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Relationship between the Battery Directive and the WEEE & RoHS Directive

This document intends to clarify the relationship between the RoHS Directive and the batteries used in appliances, which fall within the scope of the WEEE (2002/96/EC) & RoHS Directive (2002/95/EC).

As batteries have to be removed from any separately collected WEEE, the question arises to what extent the WEEE and RoHS Directives apply to batteries and whether batteries containing, e.g., mercury, lead or cadmium can be used in such new equipment from 1 July 2006.

The Battery Directive 91/157/EEC specifically mentions in its Article 9: “Member States may not impede, prohibit or restrict the marketing of batteries and accumulators covered by this Directive [...]”

This is confirmed by the RoHS Directive which explicitly mentions in recital 9 that it applies without prejudice to the Battery Directive. This means that the Battery Directive remains applicable to batteries even when used in appliances falling within the scope of the RoHS Directive.

From this we can conclude that:

The marketing restriction, as provided for in the RoHS Directive, on new equipment containing e.g. mercury, lead and cadmium does not apply to batteries used with or incorporated in electrical and electronic equipment.

The WEEE Directive applies to spent batteries collected together with WEEE and requires their removal and separate collection. Once removed from WEEE, spent batteries are governed by the Battery Directive.

Therefore, batteries containing lead or cadmium, as well as button cells with a mercury content of no more than 2% by weight can be used in electrical and electronic equipment after 1.7.2006. This applies to individual cells, battery packs or batteries attached to the equipment (i.e. soldered to parts of the equipment).

For a more detailed legal analysis please refer to the Battery Industry Coalition statement available on [the EPBA website](#)

EPBA is the European Portable Battery Association – www.epbaeurope.org. It is the trade association representing the interests of the portable battery industry (manufacturers and importers of both rechargeable and primary batteries) active in the European market.

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