



August 2008

## EU REGULATORY UPDATE

## The EU Batteries Directive: Battery Producers to Comply With National Implementing Legislation Beginning September 26, 2008

Battery producers will have to comply with national implementing legislation transposing EU Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators (the Batteries Directive) beginning September 26, 2008.

In particular, battery producers will have to ensure that:

- They do not place on the market batteries, whether or not incorporated in appliances, containing more than 0.0005% by weight of mercury (except for button cells, which must have a mercury content of less than 2% by weight); or portable batteries, including those incorporated in appliances, with a cadmium content by weight of more than 0.002% (except for portable batteries for use in emergency and alarm systems, medical equipment or cordless power tools);
- They finance the cost of the collection, treatment and recycling of waste batteries (which, depending on the Member State legislation, will be accomplished through collective/consortium or individual compliance schemes);
- The batteries they place on the market are correctly labelled; and
- They place on the market appliances that are designed in such a way that waste batteries can be readily removed.

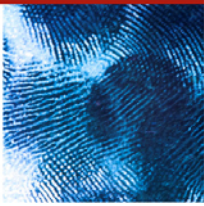
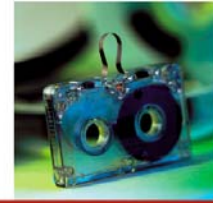
The “producer” is the entity in an EU Member State who supplies or makes available to a third party batteries (including those incorporated into appliances or vehicles) within the territory of that EU Member State for the first time on a professional basis.

Companies should:

- Identify batteries that are incorporated into their products;
- Determine whether the company would be considered the producer of those batteries for the purposes of the Batteries Directive and in which EU Member States the company would be responsible as the producer;
- Follow the progress of the transposition of the Batteries Directive in those EU Member States; and
- Make preparations to comply with producer responsibilities by September 26, 2008.

## EU REACH Chemical Substances Legislation: Looming Deadlines for Pre-Registration

Companies must act now if they are to meet the deadlines for pre-registration of chemical substances under the new EU REACH legislation.



REACH establishes an integrated system for the registration, evaluation, authorization and restriction of chemical substances. It requires all companies that manufacture in, or import chemical substances into, the EU in quantities of one ton or more per year to register them with the European Chemicals Agency in Helsinki, Finland.

Pre-registration applies to “phase-in” substances. A company that fails to pre-register such a substance by December 1, 2008 may neither import nor manufacture it in the EU after that date until it has fully registered the substance with the European Chemicals Agency. Companies that are downstream users of chemical substances should ensure that their suppliers have pre-registered the relevant chemical substances by December 1, 2008. Otherwise, they will be unable to use such chemical substances until they are registered through a costly and time-consuming process.

“Phase-in” substances include those listed in the EINECS list (European Inventory of Existing Commercial Chemical Substances), those that have been manufactured in the EU but not placed on the EU market in the last 15 years, or the so-called “no-longer” polymers placed on the market in one of the current EU Member States before REACH entered into force.

Pre-registration of “phase-in” substances allows companies to benefit from the extended registration deadlines (*i.e.*, November 30, 2010; May 31, 2013; or May 31, 2018, depending on the volume band or level of concern of the chemical substance). The objective of pre-registration is to facilitate sharing of data between registrants, where possible, in order to reduce unnecessary testing, especially on vertebrate animals, and to decrease costs for industry. A company needs to submit only limited information on each substance to the European Chemicals Agency for pre-registration and there is no fee. Pre-registration must be carried out electronically via the REACH-IT portal on the website of the European Chemical Agency.

#### **FOR MORE INFORMATION**

For further information about the Batteries Directive, REACH or any other EU regulatory issues, please contact:

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