Commission Regulation (EU) No 1103/2010 of 29 November 2010 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)

COMMISSION REGULATION (EU) No 1103/2010

of 29 November 2010

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 EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

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/EEC[(1)], and in particular Article 21(2) and 21(7) thereof,

Whereas:

(1) A reduction in waste quantities could be obtained by increasing the average life span of secondary (rechargeable) batteries. Choosing the appropriate battery for an appliance would reduce the amount of waste batteries and accumulators.

(2) It is essential that capacity labelling information 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 capacity labelling requirements.

(5) It is appropriate to grant such exemptions for batteries and accumulators which are sold incorporated in appliances and 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 are not accessible to end-users and therefore the end-users do not have to make a purchasing decision for them.

(6) 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.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 1103/2010. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) 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 also be assessed.

(8) Producers of batteries and accumulators need at least 18 months to adapt their technological processes to the new capacity labelling requirements.

(9) 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 waste[(2)],

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 18 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 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, 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 ‘milliampere-hour(s)’ or ‘ampere-hour(s)’, using the abbreviations mAh or Ah respectively.

2 The capacity of automotive batteries and accumulators shall be expressed in ‘ampere-hour(s)’ (Ah) and ‘Cold Cranking Amperes’ (A), using both these abbreviations.

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EU) No 1103/2010. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 4

Capacity label design

1 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 day 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, 29 November 2010.

For the Commission

The President

José Manuel BARROSO

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 1103/2010. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

ANNEX I

Exemptions from the capacity labelling requirements

(1) Portable secondary (rechargeable) batteries and accumulators incorporated or designed to be incorporated in appliances before being provided to end-users, and not intended to be removed pursuant to Article 11 of Directive 2006/66/EC are exempt from the scope of application of this Regulation.

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.

(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) The rated capacity and the cold cranking performance of 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: