

## Regulatory position statement

### Waste portable batteries delivered to battery collection points

This statement describes the enforcement approach we have adopted when waste portable batteries are moved to a collection point in the circumstances described.

#### Background

The Batteries Directive was implemented in the UK on 5 May 2009 and requires distributors or retailers of portable batteries to provide free take-back of waste portable batteries. However, other regulations place obligations on the providers and the users of the take back facilities that may inhibit their use. This statement sets out how we can minimise these obstacles because we recognise that:

- When handled correctly, portable batteries generally pose a low environmental risk (NB although “non-hazardous”, lithium batteries can present a fire risk, whether or not they are waste. This is a particular issue for air travel and dangerous goods legislation).
- Take-back schemes will play an important part in the collection, recovery and recycling of waste portable batteries from commercial and domestic premises,
- Current regulations may inhibit these schemes.

#### What types of battery does this apply to?

A portable battery is any battery, button cell, battery pack or accumulator that is sealed, can be carried by hand, and is not an industrial or automotive battery or accumulator.

Waste batteries are legally classified as either hazardous or non-hazardous under the Hazardous Waste Regulations (HWR)<sup>1</sup>. These types of batteries are hazardous:

- 16 06 01\* Lead batteries
- 16 06 02\* Nickel Cadmium batteries
- 16 06 03\* Mercury-containing batteries
- 20 01 33\* Batteries and accumulators included in 16 06 01, 16 06 02 or 16 06 03 and unsorted batteries and accumulators containing these.

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<sup>1</sup> In England the Hazardous Waste (England and Wales) Regulations 2005 apply and in Wales the Hazardous Waste (Wales) Regulations 2005 apply. Whenever we use the term ‘hazardous’ or ‘non-hazardous’ batteries in this statement we mean as defined by the HWR only and the terms are not relevant to the carriage of dangerous goods legislation.

All other types of batteries are non-hazardous. If the waste batteries do not fall into any of the above categories, the HWR do not apply.

## Our approach

Where waste portable batteries are delivered to a batteries collection point we shall always expect that the relevant objectives of the Waste Framework Directive are met:

- '... ensuring that waste management is carried out without endangering human health, without harming the environment and in particular:
- (i) without risk to water, air, soil, plants or animals;
  - (ii) without causing a nuisance through noise or odours; and
  - (iii) without adversely affecting the countryside or places of special interest.'

### Batteries delivered from domestic premises by householders

Wastes from domestic premises do not need to be accompanied by either a hazardous waste consignment note or a duty of care transfer note when being moved from those premises to a collection point.

### Batteries delivered from commercial or industrial premises by businesses

The law requires that hazardous waste produced at business premises and moved to another site must be accompanied by a hazardous waste consignment note. However, not all waste batteries are hazardous. If you are confident that your waste batteries do not fall within any of the categories detailed above, you do not need to comply with the HWR but the transfer of non-hazardous waste needs to be covered by a duty of care transfer note. Where you are uncertain, you should assume that the waste does contain batteries which are considered hazardous.

If your waste batteries are delivered in quantities similar to those arising from domestic premises, we would consider this to be a low risk activity and if you have not used a hazardous waste consignment note<sup>2</sup> or Duty of Care transfer note (as appropriate) for the movement of waste portable batteries to the first collection point, we would not normally prioritise this for enforcement action.

### Operators of collection points

We will also not normally take enforcement action if the operator of the collection point does not send hazardous waste quarterly consignee returns<sup>3</sup> to us. However, operators of battery collection points should assume that all waste portable batteries delivered to them are hazardous and must ensure that any onward movement of batteries is undertaken in accordance with the HWR. Where the total amount of hazardous waste produced at the premises (including any accepted batteries) is 500kg or more per year, the premises should be notified to us as a producer of hazardous waste.

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<sup>2</sup> Details on how those notes should be completed can be found on the [moving hazardous waste](#) section of our web site.

<sup>3</sup> See the [receiving hazardous waste](#) section of our web site for more detail.

**Note:** Although not enforced by us, the movement of waste batteries may also be covered by carriage of dangerous goods legislation and producers of waste batteries and operators of collection points should ensure that they are aware of any obligations arising from this and that they are compliant with these.

## Enforcement

If you comply with the requirements of this regulatory position statement, we would not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health. For a more detailed explanation of this enforcement position, please see our [Enforcement and Sanctions](#) statement. This can be found on the '[How we regulate you](#)' page in the Business & Industry section of our web site.

## Further information

An advisory note on the [Storage and transport of waste portable batteries](#) is available on the [defra](#) web site.

This regulatory position will be reviewed by November 2014.

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