

Battery Industry Position Paper on REACH**Response to the Vote in the Environment Committee of the European Parliament****October 2006**

The European Battery Industry notes how closely Amendments 100, 111, and 211 were not accepted by the Environment Committee (amdt 100: 30/30 and amdt 211: 29/29). We believe that the Full House should be given the opportunity to express its choice on those issues in plenary. That such amendments gained backing from cross-party lines further strengthens this assertion, reinforcing the depth and range of support that exists.

1. CREATING DOUBLE LEGISLATION:

Adopting REACH as it stands would result in double legislation for the battery industry sector. Indeed, a new battery directive has been recently agreed in Conciliation and has been published in the OJ of the EU in September 2006 under reference 2006/66/EC.

The first objective of this revised directive is:

*Article 1
Subject-matter*

This Directive establishes:

1) Rules regarding the placing on the market of batteries and accumulators and, in particular, a prohibition on the placing on the market of batteries and accumulators containing hazardous substances;

Several prohibitions on substances in batteries have been decided in this directive to fulfill this goal of keeping batteries and accumulators free of hazardous substances. A further revision of this legal instrument is already scheduled within four years with the intent of expanding the scope of these prohibitions.

Therefore, placing substances in batteries under REACH would be a case of double regulation. The industry would have to abide by prohibitions introduced by the battery directive and possibly prohibitions introduced by REACH.

2. A NEED FOR LEGAL CERTAINTY:

As the Council is trying to convince the EP (and M. Sacconi) that the 5 year review period for authorization is too short for industry (no possibility to plan investments if 5 years is retained) and to get him to accept Council Common Position of "case by case" review (allowing much longer periods of 10 or more years), our industry will be under very unstable grounds since two independent review processes will be on-going simultaneously, with their own independent logic. Design freedom could be revisited more often than every 5 years.

We will be under the most unstable legal framework of any industry.

The use of substances in batteries should be regulated by the Battery Directive which has just been published on September 6th, 2006.

EUROBAT

Association of European Storage Battery Manufacturers
Association des Fabricants Européens d'Accumulateurs
Vereinigung Europäischer Akkumulatoren-Hersteller



EPBA

EUROPEAN
PORTABLE
BATTERY
ASSOCIATION

*The Authoritative Voice of the
Portable Battery Industry*

3. AN UNWELCOME ADVANTAGE GIVEN TO OUR NON EU COMPETITORS:

Our competitors have manufacturing facilities in Asia and North America. Since REACH focuses on substances manufactured in Europe or imported into Europe to be incorporated into batteries within Europe, it does not address the situation of batteries incorporating the said substances in America or Asia and imported into Europe as finished articles.

Indeed, such importers are under a very weak requirement to notify substances of concern. The Agency can require registration but only if this has not already been done by EU producers. Of course this will have already been done by EU producers and non EU battery manufacturers will indeed be left with a very light notification requirement.

This is a very unwelcomed burden placed only on EU manufacturers.

Therefore, EU manufacturers of batteries would have a clear disadvantage relative the non EU-based Battery industry, this would create an incentive for delocalisation.

We urge you to support amendments exempting substances in batteries from REACH (Authorization process) for the plenary vote.

NB. The three amendments tabled in ENVI Committee are presented for background information.

Amendment 100

Amendment by Georgs Andrejevs, Mojca Drčar Murko, Holger Krahmer, Anne Laperrouze, Marios Matsakis, Vittorio Prodi and Ria Oomen-Ruijten

ARTICLE 2, PARAGRAPH 1, POINT C A (new)

	<i>(ca) substances in batteries within the scope of Directive 91/157/EEC (as amended by Directives 91/86/EC and 98/101/EC.</i>
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Amendment 111

Amendment by Dagmar Roth-Behrendt + Ria Oomen-Ruijten

ARTICLE 2, PARAGRAPH 5, POINT (B) A (new)

	<i>(ba) in batteries within the scope of Directive [2006/66/EC].</i>
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Amendment 211

Amendment by Holger Krahmer, Anne Laperrouze, Georgs Andrejevs, Mojca Drčar Murko, Marios Matsakis, Vittorio Prodi

ARTICLE 55, PARAGRAPH 4, POINT (D B) (new)

	<i>(db) use as substances in batteries and accumulators within the scope of Directive [2006/66/EC]</i>
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