
STATUTORY INSTRUMENTS

2008 No. 2164

**The Batteries and Accumulators (Placing
on the Market) Regulations 2008**

PART 2

Prohibitions and labelling requirements

Prohibitions on mercury and cadmium

- 4.—(1) No person shall place on the market—
- (a) a battery that contains more than 0.0005% of mercury by weight;
 - (b) a portable battery that contains more than 0.002% of cadmium by weight.
- (2) The prohibition in paragraph (1)(a) shall not apply to a button cell with a mercury content of no more than 2% by weight.
- (3) The prohibition in paragraph (1)(b) shall not apply to a portable battery intended for use in—
- (a) emergency and alarm systems, including emergency lighting;
 - (b) medical equipment; or
 - (c) a cordless power tool.
- (4) This regulation does not apply to a battery which is a component of a vehicle for the purposes of regulation 6 of the End-of-Life Vehicles Regulations 2003⁽¹⁾.
- (5) In this regulation—
- “portable battery” means any battery or battery pack which is—
- (a) sealed,
 - (b) can be hand-carried by an average natural person without difficulty, and
 - (c) is neither an automotive battery nor an industrial battery;
- “automotive battery” means any battery used for automotive starter, lighting or ignition power;
- “industrial battery” means any battery or battery pack which is—
- (a) designed exclusively for industrial or professional uses,
 - (b) used as a source of power for propulsion in an electric vehicle,
 - (c) unsealed but is not an automotive battery, or
 - (d) sealed but is not a portable battery;
- “electric vehicle” means a vehicle which uses electricity as a source of power for propulsion and includes a vehicle which in addition uses, or is capable of using, other sources of power for this purpose; and

(1) [S.I. 2003/2635](#) to which there are amendments not relevant to these Regulations. This instrument implements Directive [2000/53/EC](#) of the European Parliament and of the Council on end-of life vehicles (OJNo. L269, 21.10.2000, p.34).

“cordless power tool” means a hand-held appliance powered by a battery and intended for maintenance, construction or gardening activities.

Marking with crossed out wheeled bin symbol

5.—(1) No person shall place on the market any battery or battery pack unless it is marked with the symbol shown in Schedule 1 (the “crossed out wheeled bin symbol”).

(2) Subject to paragraph (3), the crossed out wheeled bin symbol shall cover at least 3% of the area of the largest side of the battery or battery pack and shall have a maximum size of 5 x 5 centimetres.

(3) In the case of cylindrical cells, the crossed out wheeled bin symbol shall cover at least 1.5% of the surface area of the battery and shall have a maximum size of 5 x 5 centimetres.

(4) Where the size of the battery or battery pack is such that the crossed out wheeled bin symbol would be smaller than 0.5 x 0.5 centimetres, the battery or battery pack need not be marked but a crossed out wheeled bin symbol measuring at least 1 x 1 centimetre shall be printed on the packaging.

(5) The crossed out wheeled bin symbol shall be printed visibly, legibly and indelibly.

Marking with mercury, cadmium and lead symbols

6.—(1) No person shall place on the market—

- (a) a button cell containing more than 0.0005% of mercury by weight unless it is marked with the chemical symbol “Hg”;
- (b) a battery containing more than 0.002% of cadmium by weight unless it is marked with the chemical symbol “Cd”;
- (c) a battery containing more than 0.004% of lead by weight unless it is marked with the chemical symbol “Pb”.

(2) Each of the chemical symbols mentioned in paragraph (1) shall—

- (a) be printed beneath the crossed out wheeled bin symbol;
- (b) cover an area of at least one quarter the size of that symbol; and
- (c) be printed visibly, legibly and indelibly.

Appliances into which batteries are or may be incorporated

7.—(1) No person shall place on the market an appliance into which a battery is or may be incorporated unless that appliance is—

- (a) designed in such a way that a waste battery can be readily removed from that appliance; and
- (b) accompanied by instructions showing how the battery can be removed safely and, where appropriate, informing the end-user of the type of the incorporated battery.

(2) Paragraph (1) shall not apply where for safety, performance, medical or data integrity reasons continuity of power supply is necessary and requires a permanent connection between the appliance and the battery.

(3) In this regulation “waste battery” means any battery which is waste within the meaning of Article 1(1)(a) of Directive [2006/12/EC](#) of the European Parliament and of the Council on waste(2).

(2) OJ No. L114, 27.4.2006, p.9.