What is the purpose of the decree?

The decree regulates the marketing of batteries and accumulators as according to paragraph 2, and the waste batteries and accumulators collection, treatment, recycling and disposal in order to promote a high level of collection and recycling. (Article 1, paragraph 1, Leg. Decree 188/2008)

What is the scope of the decree?

The decree applies to batteries and accumulators, as defined in Article 2, paragraph 1, point a), regardless of the shape, volume, weight, material composition or the use to which they refer.

Batteries and accumulators used in:

a) equipment connected to the protection of national security essential interests, weapons, munitions and war material, provided they are assigned to specifically military purposes;

b) equipment designed to be sent into the space;
are excluded from the scope of this decree.

(Art. 1, Leg. Decree 188/2008)

What is batteries and accumulators?

1. For the purpose of the decree:

• 'battery' or 'accumulator' means a source of electricity obtained by direct conversion of chemical energy, consisting of one or more primary (non-rechargeable) elements or consisting of one or more secondary (rechargeable) elements;
• 'battery pack' means a set of batteries or accumulators that are connected together or enclosed as a separate single unit in an outer casing not intended to be torn or opened by the user;
• 'portable batteries or accumulators': batteries, button cells, battery pack or accumulator that are sealed, hand-carried and do not constitute industrial battery or accumulator, nor batteries or accumulators for vehicles;
• 'button cell' means any small round portable batteries or accumulators with a diameter greater than its height, used for special purposes such as hearing aids, watches, small portable equipment and stand-by power;
• 'batteries or accumulators for vehicles' means any battery or accumulator used for starting, lighting and ignition;
• 'industrial battery or accumulator' means any battery or accumulator designed exclusively for industrial or professional uses or used in any type of electric vehicle;
• 'waste batteries and accumulators': batteries and accumulators which are waste pursuant to Article 183, paragraph 1, point a) of Legislative Decree 3 April 2006, No 152.
(Article 2, points a) b) c) d) e) f) g), Legislative Decree 188/2008)

What is recycling, disposal and treatment?

• Recycling means the treatment in a production process of waste materials for their original purpose or for other purposes but excluding energy recovery.
• Disposal means any of the applicable operations listed in Annex B to Part IV of the Decree 152, 2006.
• Treatment means: any activity on waste batteries and accumulators after the delivery to a facility for sorting, preparation for recycling or preparation for disposal.
(Article 2, points h) i) l), Legislative Decree 188/2008)

What is a manufacturer?

Any person putting on the market for the first time, professionally, batteries or accumulators including those incorporated into appliances or vehicles, regardless of the used selling technique, including remote communication techniques as set out in Articles 50, and following, of Legislative Decree No. 206 dated September 6th, 2005, transposing the Directive 97/7/EC, about distance contracts consumer protection;
(Article 2, point n), Legislative Decree 188/2008)

Therefore, also the importer on the Italian market of batteries and / or equipment in which batteries or batteries or accumulators are incorporated is considered as 'manufacturer' and therefore is recipient of the legislation under consideration.

What is a distributor?

Any person who, in a trade, provides batteries and accumulators to end-users;
(Article 2, point o) Legislative Decree 188/2008)

What are the collection targets?

To establish a comprehensive spent batteries and accumulators management system that minimize their disposal with mixed municipal waste, by the date of September 26th, 2012, a minimum collection rate of batteries accumulators of 25 per cent of the quantity marketed will have to be achieved, even on a regional basis; this collection rate will need to meet before September 26th, 2016, 45 percent of the quantity marketed.

Who will bear the costs of collection?

The financing of the collection, treatment and recycling of waste batteries and accumulators shall be borne by manufacturers or third parties acting on their behalf.

Costs of collection, treatment and recycling are not shown separately to end users at the sale of new batteries and accumulators. (Article 13, Leg. Decree 188/2008)

End users should be able to dispose for free of waste batteries and accumulators (Articles 6, 7, Leg. Decree 188/2008).

What are the penalties for those who do not meet its obligations?

1. Unless the act constitutes a crime, the manufacturer who, after September 26th, 2009, markets portable batteries and accumulators and batteries for vehicles without the symbol and the indication as according to Article 23, shall be punished with a fine from € 50 to € 1,000 for each battery or accumulator put on the market. The same administrative penalty applies if such indication or symbol do not comply with the requirements of that paragraph.

2. Unless the act constitutes a crime, the manufacturer that, without having done the registration with the Chamber of Commerce as according to Article 14, paragraph 2, put batteries or accumulators on the market, shall be punished with a fine from € 30,000 to € 100,000.

3. Unless the act constitutes a crime, the manufacturer that, within the period specified in Article 14, paragraph 2, does not communicate to the national register of persons liable to the financing of the waste batteries and accumulators management, the information referred to the same Article, or communicates it in an incomplete or inaccurate way, shall be punished with a fine from € 2,000 to € 20,000.

4. Unless the act constitutes a crime, subject to derogations according to Article 3, paragraphs 2 and 3, anyone, after the entry into force of this decree, markets batteries and accumulators containing certain substances according to Article 3 , paragraph 1, shall be punished with a fine from € 100 to € 2000 for each battery or accumulator put on the market.

5. Unless the act constitutes a crime, the distributor that unduly does not withdrawn, without charge, a battery or an accumulator, is punished with a fine from € 30 to € 150 for each battery or accumulator not removed or withdrawn for valuable consideration.

6. The distributor that does not provide the information specified in Article 24, paragraph 2, shall be punished with a fine from € 500 to € 2,000.

7. The manufacturer of appliances incorporating batteries or accumulators that do not provide instructions according to Article 9, paragraph 1, shall be punished with a fine from € 2,000 to € 5,000.

8. For control and the imposition of penalties according to this Decree the provisions according to Article 262 of Decree No 152, 2006 shall apply.
(Article 25, Leg. Decree 188/2008)