

NORTH LONDON WASTE AUTHORITY

REPORT TITLE:
BATTERIES DIRECTIVE IMPLEMENTATION AND CONSULTATION

REPORT OF:
HEAD OF WASTE STRATEGY AND CONTRACTS

FOR SUBMISSION TO: AUTHORITY MEETING	DATE: 11th February 2009
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SUMMARY OF REPORT:

This report advises Members of details of a consultation document about the implementation of the Batteries and Accumulators and Waste Batteries and Accumulators Directive (2006/66/EC) – Waste Battery Collection and Recycling Provisions. The report focuses on the aspects of the consultation regarding portable battery collection and recycling (rather than industrial and automotive batteries, which are also covered by the Directive), as these are the batteries which make up the greatest proportion of the domestic waste stream. The report includes a draft consultation response from the Authority for Member approval.

RECOMMENDATION

The Authority is recommended to approve the consultation response attached.

**Signed by Head of Waste Strategy
and Contracts**

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Date:

1.0 BATTERIES DIRECTIVE BACKGROUND AND KEY IMPLICATIONS

- 1.1 On 22nd December 2008, the Government (DEFRA and BERR) and the Devolved Administrations issued a consultation document entitled “Consultation Document on the Implementation of the Batteries and Accumulators and Waste Batteries and Accumulators Directive (2006/66/EC) – Waste Battery Collection and Recycling Provisions”. The consultation seeks views on draft regulations for UK implementation of the collection and recycling provisions relating to waste batteries included in the Batteries Directive. The Directive is one of a series of ‘producer responsibility’ directives focussed on either particularly difficult waste streams or streams which are growing rapidly across the European Union. The UK has already implemented the provisions of the Packaging Directive and Waste Electrical and Electronic Equipment (WEEE) Directive which are similar pieces of producer responsibility legislation, and parts of the Batteries Directive, see paragraph 2.5 below. The consultation is the second public consultation on these aspects of the Batteries Directive.
- 1.2 The consultation is relevant to the Authority because the proposals are likely to directly affect the provision of waste management services and facilities for the residents of the North London area.
- 1.3 The Authority’s draft consultation response urges in particular that the Government needs firstly to include waste disposal authorities in their definition of ‘competent authorities’ from whom waste batteries must be taken free of charge; secondly the Government must ensure that tonnage data from retailer take-back and other non-municipal collection services is reported to waste disposal authorities so it can be included in National Indicators; and thirdly that the Government should reconsider making each compliance scheme responsible for public promotions as this is likely to lead to mixed and fragmented messages that may well confuse and alienate residents.
- 1.4 The substance to all these is set out below and the draft response to the consultation is at Appendix 1.

2.0 INTRODUCTION

- 2.1 The Batteries and Accumulators and Waste Batteries and Accumulators Directive (2006/66/EC) – hereafter the “Batteries Directive” – was proposed by the European Commission in 2003 with the aim that it should cover all batteries. A previous directive on batteries (Directive 91/157/EEC on Batteries and Accumulators Containing Certain Dangerous Substances) was estimated to cover only 7% of the consumer batteries and accumulators on the EU market, so the new Directive aimed to be broader in scope and therefore cover a greater proportion of the waste batteries being disposed in the EU. The new Batteries Directive came into force on 26th September 2006.
- 2.2 The Batteries Directive applies to all types of batteries irrespective of their shape, weight, composition or use, except those used in certain military or space applications. In this context the term “battery” refers to single use power sources and “accumulator” refers to a rechargeable power source.

Throughout this paper the use of the term “battery” means both “battery and accumulator”.

2.3 The Directive seeks to improve the environmental performance of batteries and the activities of all ‘economic operators’ involved in the lifecycle of batteries, such as battery producers, distributors and end users. It also particularly focusses on improving the environmental performance of those operators involved in the treatment and recycling of waste batteries.

2.4 Key provisions in the Directive are:

- Restrictions on the use of mercury and cadmium in batteries;
- Labelling requirements for new batteries to aid consumer choice and recycling;
- A minimum 25% collection rate for waste portable batteries to be met by September 2012, rising to 45% by September 2016;
- A prohibition on the disposal by landfill or incineration of waste *industrial and automotive* batteries, effectively a 100% collection and recycling target;
- The introduction of producer responsibility obligations;
- The setting of recycling efficiencies to ensure that a high proportion of the weight of waste batteries is recycled;
- The setting of waste battery treatment standards.

2.5 The UK has already implemented the parts of the Batteries Directive that relate to the manufacture and labelling of new batteries and to the design of certain battery-powered appliances, so the consultation is focussed upon the collection and recycling requirements of the Directive which have not yet been implemented in the UK.

2.6 The following table illustrates the key provisions of the Directive affecting waste management:

Type of battery	Banned from landfill and incineration by 2009	Amount to be separately collected for recycling		
		By: 2009	Sept. 2012	Sept. 2016
Portable	Only if collected separately	No target	25%	45%
Automotive	Yes	100%	100%	100%
Industrial	Yes	100%	100%	100%

2.7 The recycling targets for portable batteries are challenging when set against the WRAP estimate of a current 2-3% recycling rate.¹

3.0 DEFINITIONS

3.1 The consultation document states that the Government intends to interpret the definitions of batteries in the following way:

¹ (WRAP, Household Battery Collection Trials Report, April 2005 – March 2008).

- An **automotive battery** is one which is used for the starting or ignition of the engine of a vehicle, or for providing power for any lighting used by such a vehicle.
- A **portable battery** or battery pack is one which is sealed, can be hand carried without difficulty, and is neither an automotive or industrial battery.
- An **industrial battery** or battery pack is one which is:
 - (i) Designed exclusively for industrial or professional uses;
 - (ii) Used as a source of power for propulsion in an electric vehicle;
 - (iii) Unsealed, but is not an automotive battery; or
 - (iv) Sealed, but is not defined as a portable battery.

The consultation document proposes that different collection and recycling arrangements should be put in place for meeting the requirements of the Batteries Directive for each of the above.

- 3.2 As the Batteries Directive is a piece of producer responsibility legislation, 'producers' are also defined in the consultation document as they have certain obligations under the Directive.

A producer is "... any person in the UK that, irrespective of the selling techniques used [distance sellers included] places batteries or accumulators including those incorporated into appliances or vehicles on the UK market for the first time on a professional basis."

The definition which is taken from the Batteries Directive itself specifically mentions appliances and vehicles in order to make it clear that products already covered by the WEEE regulations and the End of Life Vehicles regulations are also covered by the new batteries regulations.

4.0 PROPOSALS FOR PORTABLE BATTERY COLLECTION AND RECYCLING

- 4.1 The consultation document notes that there is already a well developed system for the collection and recycling of industrial and automotive batteries, which is driven largely by the value of the metals in these types of batteries, although this may be less certain now, with the economic downturn. However, for portable batteries the collection infrastructure is much less well developed.
- 4.2 For portable batteries, new collection and recycling systems will need to be introduced in order to meet the requirements of the Batteries Directive that 25% of the portable batteries placed on the market should be collected for recycling by 2012 and 45% by 2016.

Financing Collection

- 4.3 The draft UK regulations, which are outlined in the consultation document, require that producers of portable batteries join a Batteries Compliance Scheme. These schemes will operate in a similar way to those already established for packaging and WEEE whereby the compliance schemes take

on the responsibility for meeting the collection and recycling targets for producers in return for a fee. A producer of batteries will be responsible for financing the collection, treatment and recycling of a quantity of waste batteries during a compliance period as well as a number of other associated costs, such as the costs of the Environment Agency in monitoring compliance with the regulations. Compliance periods will be calendar years and it is intended that the first compliance period will run between 1st January 2010 and 31st December 2010.

4.4 Producers will also have to pay for publicity work with consumers.

4.5 The only producers who will be exempt from the above requirements are small producers (placing less than 3 tonnes of portable batteries per year on the UK market).

Collection Systems

4.6 The Batteries Directive requires Member States to establish a collection network that allows end-users to discard portable batteries at an accessible point in their vicinity with regard to population density. In the UK, the collection network for portable batteries will have two elements:

- **Distributors** (shops and other outlets) selling or supplying new batteries to end users will be required to take back waste batteries.
- **Battery Compliance Schemes** will also need to set up their own collection networks in order to meet the targets for their members. Compliance schemes are free to choose the collection methods that they consider to be most effective, (work by the Waste and Resources Action Programme looking at the effectiveness of different battery collection systems is reported elsewhere on this Authority agenda). Therefore each compliance scheme will also be able to choose what collection methods it wants to fund, be that kerbside collection, postal return systems, community drop-off sites (such as in libraries and schools) or collection via reuse and recycling centres (as in the case of WEEE).

4.7 The consultation document notes that producers who are also distributors will be well placed to help their compliance scheme collect batteries, via their shops and other outlets, and so help their compliance scheme collect the necessary number of batteries to meet the scheme's overall obligations.

Local Authority requirements

4.8 The consultation document notes that local authorities are likely to be key partners for compliance schemes because of their collection infrastructure, expertise in waste collection and potential access to batteries in household waste. It is noted that some local authorities already collect portable batteries, and some additional authorities may now wish to do so in the future.

4.9 Whilst there are no obligations in the Directive on local authorities, it can be anticipated, given the above, that some compliance schemes will want to talk to local authorities about working with them on batteries collections,

particularly those compliance schemes that may not have producer/distributor members with access to shops and other outlets which can act as collection points for consumers. Additionally, whilst the Government will not specify what collection methods compliance schemes should use, the Environment Agency in England will assess whether compliance schemes' plans for collection are sufficient to meet their members' obligations (in an attempt to avoid any problems with schemes over or under collecting material as has reportedly been the case with WEEE).

Publicity requirements

- 4.10 The consultation document states that the Government will carry out some consumer facing publicity about battery recycling in 2009 which will focus on the need for recycling and the potential effect of batteries on the environment. However, the consultation document also notes that whilst the original intention was to organise a national awareness campaign, the plan is now to make the responsibility for publicity 'rest largely with compliance schemes'. Compliance schemes will be required to provide information in their operational plans on their proposed publicity for end-users to meet the requirements in Article 20 (1) (b) – (e) of the Directive. This will be considered as part of the Environment Agency's assessment of a scheme's application for approval.
- 4.11 The consultation document says that the Government anticipates that battery compliance schemes will wish to co-operate on publicity to avoid conflicting and counter-productive messages to consumers. There is no evidence of this however so far for either packaging or WEEE publicity, a point which is noted in the Authority's draft response to the consultation document.

Taking batteries back to stores

- 4.12 One of the principles behind the Batteries Directive is that people should be able to return waste batteries to the places that sell them. The Directive requires distributors to take back waste batteries free of charge. End users, i.e. residents, will not have to make a purchase to be able to dispose of the waste batteries at a given store. In addition they will be able to take back free of charge *any* waste portable batteries, not just the types of batteries on sale in the store. The requirement for take-back only applies to distributors selling batteries. It will not apply to retailers of electrical and electronic equipment containing batteries unless they also sell batteries separately as well.
- 4.13 Regulation 24 of the draft UK Regulations also requires distributors to provide information to consumers at their sales points about the availability of take-back facilities. This is required by Article 20(3) of the Directive.
- 4.14 It is proposed that small shops and stores will be exempted from the above take-back requirements:
- Shops with a floor space of less than 280m² (i.e. shops that are not covered by the restrictions of the Sunday trading law) will be exempted from the take back requirements.

- Shops which sell less than 16 kg of portable batteries per year will also be exempted.

4.15 The Government expects battery compliance schemes will wish to include stores (distributors) within their collection systems, but the proposed regulations also allow for stores which are not linked into a battery compliance scheme to contact any compliance scheme and ask them to arrange a collection.

Acceptance of batteries from local authorities

4.16 Article 19 of the Batteries Directive requires that 'economic operators' (any producer, collector, recycler or other treatment operator) and **Competent Public Authorities**, which are defined as any waste collection authority, should have access to the collection, treatment and recycling systems set up under the Directive. Regulation 26 of the draft UK Regulations implements this by placing a requirement on producer compliance schemes to accept batteries from economic operators and Competent Public Authorities free of charge.

Links to the WEEE Regulations

4.17 The consultation notes that the Department of Business, Enterprise and Regulatory Reform (BERR) plans to amend their guidance on the WEEE regulations so that from 1st January 2010, batteries will not be included in declarations of weight of electrical and electronic products. Instead producers will declare the weight of such batteries in their return on the amount of batteries they have put on the market. The WEEE regulations already require that batteries are removed from WEEE. Under the Batteries Directive, battery producers will be responsible for the treatment and recycling of these batteries to the same standards as other batteries. Batteries from such sources are likely to be an attractive source for batteries compliance schemes because WEEE producers will be paying for their initial collection from consumers.

Other Legislation

4.18 There are other legislative provisions for hazardous waste and dangerous goods that encompass batteries. For information these are set out below:

Notification of premises producing hazardous waste

4.18.1 The Hazardous Waste Regulations 2005 require most premises producing hazardous waste to be notified annually to the Environment Agency. There are exceptions for specified premises producing less than 200kg of hazardous waste in a 12 month period, including shops, schools and offices. In a separate consultation on changes to the Hazardous Waste Regulations, DEFRA is proposing to extend this exclusion to all sites producing less than 500kg of hazardous waste. This should mean, in practice, that shops (or other premises) collecting

batteries, under the batteries regulations will be exempt from the need to notify their collection point as a site producing hazardous waste.

Transport of hazardous waste

4.18.2 The consultation document also notes that the Hazardous Waste Regulations also require that each movement of hazardous waste is accompanied by a consignment note. This is to ensure that hazardous waste arisings and movements are tracked and recorded. The consultation notes that discussions are underway regarding ways of ensuring proportionate regulation of these requirements in relation to the movements of batteries which will take place as a result of the new batteries regulations.

Dangerous goods

4.18.3 Dangerous goods legislation requires that all batches of mixed batteries are carried in containers that are padded to prevent the batteries moving about in the container. This means that it is likely that in-store containers will need to be emptied into containers that meet the transport requirements. Those containers will also need to be of a type approved by the Vehicle Certification Authority (VCA). Training requirements for employees involved in transporting batteries will also be imposed at differing levels depending upon the tonnage of batteries being carried as a result of the dangerous goods legislation. Further information on these issues will be given in the guidance accompanying the batteries regulations.

Environmental Permitting Exemptions

4.18.4 The operators of accessible 'collection points' for end users, e.g. shops, will not require an environment permit nor will they need to register an exemption from the need for such a permit. DEFRA is proposing, as part of its review of waste exemptions, to exempt collection points, such as those accepting batteries from consumers.

5 INDUSTRIAL AND AUTOMOTIVE BATTERIES

- 5.1 Given the traditionally strong recycling performance (95% plus) for larger lead-acid industrial batteries in the UK, the Government notes in the consultation document that it does not favour introducing a system which would disrupt existing successful collection and recycling activity, or significantly distort the current market arrangements.
- 5.2 It is therefore proposed that producers of industrial batteries will not have to register with a battery compliance scheme and that they will simply register with BERR.
- 5.3 In a similar fashion, the Government does not intend to introduce a new system for the collection of automotive batteries. Previous informal consultation with stakeholders has, according to the consultation document,

crystallised into an overriding request that the implementation of the Batteries Directive should recognise the UK's existing successful commercial collection and recycling performance and not distort existing competition or require the setting up of an unnecessary new infrastructure simply in order to provide detailed data.

- 5.4 From the Authority's perspective this simply means that the arrangements for the collection of industrial, automotive and portable batteries will differ and that consumer information and promotional activity will be focussed on encouraging residents to recycle portable batteries rather than automotive ones.

6 IMPLICATIONS AND NEXT STEPS FOR THE AUTHORITY

- 6.1 During 2009 the system for collecting waste portable batteries is set to change with the implementation of the Batteries Directive. In order to meet the recycling targets set in the Directive, battery producers and compliance schemes will be interested in the (separate) collection of this stream for recycling.
- 6.2 Whilst there are no requirements on local authorities as a result of the implementation of the Directive, it can be expected that battery compliance schemes will be interested in financing the collection of batteries from reuse and recycling centres, community drop off points such as libraries and kerbside collections, but only if they prove cost effective and the additional tonnage is required to meet their battery recycling targets. However, they will also be interested in working with retailers who will be obligated under the regulations to provide collection points in store and they will be keen to work with WEEE collectors who might be collecting WEEE containing batteries, which can be removed (after the WEEE producers have paid for the costs of collection).
- 6.3 Competent Authorities, from which compliance schemes will be required to accept batteries free of charge, are currently defined as waste collection authorities in the draft regulations. It is assumed that a charge may therefore be made if a waste disposal authority delivered batteries to a compliance scheme. This means that as currently drafted, the implementation of the Directive through the UK regulations will primarily affect the constituent borough councils rather than the Authority. It also means that organising a pan-North London collection service with a particular compliance scheme, as is the case for WEEE collections in North London, is less likely to happen than in the case of WEEE. From the Authority's perspective it would be better therefore if the definition of 'competent authorities' included waste disposal authorities as this would allow free acceptance of batteries from both the NLWA and borough collection points and would allow economies of scale to be realised in organising a battery collection scheme. The draft response to the consultation makes this point.
- 6.4 In the face of uncertainty regarding collection methods and the delay in implementing the collection requirements of the Batteries Directive it is difficult for officers to advise on a preferred way forward. However as an initial

approach it is envisaged that the constituent boroughs (and the Authority depending upon the outcome of the consultation regarding the point made in paragraph 6.3 above), might seek to work with a single compliance scheme across North London to implement a collection infrastructure that possibly consists of more than one collection system. (There is no suggestion at this stage that different local authority areas will be allocated to particular compliance schemes, as was the original proposal for WEEE compliance, so the constituent boroughs would be potentially free to work with any one of the battery compliance schemes for the collection of material).

- 6.5 Some retailers and battery recyclers have already started to invest in collection infrastructure. Although whether this investment (in advance of the implementation of the regulations), will continue in the face of the current economic downturn is unknown. Currys, PC World and Dixons, all part of the DSG Group are rolling out 750 collection points across their stores nationwide and independent radio manufacturer Roberts Radio has teamed up with compliance scheme Weecycle and 21 independent electrical stores to pilot a free collection trial for customers in 21 cities across the country. Remploy e-cycle meanwhile is working with WeeeCare and battery recycler Revatech on a free national scheme that they say will see collection points installed at more than 30,000 reuse and recycling centres, schools and supermarkets. Authority officers will investigate the opportunities for collection systems to be introduced in North London by contacting these organisations
- 6.6 However, given the relatively low unit weight of batteries and therefore the possible need to have a more extensive and intensive collection system than is in place for WEEE, it will be important for the Authority to do what it can to ensure that any approach provides adequate coverage across the whole of the North London area. The tonnage of batteries collected through any expanded system may contribute towards national and regional recycling targets and indicators, but the main issue will be gathering reliable data. In this regard it is therefore recommended that all collectors of batteries are required to submit tonnage data annually to the competent authority in whose area they were collected.
- 6.7 The final area of concern, expressed in the Authority's draft consultation response is in relation to the promotion of battery recycling to residents. As currently drafted, the UK regulations will give the responsibility for communication to individual battery compliance schemes. The Authority's draft response on this point urges that the Government reconsiders its decision not to have a national campaign on battery recycling, as a charge or levy on products or compliance schemes of a small sum per battery or a larger sum per tonne could provide an organisation such as WRAP with the funds to run a national awareness campaign building on the 'Recycle Now' ('the possibilities are endless') campaign.
- 6.8 If however the Government is resolutely decided against this, it is suggested that compliance schemes be urged to work with local authorities to ensure a consistent and coordinated approach in each locality. The draft response also suggests that communication expenditure be linked to compliance scheme

size to ensure that communication expenditure is proportionate to the scale of battery recycling obligations.

7.0 RECOMMENDATION

7.1 The Authority is recommended to approve the consultation response attached.

8.0 COMMENTS OF THE FINANCIAL ADVISER

8.1 The Financial Adviser has been consulted in the preparation of this report and has no further comments to add.

9.0 COMMENTS OF THE LEGAL ADVISER

9.1 The Legal Adviser has been consulted in the preparation of this report and has no further comments to add.

Local Government Act 1972 – Access to information

Documents used:

Consultation Document on the Implementation of the Batteries and Accumulators and Waste Batteries and Accumulators Directive (2006/66/EC) – Waste Battery Collection and Recycling Provisions, BERR, Defra, DoE Northern Ireland, The Scottish Government and the Welsh Assembly Government, 22nd December 2008 – available at:

<http://www.berr.gov.uk/whatwedo/sectors/sustainability/batteries/page30610.html>

Directive 2006/66/EC of The European Parliament and of The Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/957/EEC – available at:

http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_266/l_26620060926en00010014.pdf

Final Report, Household Battery Collection Trials, April 2005 – March 2008, WRAP. Available at

http://www.wrap.org.uk/downloads/Batteries_report_-_final.9e13a7b7.6153.pdf

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**DRAFT AUTHORITY RESPONSE TO THE IMPLEMENTATION OF THE
BATTERIES DIRECTIVE – WASTE BATTERY COLLECTION AND RECYCLING
PROVISIONS**

Peter Cottrell
Department for Business, Enterprise & Regulatory Reform
Sustainable Development and Regulation Directorate
1 Victoria Street
London
SW1H 0ET

12th February 2008

Dear Mr Cottrell

**Ref: Consultation Document on the Implementation of the Batteries and
Accumulators and Waste Batteries and Accumulators Directive (2006/66/EC) –
Waste Battery Collection and Recycling Provisions**

Thank you for providing us with the opportunity to respond to the consultation on the above. The North London Waste Authority (NLWA) is one of the six joint waste disposal authorities in England, with nearly 1m tonnes of municipal solid waste arising in its area each year.

The NLWA and its constituent borough councils have agreed a joint waste strategy for the area which sets a 50% recycling target for North London by 2020, so we are interested in developments which will help us progress towards our goal.

Our particular interest in this consultation is regarding the proposals for portable batteries collection and recycling. Some of our seven constituent borough councils already collect portable batteries from their residents, primarily through their network of reuse and recycling centres, and one, Camden, was involved in the Waste and Resources Action Programme household battery collection trial with the provision of community drop-off points.

In our response, which is attached, we have focused upon aspects which have particular relevance to the Authority, specifically the two questions relating to provisions for consumer publicity about portable battery recycling and plans for portable battery compliance schemes to accept portable batteries from Competent Public Authorities. We are also interested in the relationship between portable battery compliance schemes, the public sector and waste electrical and electronic equipment collectors and compliance schemes.

Thank you once again for the opportunity to respond to this consultation and if you require clarification on any of the points raised, please do not hesitate to contact me.

Yours faithfully

Cllr Clyde Loakes
Chair, North London Waste Authority

WASTE BATTERY COLLECTION AND RECYCLING PROVISIONS - Draft response to specific questions

Portable Batteries

Q: What are your views on the proposed requirements on portable Batteries Compliance Schemes?

We are generally supportive of the compliance scheme approach, but our main concern with the proposed requirements on portable Batteries Compliance Schemes (BCSs) is the possible number of schemes and range of collection networks that they may wish to establish in order to meet the targets. There is a risk that a number of BCSs which may be operating in an area, some working with local authorities, others with retailers could create competition for batteries in an area and confusion for residents.

We acknowledge that the Environment Agency in England will assess whether compliance schemes' plans for collection are sufficient to meet their members' obligations (in an attempt to avoid any problems with schemes over or under collecting material), but we would recommend that some consideration is also given to the number of 'competing' schemes working in an area when assessments for registration are made and where possible advice provided about joint working and the need to provide complementary services.

Q: What are your views on the provisions on publicity for consumers?

The consultation document states that the Government will carry out some consumer facing publicity about battery recycling in 2009 which will focus on the need for recycling and the potential effect of batteries on the environment. However, after this point the plan is now to make the responsibility for publicity 'rest largely with compliance schemes'.

We very much support the proposal that compliance schemes will be required to provide information in their operational plans on their proposed publicity for end-users to meet the requirements in Article 20 (1) (b) – (e) of the Directive and that this will be considered as part of the Environment Agency's assessment of a scheme's application for approval. This will embed the responsibility for the communication requirements of the Directive firmly within the BCS's operational plans and will ensure that consumer information obligations are met.

However, we are sceptical that BCSs will co-operate on publicity to avoid conflicting and counter-productive messages to consumers as suggested in the consultation document. We have seen no evidence of this co-ordination happening to date for either for either packaging or WEEE publicity and we see no reason why schemes which are effectively competing for obligated members will be keen to work with their rivals on this issue. Allowing BCSs to effectively develop and run their own communications on batteries with no requirement to work co-operatively with others is a missed opportunity to

develop something potentially more effective and coordinated on a national scale. So whilst we support the requirement for schemes to deliver some publicity to encourage residents to recycle portable batteries, the Authority would urge that the Government reconsider its decision not to have a national campaign on battery recycling. A charge or levy on products or compliance schemes of a small sum per battery or a larger sum per tonne could provide an organisation such as WRAP with the funds to run a national awareness campaign, building on the 'Recycle Now' campaign.

If however the Government is decided against a national campaign the Authority would recommend that compliance schemes be urged to work with local authorities and others to ensure a consistent and coordinated approach in each locality. We would like to see stronger direction for this work to be coordinated.

The consultation makes no reference to, or proposals for, BCSs to consider working with local authorities on communication or even with WEEE compliance schemes. It would be helpful for BCSs to work with the relevant local authorities in an area as the local authorities will already be promoting other forms of recycling service into which batteries could easily be incorporated for limited cost. Accordingly it would be helpful, in the Environment Agency's assessment of schemes' plans for publicity, if BCSs could be required to work with their relevant local authorities as this could reduce conflicting messages to residents (and may bring economies of scale and reduced costs of compliance).

Finally, the consultation makes no reference to the requirement regarding communication obligations of BCSs to be linked to the size of the compliance scheme, either in terms of number of members or tonnage obligations. We would like to see some recognition of this in the Environment Agency's assessment of the adequacy of schemes' proposals, i.e. that a BCS with a large number of members and/or a higher tonnage obligation should put more money into its communication campaign than a smaller scheme with fewer members and/or a lower tonnage obligation. It would potentially be helpful to place a 'per obligated tonne' financial commitment to the communication requirement on schemes, or if not a direct requirement, at least some guidelines for Environment Agency officers to use to assess the adequacy of schemes' proposed publicity spend.

It should not be forgotten that the achievement of recycling targets for portable batteries is dependent on consumer willingness to separate them for collection; without adequate communication with consumers they will not know how or why they should participate or be incentivised to do so.

Q: What are your views on the proposal for schemes to accept batteries from economic operators and Competent Public Authorities

The Authority's key concern regarding the requirement on producer compliance schemes to accept batteries from economic operators and competent Public Authorities free of charge relates to the definition being proposed for competent public authorities. As currently drafted the requirement is only for BCSs to accept batteries free of charge from waste collection authorities, as they are the only authorities defined as 'competent public authorities'. Given that many of England's reuse and recycling centres are operated by waste disposal authorities, this potentially means that there will be no incentive for collection points for portable batteries to be provided at the majority of reuse and recycling centres.

In North London's case, the reuse and recycling centres are currently operated by the constituent borough councils, i.e. the collection authorities, but this duty is proposed by Statute to be the North London Waste Authority's. At a practical level the Authority has been able to introduce collection efficiencies in the case of WEEE for example, by coordinating and introducing additional collection points in a common way for our 1.7 million residents. We would therefore urge a reconsideration of the definition of competent authorities in order that both the maximum range and number of collection options are available to consumers and so that the economies of scale and collection efficiencies can be maximised.

Finally, we very much urge that compliance schemes and anyone else collecting portable batteries is required to report the relevant tonnages to the waste disposal authority in whose area they were collected, as they will have been taken from the household waste stream and should therefore be added into local household waste recycling rate calculations for the purposes of National Indicators.

Report Ends