



COMMISSION OF THE EUROPEAN COMMUNITIES

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Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending**

**Directive 2006/66/EC**

**on batteries and accumulators and waste batteries and accumulators, as regards the  
implementing powers conferred on the Commission**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

### *Adjustment of Directive 2006/66/EC to Council Decision 2006/512/EC (new regulatory procedure with scrutiny)*

Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>1</sup>, has been amended by Council Decision 2006/512/EC of 17 July 2006<sup>2</sup>.

Article 5a of the amended Decision introduces a new *regulatory procedure with scrutiny* to be used for measures of general scope which seek to amend non-essential elements of a basic instrument, adopted under co-decision, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC was subject to third reading agreement by the co-legislators just prior to the entry into force of the new comitology decision.<sup>3</sup> The Directive entered into force following publication in the Official Journal on 26 September 2006<sup>4</sup> and needs therefore now to be adjusted so as to include, when appropriate, references to the new regulatory procedure with scrutiny.

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<sup>1</sup> OJ C 203, 17.7.1999, p. 1.

<sup>2</sup> OJ L 200, 22.7.2006, p. 11.

<sup>3</sup> EP third reading on 4.7.2006 and Council third reading on 18.7.2006

<sup>4</sup> OJ L 266, 26.9.2006, p. 1.

Proposal for a

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

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**on batteries and accumulators and waste batteries and accumulators, as regards the implementing powers conferred on the Commission**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175, paragraph 1 thereof,

Having regard to the proposal from the Commission<sup>5</sup>,

Having regard to the opinion of the European Economic and Social Committee<sup>6</sup>,

Having regard to the opinion of the Committee of the Regions<sup>7</sup>,

Acting in accordance with the procedure laid down in Article 251 of the Treaty<sup>8</sup>

Whereas:

- (1) Directive 2006/66/EC of the European Parliament and of the Council<sup>9</sup> provides that certain measures are to be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>10</sup>.
- (2) Decision 1999/468/EC has been amended by Decision 2006/512/EC, which introduced a regulatory procedure with scrutiny for measures of general scope designed to amend non-essential elements of a basic instrument adopted in accordance with the procedure referred to in Article 251 of the Treaty, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

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<sup>5</sup> OJ C , , p. .

<sup>6</sup> OJ C , , p. .

<sup>7</sup> OJ C , , p. .

<sup>8</sup> OJ C , , p. .

<sup>9</sup> OJ L 266, 26.9.2006, p. 1.

<sup>10</sup> OJ L 184, 17.7.1999, p. 23. Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p. 11).

- (3) In accordance with the joint statement of the European Parliament, the Council and the Commission<sup>11</sup> on Decision 2006/512/EC, instruments which are already in force must be adjusted in accordance with the applicable procedures.
- (4) In particular power should be conferred on the Commission to adapt Annex III and to adopt and revise detailed rules for labelling of batteries and accumulators. Since those measures are of general scope and are designed to amend non-essential elements of Directive 2006/66/EC and to supplement this Directive by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (5) Directive 2006/66/EC should therefore be amended accordingly.
- (6) Since the amendments to be made to Directive 2006/66/EC are adjustments of a technical nature which only concern the committee procedures, they do not need to be transposed by the Member States. It is therefore not necessary to lay down provisions to that effect.

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

Directive 2006/66/EC is amended as follows:

- (1) In Article 10, paragraph 4 is replaced by the following:

"Transitional arrangements may be laid down in accordance with the procedure referred to in Article 24(2) to address difficulties faced by a Member State in satisfying the requirements of paragraph 2 as a result of specific national circumstances.

A common methodology shall be established for the calculation of annual sales of portable batteries and accumulators to end-users by 26 September 2007. That measure, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 24(3)."

- (2) In Article 12, paragraph 6, the first sentence is replaced by the following:

"6. Annex III may be adapted or supplemented to take account of technical or scientific progress. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 24(3)."

- (3) Article 17 is replaced by the following:

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<sup>11</sup> OJ C 255, 21.10.2006, p.1.

## *"Article 17*

### **Registration**

Member States shall ensure that each producer is registered. Registration shall be subject to the same procedural requirements in each Member State. Such requirements for registration, designed to amend non-essential elements of this Directive by supplementing it, shall be established in accordance with the regulatory procedure with scrutiny referred to in Article 24(3)."

(4) Article 21 is amended as follows:

(a) Paragraph 2 is replaced by the following:

"2. Member States shall ensure that the capacity of all portable and automotive batteries and accumulators is indicated on them in a visible, legible and indelible form by 26 September 2009. Detailed rules for the implementation of this requirement, including harmonised methods for the determination of capacity and appropriate use, shall be laid down no later than 26 March 2009. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 24(3)."

(b) Paragraph 7 is replaced by the following:

"7. Exemptions from the labelling requirements of this Article may be granted. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 24(3)."

(5) In Article 24, paragraph 3 is replaced by the following:

"3. Where reference is made to this paragraph, Article 5a(1) to (4), and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof."

## *Article 2*

This Directive shall enter into force on the [...] day following that of its publication in the *Official Journal of the European Union*.

## *Article 3*

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*