



Department
for Business
Innovation & Skills

**IMPLEMENTATION OF THE
AMENDED BATTERIES DIRECTIVE
2013**

Summary of Responses to
Consultation

JANUARY 2015

Contents

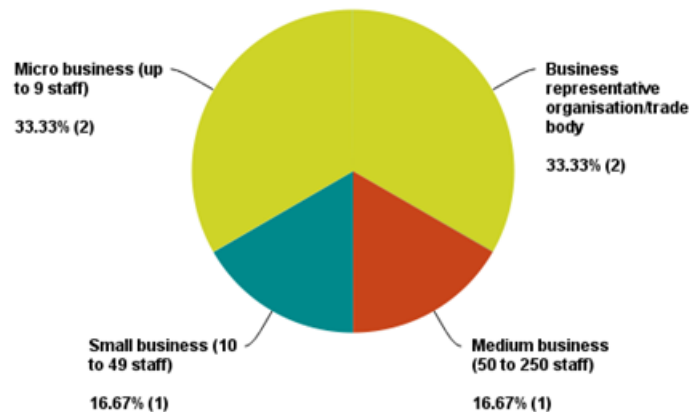
Introduction	3
Government's Response.....	5
Next Steps	5
Annex A: List of Respondents	6

Introduction

The purpose of this document is to summarise the responses we received to the Amended Batteries Directive consultation and to set out how we intend to proceed with the Directive's transposition.

We received 7 responses to the Consultation. A full list of respondents is attached at Annex A. Of these 3 were from Battery Producer Compliance Schemes (one representing the views of its members), 3 from battery producers (one a Trade Association representing the views of its members) and 1 unidentified micro business.

Who are you?



This section contains a summary of the responses to each question.

Question 1 - Do you agree that the Draft 2015 Regulations accurately copy out the 2013 Directive?

We received 6 responses to this question. All agreed that the Draft Regulations accurately copy out the 2013 Directive. One respondent (a Battery Compliance Scheme) gave their support to the proposed changes to the Regulations especially where these bring coherence on a European level, and fairness to the market for producers of batteries. They supported the Governments "copy out" principle to transpose the 2013 Directive. Another respondent considered the ban of NiCad batteries in cordless power tools long overdue and thought that the extension of the ban on mercury button cells would not present any difficulties.

Question 2 - Do you agree that the 2015 Regulations will result in a negligible cost to consumers and businesses?

We received 5 responses to this question. 4 respondents (80%) agreed that the Regulations will result in a negligible cost whilst 1 respondent (20%) didn't agree.

One respondent (a Battery Compliance Scheme) commented that they couldn't see any significant change. Their members were well aware of the new requirements from the European development of the legislation, and the nature of their technology is well beyond these requirements (battery technology has moved on for branded products and the relevant chemistries do not feature within the latest battery technology developments). They recognised that there may be some specialist applications or technology that may be affected by this change where products lifecycle is longer than typical faster moving product markets. However, they consider that the wider financial impact and product availability is unlikely to have adverse effects on UK producers. They also feel there will be greater environmental impact by reducing the amount of these chemistries arising as waste into the future as a result of prohibiting them from being imported in the first instance.

Question 3 – Do you agree that it would take 2 hours for a retail or wholesale manager's time to familiarise themselves with the 2015 Regulations? What is the expected cost to a retailer or wholesaler of this familiarisation?

We received 5 responses to this question. Three were broadly in agreement with our assessment of time and cost to a retailer or wholesaler of familiarisation with the 2015 Regulations.

One respondent (a Battery Compliance Scheme) suggested that it whilst it may take 2 hours for an individual to read and understand the rather complexly worded amendments, it could be considerably less if Government issued a simple guide to explain the required changes.

One respondent (also a Battery Compliance Scheme) considered the time/cost assessment too conservative. They believed that the time taken to review product ranges, contact suppliers, gather information/data on technical specifications, then assess against criteria, then seek specialist advice would take 3 or 4 times longer than estimated, which would suggest an additional one off cost of over £400k.

However, they pointed out that, the existing battery Regulations will still have a greater impact on the producers and product managers considering the time required to manage this on a quarterly basis. When this is considered in the context of the original questions posed, the £130k/£400k costs become much less significant.

One respondent (a micro business) also considered the familiarisation will be greater as it will require on-going reference to the regulations. They thought the cost of familiarisation more difficult to assess as it could be done in several ways.

Question 4 – Do you agree with the economic assessment in the impact assessment? If there any additional costs and benefits not covered

We received 5 responses to this question. Three respondents broadly agreed with the assessment that the economic impact of the Amended Regulations would be low.

One respondent felt that the impact of the changes to the chemistry requirements should have a negligible impact on producers as a whole but believe there will be bigger economic impacts on all the other producers who still are required to validate their position regarding the latest position within the regulations. The respondent anticipates increased traffic through their technical support specialists as producers are concerned about their compliance position. They believe the swap out of the batteries on end users will have minimal real impact within the wider battery market, since substitute batteries are readily available, and the latest technology should improve the life span of the product, and also create opportunity for more efficient technology to be adopted. In the short to long term it is anticipated that there may be slight cost increases to those companies that recycle cadmium, until such chemistries are phased out. Consumers may have a similar experience from the having to purchase more expensive, non-banned alternatives.

Another respondent didn't agree with the economic assessment. In their view forcing UK business to adhere to the regulations pushes their costs up.

Government's Response

The Government sought views on 4 questions which open up possibility to comments on its approach to implementing the Amended Batteries Directive 2013 and to test the economic assessment in the draft Impact Assessment.

There was a general consensus from the Consultation responses that the Government's draft Regulations accurately copy out the Amended Directive and had correctly assessed that the changes would not have a significant economic impact on business and consumers although it has been recognised that not all respondents agreed with the familiarisation cost. This has been reflected in the revised Impact Assessment.

There was a helpful suggestion that familiarisation costs could be reduced by a simple guide explaining the changes. Guidance on Gov.UK has been updated and published ahead of the Amended Regulations to reflect the changes. <https://www.gov.uk/batteries>

Next Steps

The revised draft Regulations will be considered through the regulatory scrutiny processes of Whitehall and the Parliament. Should these processes be cleared successfully, it is expected the Regulations will be laid before Parliament in early February 2015 and enter into force, in line with the Coalition Government policy, on 1 July 2015 (the transposition deadline for the Amended Directive).

Annex A: List of Respondents

Valpak

Pixel-Plus

British Battery Manufacturers Association (BBMA)

Budget Pack representing views of Batteries Compliance Scheme members

The British Battery Industry Federation

RESC

Ian Lewis representing Unnamed Micro Business

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