliament could give rise to a certain amount of confusion and, consequently, the Commission feels that the text of the common position should not be amended.
- Amendment No 2 (Article 4(2)(2)) seeks to reintroduce the marking symbol suggested in the amended proposal. In view

of the legal uncertainty surrounding this symbol (ISO7000-1135), the Council felt that it was not possible at this stage to set out the detailed marking procedures.

Accordingly, the Commission feels that the text of the common position should not be amended.

Amendment No 3 (Article 6(1), new indent) seeks to ensure that the aims of the programmes due to be implemented by the Member States should include the reinstated aim of promoting procedures designed to extend the scope of recycling possibilities. The need to encourage recycling - and, by implication, all that can contribute thereto - has already been stressed on several occasions both in the present Directive and in the framework Directive.

Accordingly, the Commission feels that the text of the common position should not be amended.

Lastly, amendments Nos 4 and 5 (Article 8(c)) seek to reintroduce in the information to be supplied to consumers features removed by the Council on the grounds that they constituted a potential source of confusion in the minds of consumers (amendment No 4), or that they limited the freedom of choice of Member States regarding the type of economic and financial instruments to be employed (amendment No 5).

Accordingly, the Commission feels that the text of the common position should not be amended.

To sum up, the Commission feels that no change should be made to the common position adopted by the Council on 17 September 1990 and has decided not to take up the amendments adopted by the European Parliament on 12 December 1990.

8. BATTERIES AND ACCUMULATORS **II

A3-0330/90

DECISION

(Cooperation procedure: second reading)

on the common position established by the Council with a view to the adoption of a directive on batteries and accumulators containing certain dangerous substances

The European Parliament,

- having regard to the common position of the Council (C3-0311/90 - SYN 170),
 - having regard to its opinion delivered at first reading¹ on the Commission proposal (COM(88) 0672 final),
 - having regard to the amended Commission proposal (COM(89) 0454 final)²,
 - having regard to the relevant provisions of the EEC Treaty and its Rules of Procedure,
1. Has amended the common position as set out below;
 2. Has instructed its President to forward this decision to the Council and Commission.

Common position of the CouncilText amended by Parliament

(Amendment No. 1)

Article 3(1), second subparagraph

Alkaline manganese button cells and batteries composed of button cells shall be exempted from this prohibition.

Alkaline manganese button cells and batteries composed of these button cells shall be exempted from this prohibition.

(Amendment No. 2)

Article 4(2), second subparagraph

The marking must include indications as to the following points:

- separate collection;
- where appropriate, recycling;
- the heavy-metal content.

Marking shall take the form of a symbol (Annex III) (to the proposal for a directive as amended by Parliament)

¹ OJ No. C 158, 26.6.1989, p. 209

² OJ No. C 11, 17.1.1990, p. 6

(Amendment No. 4)
Article 6, first paragraph, indent -1 (new)

- promotion of processing methods
with a view to increased
recycling;

(Amendment No. 7)
Article 8(ca) (new)

(ca) the choice of types of battery
and accumulator available;

(Amendment No. 8)
Article 8(cb) (new)

(cb) the reasons for charging a
deposit, where appropriate,
and the amount charged.