

**Ordinance on the Return and Disposal of Used  
Batteries and Accumulators  
(Battery Ordinance - BattV)<sup>1)</sup>**

In the version promulgated on 2 July 2001  
(Federal Law Gazette <BGBI.> I, page 1486, most recently amended by the Act  
of 9 September 2001, Federal Law Gazette <BGBI.> I, page 2331)

**Section 1**

**General provisions**

**Article 1 Waste Management Objectives**

The aim of this Ordinance is to reduce the entry of harmful substances from batteries into waste, by

1. prohibiting the marketing of certain batteries containing harmful substances
2. ensuring that used batteries are returned and properly and harmlessly recovered in accordance with the provisions of the Closed Substance Cycle

---

<sup>1</sup> This Ordinance serves to implement Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances (Official Journal of the European Communities No. L 78, page 38), Commission Directive 93/86/EEC of 4 October 1993 on adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances (Official Journal of the European Communities No. L 264, page 51) and Commission Directive 98/101/EC of 22 December 1998 adapting to technical progress Council Directive 91/157/EEC on batteries and accumulators containing certain dangerous substances (Official Journal of the European Communities No. L 1, page 1). The obligations arising from Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and rules concerning the services of the information society (Official Journal of the European Communities No. L 204, page 37), most recently amended by Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998 (Official Journal of the European Communities No. L 217, page 18), have been observed.

- and Waste Management Act, and that those batteries which cannot be recovered are disposed of in a manner compatible with public welfare,
3. encouraging the production of long-life batteries which can be re-used several times.

## **Article 2    Definition of Terms**

(1) The following definitions shall apply within the meaning of this Ordinance,

1. "batteries" (batteries containing harmful substances and other batteries) shall refer to sources of electrical energy, produced by the direct conversion of chemical energy, consisting of one or more non-rechargeable primary cells or rechargeable secondary cells (accumulators);
2. "batteries containing harmful substances" shall refer to
  - a) batteries containing more than 0.0005 percent by weight of mercury
  - b) batteries containing more than 25 milligrams of mercury per cell, excluding alkali-manganese batteries
  - c) alkali-manganese batteries containing more than 0.025 percent by weight of mercury,
  - d) batteries containing more than 0.025 percent by weight of cadmium,
  - e) batteries containing more than 0.4 percent by weight of lead;
3. "other batteries" shall refer to batteries which do not fall under number 2;
4. "starter batteries" shall refer to batteries under number 2 or 3 which are normally used in motor vehicles for the purpose of starting, ignition and lighting.

(2) Within the meaning of this Ordinance, the term "manufacturer" shall refer to anyone who, either commercially or within the context of a commercial company or public institution and within the scope of validity of this Ordinance,

1. manufactures batteries or has batteries manufactured on his behalf, irrespective of whether such batteries bear a trademark or if so, which one; in the case of batteries not bearing a trademark, the person who first marketed them within the scope of validity of this Ordinance shall be deemed the manufacturer;
2. introduces batteries into the scope of validity of this Ordinance, at whatever commercial level, and markets them there for the first time.

(3) Within the meaning of this Ordinance, the term "distributor" shall refer to anyone who sells batteries to end users, at whatever commercial level, including mail order distribution.

(4) In accordance with paragraphs (2) or (3), within the meaning of this Ordinance, the term "manufacturer" or "distributor" shall also refer to anyone who manufactures or markets appliances with built-in batteries.

(5) Within the meaning of this Ordinance, the term "end user" shall refer to anyone who uses the batteries or appliances with built-in batteries.

## **Section 2**

### **Return, recovery and disposal obligations**

### **Article 3 Obligations on the part of manufacturers and distributors**

Manufacturers and distributors may only market batteries or batteries built into appliances within the scope of validity of this Ordinance, subject to the requirement that they must ensure that end users are able to return batteries in accordance with the provisions of Articles 4 and 5.

### **Article 4 Obligations on the part of manufacturers**

(1) Manufacturers are obliged to accept, free of charge, the return of any batteries which have been accepted for return by the distributors pursuant to Article 5 or collected by a public waste management authority pursuant to Article 9, and to recover these in accordance with the provisions of the Closed Substance Cycle and Waste Management Act, and to dispose of any batteries which cannot be recovered.

(2) Manufacturers must ensure the return of used batteries by setting up or participating in a joint return system which satisfies the requirements pursuant to sentence 2. The return system must

1. be accessible to all manufacturers on the same terms,
2. accept the return of all batteries, irrespective of their nature, brand and origin,
3. collect the batteries, free of charge, from the collection points agreed with the distributors or the collection points provided by public waste management authorities, and convey them to recovery or disposal,
4. provide suitable containers, free of charge, at the collection points,
5. put out to tender such waste management services as the logistics, return, transportation, sorting and recovery of batteries and disposal of non-

recoverable batteries, using a procedure which ensures a competitive award, for a maximum of three years

6. take measures to secure financing, by dividing the costs remaining after return, recovery and disposal, including value added tax and the necessary overheads, amongst the individual manufacturers in proportion to their share of the previous year's sales (measured in terms of the weight of batteries, classified into systems and type categories), and collecting the appropriate contributions from the individual manufacturers,
7. disclose, at least once a year, the costs of accepting, sorting, recovering and disposing of the returned batteries, classified into systems and type categories.

The return system may invoice the cost of sorting, recovery or disposal of segregated batteries to any manufacturers not belonging to the return system.

(3) Paragraph (2), sentence 1 shall not apply insofar as a manufacturer is able to prove to the responsible authority that he has set up his own return system for the batteries marketed by him. By the end of the second year following its establishment at the latest, this system must ensure the same level of return as that achieved by the joint return system pursuant to paragraph (2). In such cases, the manufacturer may limit his acceptance pursuant to paragraph (1) to return of the particular type and brand of batteries marketed by him. He shall reimburse the distributor and public waste management authorities for the costs incurred to them in connection with segregating and handing over the batteries marketed by him.

(4) Paragraph (2) shall not apply to the manufacturers of the batteries specified in Article 8, insofar as an agreement has been reached pursuant to this regulation, nor to the manufacturers of starter batteries.

(5) The obligations to provide a service and to return pursuant to Article 13, paragraph 4 of the Closed Substance Cycle and Waste Management Act shall not apply for the duration of the return of unsorted batteries nor to starter batteries or the batteries specified in Article 8.

### **Article 5 Obligations on the part of distributors**

(1) Anyone acting as a distributor who sells batteries to end users shall be obliged to accept, free of charge, the return of batteries by the end user, either at the point of sale or in its immediate vicinity. In the mail-order business, return shall be ensured via the provision of suitable return facilities within a reasonable distance from the end user. The acceptance obligation pursuant to sentence 1 shall be confined to the type of batteries sold or previously sold by the distributor and to the quantity normally disposed of by end users.

(2) The distributor is obliged to convey the batteries accepted by him for return to a manufacturers' return system pursuant to Article 4, paragraph (2), or, if a manufacturer has set up his own return system pursuant to Article 4, paragraph (3), to said manufacturer. Article 4, paragraph (3), sentence 4 shall remain unaffected by this.

(3) Paragraph (2) shall not apply to starter batteries or the batteries specified in Article 8.

(4) Article 4, paragraph (5) shall apply accordingly.

## **Article 6 Starter batteries**

(1) Distributors who sell starter batteries to end users are furthermore obliged to levy a deposit of 7.50 Euros, including value added tax, if the end user fails to return a used starter battery at the time of purchasing the new battery. This deposit shall be refunded upon return of a starter battery. Additionally, the distributor may issue a deposit token when levying the deposit and may make reimbursement of the deposit conditional upon the return of the deposit token. In the case of deposit reimbursements pursuant to sentences 2 and 3 above, for starter batteries issued prior to 1 January 2002, the exchange rate specified in Article 1 of Directive (EC) No. 2866/98 (Official Journal of the European Communities No. L 359, page 1) shall be used as a basis.

(2) Notwithstanding Article 5, paragraph (1), end users who are commercial or other business enterprises or public institutions may arrange the method and place for return of the batteries with the distributor.

(3) Where starter batteries built into vehicles are sold or passed on to end users, the deposit obligation shall not apply.

## **Article 7 Obligations on the part of end users**

(1) The end user is obliged to return waste batteries to a distributor or to a collection point set up for this purpose by the public waste management authorities.

(2) Notwithstanding paragraph (1), end users who are commercial or other business enterprises or public institutions may arrange the place for the return of the batteries with the joint return system pursuant to Article 4, paragraph (2), as

well as with those manufacturers who have set up their own system pursuant to Article 4, paragraph (3).

### **Article 8 Exceptions**

In the case of batteries which are used for special purposes, particularly as drive batteries or stationary batteries, in commercial, or other business enterprises or public institutions, the manufacturers, distributors and end users may agree the type of return, as well as the costs of return, recovery and disposal, notwithstanding Articles 4 and 5.

### **Article 9 Involvement of the public waste management authorities**

(1) As well as distributors, the public waste management authorities shall likewise be obliged to accept, free of charge, the return of used batteries by private end users or operators of small businesses to stationary or mobile collection facilities for waste containing harmful substances from private households and small businesses.

(2) The public waste management authorities are obliged to make the batteries accepted by them pursuant to paragraph (1) available for free collection by a manufacturers' return scheme pursuant to Article 4, paragraph (2) or, where a manufacturer has set up his own return scheme pursuant to Article 4, paragraph (3), by the latter. Article 4, paragraph (3), sentence 4 shall remain unaffected.

(3) Paragraphs (1) and (2) shall not apply to starter batteries or to the batteries specified in Article 8.



## **Article 10 Success monitoring**

(1) By 31 March of each year, the joint manufacturers' return system shall submit verifiable documentation to the supreme *Land* authority responsible for waste management or another authority appointed by it. This verifiable documentation shall contain information on

1. The weight of the batteries placed on the market in the preceding year, classified into systems and type categories
2. The weight of the batteries accepted for return in the preceding year, classified into systems and type categories
3. The qualitative and quantitative results of recovery and disposal
4. The total prices paid for sorting, recovery and disposal, likewise classified into systems and type categories.

Sentence 1 shall apply accordingly to manufacturers with their own return system pursuant to Article 4, paragraph (3). Sentence 1 shall also apply accordingly to distributors of starter batteries as well as to manufacturers of the batteries specified in Article 8. The documentation shall be kept for three years.

(2) Manufacturers who set up their own return system pursuant to Article 4, paragraph (3) or who opt out of the joint return system pursuant to Article 4, paragraph (2) must notify the responsible authority of this fact, in writing, within three months.

(3) In the case of batteries, return shall be deemed complete upon their acceptance at a sorting installation, and in the case of starter batteries and the batteries specified in Article 8, at the start of handling, or upon acceptance at a recycling installation at the latest.

## **Section 3**

### **Marking, marketing bans**

#### **Article 11 Marking**

(1) Prior to marketing, manufacturers are required to mark batteries containing harmful substances with a symbol as shown in Annex 1. If batteries containing harmful substances were manufactured or imported into the territory of the European Communities prior to the entry into force of this Ordinance, they may continue to be marketed without marking for a period of six months after the entry into force of this Ordinance. Batteries containing harmful substances pursuant to Article 2, paragraph (1), No. 2, letter a which were manufactured or imported into the territory of the European Communities prior to 1 September 2001 may continue to be marketed without marking for a period of nine months after this date.

(2) Additional, voluntary marking is permissible, insofar as this provides the consumer with additional information about the recovery of batteries and does not contradict any mark pursuant to paragraph (1).

## **Article 12 Notification obligation <sup>\*)</sup>**

Anyone who sells batteries to private users on a commercial basis shall notify customers at the point of sale, by means of easily recognisable and legible notice boards,

1. that after use, the batteries can be returned free of charge to the point of sale or its immediate vicinity,
2. that the end user is obliged by law to return used batteries. The same notice boards shall also
3. explain the meanings of the symbols outlined in Annex 1, numbers 1 and 3.

## **Article 13 Prohibitions**

(1) The marketing of batteries or appliances with built-in batteries containing more than 0.0005 percent by weight of mercury is prohibited. Button cells and batteries comprised of button cells with a maximum mercury content of 2 percent by weight are exempt from this ban.

(2) The marketing of appliances which

1. house batteries containing harmful substances, and
  2. are not designed in such a way as to ensure effortless removal of the battery by the user at the end of the battery's useful life
- is prohibited.

Sentence 1 shall not apply to appliances from the categories listed in Annex 2.

---

<sup>\*)</sup> In accordance with Article 1, No. 11, letter b in conjunction with Article 3, sentence 1 of the First Order amending the Battery Ordinance of 26 June 2001 (Federal Law Gazette <BGBI.> I, page 1361), the following new sentence 2 shall be inserted into Article 12 after sentence 1:

“Whoever delivers batteries by mail order must provide the information in accordance with sentence 1, numbers 1 to 3 in the parcel containing the goods and in the catalogues”.

(3) Marketing in the sense of paragraph (1) shall not apply insofar as

1. the *Bundeswehr* <federal army> is unable to dispense with the use of batteries of the type specified in paragraph (1) in order to maintain specific technical systems
2. measures are taken to ensure that such batteries are returned to the manufacturer immediately after use and
3. the manufacturer has given his undertaking to the *Bundeswehr* to accept the return of these batteries and to recover them in accordance with the provisions of the Closed Substance Cycle and Waste Management Act, or to dispose of any batteries not recovered.

#### **Article 14 Appliances with permanently installed batteries**

For manufacturers, distributors and end users of appliances from the categories listed in Annex 2, the provisions of this Ordinance, with the exception of Article 4, paragraph (2) and Article 9, shall apply analogously to the entire appliance, unless an obligation exists to accept the return of the appliance under other regulations. Prior to marketing, the manufacturers of such appliances shall enclose an information sheet for the end user drawing his attention to the fact that batteries containing harmful substances are installed in the appliance and that he is obliged to duly return the appliance.

## **Section 4**

### **Appointment of third parties, administrative offences**

#### **Article 15 Appointment of third parties**

Insofar as manufacturers and distributors utilise the services of third parties in order to fulfil the obligations specified in this Ordinance, Article 16, paragraph (1), sentences 2 and 3 of the Closed Substance Cycle and Waste Management Act shall apply accordingly.

#### **Article 16 Administrative offences**

Anyone who intentionally or negligently

1. markets batteries contrary to Article 3
2. fails to accept the return of batteries contrary to Article 4, paragraph (1)
3. fails to recover or duly dispose of returned batteries contrary to Article 4, paragraph (1)
4. fails to ensure the return of batteries contrary to Article 4, paragraph (2), sentence 1
5. fails to accept the return of batteries, or to convey them to a return system, contrary to Article 5, paragraph (1), sentence 1 or paragraph (2)
6. fails to levy a deposit, or fails to refund a deposit or to do so on time, contrary to Article 6, paragraph (1), sentence 1 or 2
7. fails to submit documentation, or to submit correct or complete documentation, or fails to submit this documentation on time, contrary to Article 10, paragraph (1), sentence 1, also in conjunction with sentences 2 or 3

8. fails to notify the authorities, or fails to do so correctly, or completely, or in the prescribed manner, or on time, contrary to Article 10, paragraph (2)
9. fails to mark batteries containing harmful substances, or fails to do so correctly, or completely, or in the prescribed manner, or on time, contrary to Article 11, paragraph (1), sentence 1
10. fails to notify customers, or fails to do so correctly, or completely, or in the prescribed manner, contrary to Article 12
11. markets batteries or appliances contrary to Article 13, paragraph (1), sentence 1 or paragraph (2), sentence 1, or
12. fails to enclose information or fails to do so correctly, or completely, or on time, contrary to Article 14, sentence 2

shall be deemed to have committed an administrative offence as defined by Article 61, paragraph (1), no. 5 of the Closed Substance Cycle and Waste Management Act.

#### **Article 17 (Entry into force)**

## Annex 1

1. Batteries subject to compulsory marking must bear one of the following two pictograms, consisting of a refuse bin crossed through and the chemical symbol for the heavy metal which is decisive for the battery's classification as containing harmful substances. The choice of pictogram used shall be made by the party responsible for marking as described in Article 11, paragraph (1). Both pictograms have the same meaning.
2. The pictogram shall cover three percent of the area of the largest side of the battery, but no larger than 5 cm x 5 cm. In the case of cylindrical batteries, the pictogram shall cover three percent of half the cylinder sheathing, but no larger than 5 cm x 5 cm.

Where the dimensions of the battery are such that the pictogram would be smaller than 0.5 cm x 0.5 cm, the pictogram may be printed on the packaging, whereby in such cases it should measure 1 cm x 1 cm.

3. The chemical symbol (Cd, Hg or Pb) shall be depicted beneath the pictogram. The dimensions of the symbol shall cover at least one-quarter of the prescribed size of the pictogram.
4. The pictogram and symbol must be designed and applied in such a way that they are readily visible, legible and indelible.

### **List of excluded appliance categories pursuant to Article 13, paragraph (2), sentence 2**

1. Appliances in which the battery containing harmful substances is soldered, welded or permanently connected in some other manner to the contacts in order to ensure an uninterrupted power supply for intensive industrial purposes and to back-up the memory content and data of IT and office equipment, insofar as the use of batteries containing harmful substances is essential for technical reasons.
2. Appliances used for scientific or professional purposes which contain reference cells, and medical appliances with batteries containing harmful substances which serve to preserve vital functions, as well as pacemakers, provided their uninterrupted operation is crucial and the batteries can only be removed by qualified staff.
3. Portable appliances, whereupon replacement of the batteries containing harmful substances by unqualified staff could pose a risk to the user or impair the use of the appliances, and operating equipment which is used in very sensitive environments - for example, in the presence of volatile substances.
4. Appliances in which the battery containing harmful substances is soldered, welded or permanently connected to the contacts in some other manner, insofar as such appliances serve the safety of the user, and in which permanent connection of the battery containing harmful substances



to the appliance is necessary in order to ensure proper functioning of the appliance.