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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels,
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Draft

COMMISSION REGULATION (EC) No .../..

of

establishing, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, rules as regards capacity labelling of portable secondary (rechargeable) and automotive batteries and accumulators

(Text with EEA relevance)

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COMMISSION REGULATION (EC) No .../..

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establishing, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, rules as regards capacity labelling of portable secondary (rechargeable) and automotive batteries and accumulators

(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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 91/157/EC¹, and in particular Articles 21(2) and 21(7) thereof,

Whereas:

- (1) Reduction in waste quantities could be obtained by the increase of the average life duration of secondary (rechargeable) batteries. Choosing the right battery for a device would reduce the amount of waste batteries and accumulators through increased product-life.
- (2) It is essential that capacity data be provided through harmonised, controllable and repeatable methods in order to ensure fair competition and consistent quality values for manufacturers.
- (3) Directive 2006/66/EC requires that all portable and automotive batteries and accumulators be provided with a capacity label. The capacity label aims at providing useful, easily understandable and comparable information for end-users when purchasing portable and automotive batteries and accumulators.
- (4) Pursuant to Article 21(7) of Directive 2006/66/EC exemptions may be granted from the labelling requirements.
- (5) It is appropriate to grant such exemptions for batteries and accumulators which cannot bear a label because they are too small or which are sold incorporated in appliances, and to batteries and accumulators that are not intended to be removed by end-users for safety, performance, medical or data integrity reasons and continuity of power supply. These batteries and accumulators have longer lifespan than the appliance, they are not

¹ OJ L 266, 26.9.2006, p. 1., as last amended by Directive 2008/103/EC (OJ L 327, 5.12.2008, p. 7–8).

accessible to end-users and the end-users do not have to make buying decision for them.

- (6) An exemption should also be granted to memory back-up portable secondary (rechargeable) batteries and accumulators incorporated in appliances because they are not accessible to end-users and they represent at most below 1 % by weight of batteries placed yearly on the Community market.
- (7) It is desirable to base information on existing International and European Standards so as to provide a sound scientific and technical basis for the accuracy of the information provided to end-users.
- (8) The existing capacity labelling rules for portable secondary (rechargeable) and automotive batteries and accumulators need to be harmonised. Possible harmonisation of capacity labelling rules for portable primary (non-rechargeable) batteries should be assessed.
- (9) Producers of batteries and accumulators need at least 18 months to adapt their technological processes to the new capacity labelling requirements.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 18 of Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste²,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

1. This Regulation shall apply to portable secondary (rechargeable) and automotive batteries and accumulators placed on the market for the first time eighteen months after the date referred to in Article 5.
2. This Regulation shall not apply to portable secondary (rechargeable) batteries and accumulators as listed in Annex I.

Article 2

Determination of capacity

1. The maximum total electric charge that a battery or an accumulator can deliver under a specific set of conditions shall be considered as the capacity of the battery or the accumulator.
2. The capacity of portable secondary (rechargeable) batteries and accumulators shall be determined on the basis of IEC/EN 61951-1, IEC/EN 61951-2, IEC/EN 60622

² OJ L 114, 27.4.2006, p. 9.

(for prismatic cells and batteries), IEC/EN 61960 and IEC/EN 61056-1 standards depending on chemical substances contained therein as specified in Annex II, Part A.

3. The capacity of automotive batteries and accumulators shall be determined on the basis of standard IEC 60095-1/EN 50342-1 depending on chemical substances contained therein as specified in Annex II, Part B.

Article 3

Unit of capacity measurement

1. The capacity of portable secondary (rechargeable) batteries and accumulators shall be expressed in “milli-Ampere hour(s)” (mAh) or “Ampere hour(s)” (Ah), using its abbreviation.
2. The capacity of automotive batteries and accumulators shall be expressed in “Ampere hour(s)” (Ah) and “Cold Cranking Amperes” (A), using its abbreviation.

Article 4

Capacity label design

1. All portable secondary (rechargeable) batteries and accumulators shall be marked with a label containing the information set out in Annex III, Part A. The minimum size of the label shall be determined according to the type of the battery and accumulator as specified in Annex IV, Part A.
2. All automotive batteries and accumulators shall be marked with a label containing the information set out in Annex III, Part B. The minimum size of the label shall be determined according to the type of the battery and accumulator as specified in Annex IV, Part B.

Article 5

Entry into force

This Regulation shall enter into force on the twentieth day following the date of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, XXX 2009

For the Commission
Stavros DIMAS
Member of the Commission

ANNEX I: Exemptions from the capacity labelling requirements

- (1) The following portable secondary (rechargeable) batteries and accumulators incorporated in appliances and not intended to be removed pursuant to Article 11 of Directive 2006/66/EC are exempted from the scope of application of this Regulation:
 - (a) button cells;
 - (b) memory back-up batteries and accumulators;
 - (c) battery packs.

ANNEX II: Capacity measurement of portable secondary (rechargeable) and automotive batteries and accumulators

Part A. Portable secondary (rechargeable) batteries and accumulators

- (1) The rated capacity of portable secondary nickel-cadmium batteries and accumulators shall be measured according to standards IEC/EN 61951-1 and IEC/EN 60622 (for prismatic cells and batteries).
- (2) The rated capacity of portable secondary nickel-metal hydride batteries and accumulators shall be measured according to standard IEC/EN 61951-2.
- (3) The rated capacity of portable secondary lithium batteries and accumulators shall be measured according to standard IEC/EN 61960.
- (4) The rated capacity of portable secondary lead-acid batteries and accumulators shall be measured according to standard IEC/EN 61056-1.

Part B. Automotive batteries and accumulators

- (1) Automotive batteries and accumulators (lead-acid starters) shall be measured according to standard IEC 60095-1/EN 50342-1.

ANNEX III: Information contained on capacity labels

Part A. Portable secondary (rechargeable) batteries and accumulators

The capacity label of portable secondary (rechargeable) batteries and accumulators shall contain the following information:

- (1) For all portable secondary nickel-cadmium (NiCd), nickel-metal hydride (Ni-MH) and lithium batteries and accumulators the rated capacity as specified respectively in standards IEC/EN 61951-1, IEC/EN 60622 (for prismatic cells and batteries), IEC/EN 61951-2, and IEC/EN 61960:
 - (a) as an integer when the capacity is expressed in “mAh”, excluding portable secondary (rechargeable) batteries intended for power tools application;
 - (b) as a decimal number with one digit when the capacity is expressed in “Ah” and as an integer when expressed in “mAh”, for all portable secondary (rechargeable) batteries intended for power tools application;
 - (c) with a level of accuracy required by standards IEC/EN 61951-1, IEC/EN 61951-2, IEC/EN 60622 (for prismatic cells and batteries) and IEC/EN 61960 respectively.
- (2) For all portable secondary lead-acid batteries and accumulators the minimum value of the rated capacity within the sample specified in standard IEC/EN 61056-1:
 - (a) as a decimal number with one digit when the capacity is expressed in “Ah”, excluding portable secondary (rechargeable) batteries for power tools application, and
 - (b) with a level of ± 7 % accuracy of the nominal value (i.e. the measured value).

Part B. Automotive batteries and accumulators

The capacity label of automotive batteries and accumulators shall contain the following information:

- (1) The initial capacity and Cold Cranking Amperes tests as specified in standard IEC 60095-1/EN 50342-1.
- (2) The capacity and the cranking current displayed as an integer with a level of ± 10 % accuracy of the nominal value (i.e. the measured value).

ANNEX IV: Minimum size and location of capacity labels

Part A. Portable secondary (rechargeable) batteries and accumulators

The capacity labels of portable secondary (rechargeable) batteries and accumulators shall comply with the following requirements:

- (1) For individual cells sold individually or with a charger, except button cells and memory back-up batteries:
 - (a) On the individual cell: the label shall have a minimum size of 1.0 x 5.0 mm (H x L)³;
 - (b) On the packaging (front) of the individual cells: the label shall have a minimum size of 5.0 x 12.0 mm (H x L);
 - (c) The label shall be located on the packaging (front) and on the individual cells inside the packaging;
 - (d) For individual cells sold with equipment and without packaging, the label shall be located on the cell itself.
- (2) For battery packs:
 - (a) For battery packs where the largest side is below 70 cm² the label shall have a minimum size of 1.0 x 5.0 mm (H x L);
 - (b) For battery packs where the largest side is above 70 cm² the label shall have a minimum size of 2.5 x 5.0 mm (H x L);
 - (c) The label shall be located only on the external housing of the cell(s) assembly and not on each individual cell inside the housing;
 - (d) For battery packs sold with equipment and without packaging, the label shall be located on the battery pack itself;
 - (e) Where the size of the battery or the battery pack is such that the label of a minimum size is not possible on account of the nature of the battery or the battery pack, the capacity shall be marked on the packaging with a minimum size of 5.0 x 12.0 mm (H x L). In this specific case, where the battery or the battery pack is not supplied with its own packaging, the capacity shall be indicated on the appliance packaging, where the unit is sold with appliance.
- (3) For button cells and memory back-up batteries sold individually:
 - (a) On the packaging (front): the label shall have a minimum size of 5.0 x 12.0 mm (H x L);
 - (b) The label shall be located on the front of the packaging.

³ Height (H); Length (L).

Part B. Automotive batteries and accumulators

The capacity labels of automotive batteries and accumulators shall comply with the following requirements:

- (a) The textual label shall cover at least 3 % of the area of the largest size of the automotive battery and accumulator, up to a maximum of 20 x 150 mm (H x L).
- (b) The capacity label shall be located on the battery or accumulator itself, on one of the sides of the battery or accumulator, excluding the bottom side.