

COMMISSION OF THE EUROPEAN COMMUNITIES

SEC(90) 1860 final - SYN 170

Brussels, 28 September 1990

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT

pursuant to Article 149(2)(b) of the EEC Treaty

Common position of Council on the modified proposal for
a Directive relating to batteries and accumulators
containing certain dangerous substances

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Communication of the Commission to the European Parliament
in conformity with article 149, para. 2b) of the EEC Treaty

Subject: Common position of Council on the modified proposal relating to batteries and accumulators containing certain dangerous substances.

1. Background

- Date of transmission of the proposition to Council : 1.12.88
- Date of the decision of the European Parliament on a first reading: 25.5.89
- Date of transmission of the common position: 17.9.90
- Date of decision of Economic and Social Committee : 31.5.89

2. Aim of the Commission proposal

The present directive aims at harmonising Member State legislation on the elimination and controlled valorisation of spent batteries and accumulators containing dangerous substances.

3. Comments on the common position

See declaration in annex.

The Commission, in view of the objective of the proposal relating to batteries and accumulators containing certain dangerous substances, was able to rally to the position of the Member States in order to attain the common position. In thus doing, the Commission was able to rally to the following points, although they deviate from the modified proposal:

- the reduction in the limit value for mercury content from 0,1% to 0,025%, beyond which alkaline manganese batteries cannot be marketed.
- The addition of an annex II adjusting the application field of the directive, to include certain security imperatives for appliances which contain batteries.

Concerning labelling, it was deemed necessary to convey the task of fixing a common recycling symbol to the Committee for Adaptation to Technical Progress, taking into consideration the copyright claim on the proposed symbol.

As the common position links this particular directive to the framework directive on waste⁽¹⁾, and as the definitions and the polluter-pays principle are dealt with explicitly in the latter, it was deemed unnecessary to reproduce them in full.

To conclude, the Commission rallied to this common position.

(1) Modified proposal of Council directive modifying directive 75/442/CEE on waste (J.O. N° C 326 of 30/12/89) formally adopted by the Council of 7 June, but subject to a new European Parliament consultation for modification of the legal basis.