

S.I. No. 556/2008 - Waste Management (Batteries and Accumulators) (Amendment) Regulations 2008

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S.I. No. 556 of 2008

WASTE MANAGEMENT (BATTERIES AND ACCUMULATORS)
(AMENDMENT) REGULATIONS 2008

Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of 26th December, 2008.

I, JOHN GORMLEY, Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on me by sections 7 and 28 of the Waste Management Acts 1996 to 2008 and section 3 of the European Communities Act 1972 (No. 27 of 1972), as amended by section 2 of the European Communities Act 2007 (No. 18 of 2007), and for the purpose of giving effect to the provisions of European Parliament and Council Directive 2008/103/EC of 19 November 2008 amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as regards placing batteries and accumulators on the market ¹ which amends European Parliament and Council Directive 2006/66/EC ² on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC ³ hereby makes the following Regulations:

1. These Regulations may be cited as the Waste Management (Batteries and Accumulators) (Amendment) Regulations 2008.

2. The purposes for which these Regulations are made is to give effect to the provisions of European Parliament and Council Directive 2008/103/EC of 19 November 2008 amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as regards placing batteries and accumulators on the market which amends European Parliament and Council Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC.

3. These Regulations shall come into effect on the day immediately following the day on which notice of their making is published in the Iris Oifigiúil.

4. The Waste Management (Batteries and Accumulators) Regulations 2008 (S.I. No. 268 of 2008) are amended-

(a) in article 2, by substituting for sub-article (a) the following:

“(a) the purpose of giving effect to the provisions of European Parliament and Council Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as amended by European Parliament and Council Directive 2008/103/EC of 19 November 2008 amending Directive 2006/66/EC on batteries and accumulators and wastebatteries and accumulators as regards placing batteries and accumulators on the market (hereafter in these Regulations referred to as ‘the Directive’) and having regard to the environmental impact of transport, to take necessary measures to maximise the separate collection of wastebatteries and accumulators and to minimise the disposal of batteries and accumulators as mixed municipal waste in order to achieve a high level of recycling for all wastebatteries and accumulators,”

(b) in article 5(a)(iii), by substituting for paragraph (B) the following:

“(B) whose size is such that the symbol shown in the Fifth Schedule would be smaller than 0.5 0.5 cm and whose packaging is not marked in accordance with the provisions of articles 31(2) and 31(3), and”

(c) in article 5, by substituting for sub-article (b) the following:

“(b) any person who places on the market or, as appropriate, distributes any battery or battery pack in contravention of this article shall be obliged to immediately withdraw such battery or battery pack from the market, and”

and

(d) in article 5, by inserting the following after sub-article (b):

“(c) 26 September 2009, any person shall be prohibited from placing on the market or, as appropriate, distributors shall be prohibited from distributing any battery placed on the market on or from 26 September 2009 that does not display the capacity of the battery concerned in accordance with the provisions of article 31(6) unless exempted in accordance with the provisions of article 31(7).”



GIVEN under my Official Seal,

17 December 2008

JOHN GORMLEY,

Minister for the Environment, Heritage and Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations transpose European Parliament and Council Directive 2008/103/EC of 19 November 2008 amending Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators as regards placing batteries and accumulators on the market which amends European Parliament and Council Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC.

1 O.J. No. L327, 5.12.2008, p 7.

2 O.J. No. L266, 26.9.2006, p.1 as amended by corrigendum (O.J. No. L311, 10.11.2006, p. 58).

3 O.J. No. L78, 26.3.1991, p. 38 as amended by Commission Directive 98/101/EC (O.J. No. L1, 5.1.1999, p. 1).

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