

### Legislation

**Legislative schedule:** On 14 August 2008 Estonia published the latest of a set of Regulations to transpose Batteries Directive 2006/66/EC. The new regulations complement the producer responsibility legislation for batteries that has been in place since 1 May 2004.

**Registration:** Since 20 February 2006 producers of all battery types have had to submit an application to the Register of Products of Concern. Only individually-complying producers need to register direct, others are registered through a collective system. Those that register direct must also be commercially registered in Estonia. Producers must declare quantities by categories of batteries and brands and must confirm that products comply with substance restrictions.

**Roles in waste management of portable batteries:** Producers must bear all costs of collection and treatment. Notably, producers are required to collect and treat batteries put on the market in proportion to their current market share of batteries. Collective systems assume collection responsibilities for producers. There is no Clearing House. Producers are now encouraged to trade over- and under-collected amounts and turn to the courts if they cannot reach agreement. Distributors must take back batteries free of charge. Municipalities have no direct responsibility for collection.

**Individual compliance** for portable and industrial batteries requires a financial guarantee, waste management plan and waste report. The plan is made public.

### Compliance

**Compliance for portable batteries:** WEEE management systems EES-Ringlus and Elektroonikaromu **have been approved as battery systems** and have started to collect waste portable batteries. All waste portable batteries and accumulators will be treated outside Estonia.

**Compliance for industrial batteries:** Individual compliance requires a description of the waste management processes. No applications for individual systems have been submitted as yet.

### Acronyms:

(W)BA	:	(waste) batteries and accumulators
(W)PBA	:	(waste) portable batteries and accumulators
(W)IBA	:	(waste) industrial batteries and accumulators
(W)ABA	:	(waste) automotive batteries and accumulators

Note: In this report 'batteries' is taken to mean 'batteries and accumulators'

## Table of contents

<b>Legislation .....</b>	<b>3</b>
Transposition of the Batteries Directive .....	3
Summary of compliance requirements .....	3
Waste Act of 1998, amended in 2004, 2005 and 2007 .....	6
Regulation 135-2009 on the Central Register (repeals Regulation 28-2006).....	6
Regulation 124-2008 on requirements, procedures, collection and targets for batteries and accumulators.....	6
Regulation 64-2007 on labelling batteries and accumulators .....	7
Regulation 5-2008 on handling of batteries & accumulators containing dangerous substances (repeals Regulation 27- 2004) .....	7
List of Dangerous Substances, July 2006, last amended October 2009.....	7
<b>Compliance.....</b>	<b>8</b>
Individual compliance.....	8
Collective systems .....	8
EES-Ringlus .....	8
Elektroonikaromu .....	8
<b>Results .....</b>	<b>10</b>
Quantities put on the market, collected and recovered .....	10
Treatment Companies.....	10

## Legislation

### Transposition of the Batteries Directive

Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators is being transposed through amendments to 6 legal texts:

- [Regulation 5-2008 on treatment of waste batteries and accumulators of 10 January 2008](#) entered into force on 26 September 2008.
- [Regulation 64-2007 on labelling of batteries and accumulators of 21 December 2007](#) entered into force on 26 September 2008
- [List of Dangerous Substances, \(last amended in October 2009\)](#) establishes the restrictions for accumulators and batteries (paragraph 3).
- [Regulation 135-2009 of 23 July 2009 on the Central Register](#), sets out registration procedures.
- [Regulation 124-2008 of 26 September 2008 on Requirements for Collection and Take-back of batteries, collection rates and targets for recycling and recovery and deadlines for targets.](#)
- The [Waste Act amendment of 1 March 2007](#) provides the framework legislation for defining “products of concern” with regards to waste management, defining producer responsibility, collective systems, financing of take-back and recycling obligations.

### Summary of compliance requirements

<b>Definitions of types of batteries</b>	<ul style="list-style-type: none"> <li>• As in Directive 2006/66/EC</li> </ul>
<b>Registration</b> - <i>Who has to register?</i>	<ul style="list-style-type: none"> <li>• Same as for EEE: <ul style="list-style-type: none"> <li>– Foreign producer can join collective scheme but local importer required to register</li> <li>– Only manufacturers and professional importers of batteries into Estonia and exporters that are commercially registered in Estonia are allowed to register with the national register</li> <li>– However, foreign entities can register with a collective system. In this case the Estonian importer of their products is relieved of all obligations (unless he is also the retailer and as such has a take-back obligation)</li> <li>– Members of collective schemes do not need to register separately with the Environment Information Centre (EEIC), a division of the Ministry of Environment</li> <li>– A foreign B2B producer must register an office in Estonia in order to apply for an individual system.</li> </ul> </li> </ul>
- <i>Body responsible, obligations and rights</i>	<ul style="list-style-type: none"> <li>• <a href="#">Producers' register</a> managed by EEIC.</li> </ul>
- <i>Deadline</i>	<ul style="list-style-type: none"> <li>• 20 February 2006 – ongoing</li> </ul>

-Registration Costs	<ul style="list-style-type: none"> <li>• None</li> </ul>
- Data required on registration	<ul style="list-style-type: none"> <li>• Names of brands put on the market</li> <li>• Waste management plan</li> <li>• Financial guarantee in case of individual systems (Collective system are exempted from guarantee requirement)</li> <li>• Confirmation that limits of hazardous substances are respected (Waste Act, section 27)</li> </ul>
- Reporting by producers	<ul style="list-style-type: none"> <li>• Reporting annually, by end of February for past year</li> <li>• First reporting for period 2006 by end of Feb-07</li> </ul>
<b>Producers' compliance options</b> - all battery types -	<ul style="list-style-type: none"> <li>• Individual compliance attractive for industrial batteries only</li> <li>• Collective compliance preferable for portable batteries</li> </ul>
<b>Management of Waste Portable Batteries</b>	<ul style="list-style-type: none"> <li>• <b>Dates:</b> Producers legally responsible for WBAs since 1-May-04. However, registration required only from end Feb-06</li> <li>• <b>Producers</b> responsible for collection and treatment of WBAs including those on the market before 1 May 2004.</li> <li>• <b>Collective systems</b> must have approved waste plans. Existing WEEE systems and service providers likely to act as battery systems. <b>Individual systems</b> are subject to same requirements as collective systems. <b>No clearing house:</b> the Ministry leaves it up to the systems to find a solution. If they do not, they may revert to a court for arbitration. The systems' <b>market share</b> will be calculated for the first time in 2011</li> <li>• <b>Retailers</b> must collect any WPBAs free of charge –whether a new battery is purchased or not - in containers to be provided by producers. They may return collected WPBAs to <b>wholesalers</b> or producers.</li> <li>• <b>Municipalities</b> are not obligated to collect but must rent their collection infrastructure to producers (who put containers there) on non-discriminatory conditions.</li> </ul>
<b>Management of waste industrial batteries</b>	<ul style="list-style-type: none"> <li>• Individual compliance requires an approved waste plan, including financial guarantee</li> <li>• Responsibility for transport costs not defined</li> </ul>
<b>Labelling</b> - all battery types -	<ul style="list-style-type: none"> <li>• As in Directive 2006/66/EC</li> <li>• Indication of capacity on PBAs from 26 Sept <u>2009</u></li> </ul>

<p><b>Information to consumers</b> - all battery types -</p>	<ul style="list-style-type: none"> <li>• Battery producers to organise (individually or jointly) nationwide media campaigns, at least annually, to raise public awareness of the need for separate battery collection from 1 January 2009</li> <li>• Retailers must display signs (at least A4 size) identifying collection points.</li> <li>• Content as in Directive 2006/66/EC</li> </ul>
<p><b>Proof of compliance to business partners</b></p>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<p><b>Removal of integrated batteries</b> - all battery types -</p>	<ul style="list-style-type: none"> <li>• As in Directive 2006/66/EC</li> </ul>
<p><b>Systems</b> - <b>Collective systems</b> - <i>PBAs only</i> -</p>	<ul style="list-style-type: none"> <li>• Same requirements as for WEEE and other 'products of concern', collective systems must:             <ul style="list-style-type: none"> <li>– provide membership for producers on transparent and equal terms</li> <li>– be financed by producers who have transferred their obligations</li> <li>– purchase services based on free competition</li> <li>– make data related to waste collection and recovery available to the Ministry of Environment</li> <li>– establish at least one collection point in each of the 15 counties</li> </ul> </li> </ul>
<p>- <b>Individual systems</b> - <i>PBAs only</i> -</p>	<ul style="list-style-type: none"> <li>• Conditions identical to those for collective systems</li> </ul>
<p>- <b>Deposit system</b></p>	<ul style="list-style-type: none"> <li>• n.a.</li> </ul>
<p><b>Storage and treatment</b></p>	<ul style="list-style-type: none"> <li>• Storage spaces for waste batteries must be weatherproof. Waste batteries may also be stored in closed, acid-proof containers that cannot be broken into without special equipment.</li> </ul>
<p><b>Voluntary agreements</b></p>	<ul style="list-style-type: none"> <li>• None</li> </ul>
<p><b>Sanctions</b></p>	<ul style="list-style-type: none"> <li>• For violation of RoHS provisions and of the WEEE collection obligation by producers and distributors, fines of up to EEK 50,000 (ca EUR 3,300).</li> </ul>
<p><b>Enforcement</b></p>	<ul style="list-style-type: none"> <li>• The Feb-07 amendment of the Waste Act defines violations to facilitate enforcement by the Environmental Inspectorate.</li> </ul>

### **Waste Act of 1998, amended in 2004, 2005 and 2007**

#### ***Amendment published 3 April 2004 - 'Products of concern'***

The main provisions of this major amendment are:

- 'Products of concern' are introduced – batteries and accumulators, equipment containing PCBs, motor vehicles and parts thereof and electrical and electronic equipment and parts thereof.
- Producer responsibility: Producers of these products are obligated to guarantee their waste management when putting them on the market and to collect and recover them when they arise as waste. If a producer no longer exists, producers manufacturing similar products become responsible for his historical waste.
- Framework provisions for waste management plans, special conditions for handling hazardous waste, waste management organised by local government bodies, financing of development of waste management, waste permits, hazardous waste handling licences, special conditions for collection of metal waste, trans-boundary movement of waste, maintenance of records and reporting, supervision and penalties.

An amendment expected to be adopted in summer of 2010 will not affect battery producers ([Waste Act version 1 March 2007](#)).

### **Regulation 135-2009 on the Central Register (repeals Regulation 28-2006)**

Regulation [135-2009](#) was published 23 July 2009 and most provisions for producers that were already registered entered into force by 8 October. It had been in preparation since mid 2008 with public consultation in February 2009. The Regulation improves the effectiveness of the 'Register of Products of Concern':

- Collective systems must register and report data of each member individually to allow companies' results to be analysed separately.
- Producers wishing to comply individually must prepare a waste management plan that includes provision for information campaigns and the financial guarantee.
- Reporting is quarterly (previously annually) on the 25th day of the month following each quarter

Foreign producers remain unable to register an individual system. Registration may now be done online via the registration portal, or by email.

### **Regulation 124-2008 on requirements, procedures, collection and targets for batteries and accumulators**

Regulation [124-2008](#) of 26 September 2008 transposes Directive 2006/66/EC. Notably, the regulation requires:

- Battery producers to organise (individually or jointly) nationwide media campaigns, at least once a year, to raise public awareness of the need for separate battery collection by 1 January 2009 and retailers must display signs (at least A4 size) identifying the collection points. Although retailers were obliged by previous legislation to inform consumers, this had not been put into practice.

- Battery retailers to collect WPBAs free of charge in containers regardless of the brand and of whether or not the user intends to purchase a new battery.

### Regulation 64-2007 on labelling batteries and accumulators

Regulation [64-2007](#) entered into force on 26 September 2008 and transposes the battery labelling requirements of Directive 2006/66/EC.

### Regulation 5-2008 on handling of batteries & accumulators containing dangerous substances (repeals Regulation 27- 2004)

Regulation [5-2008](#) on treatment of waste batteries and accumulators of 10 January 2008 entered into force on 26 September 2008.

- **Scope:** batteries
  - over 0.025% by weight of cadmium;
  - over 0.4% by weight of lead;
  - over 0.0005% by weight of mercury and which have been placed on the market
- **Requirements for collection**
  - Used batteries and accumulators shall be collected, for the purpose of their recovery or disposal, separate from other waste.
  - A waste holder is required to transfer them to a person holding a waste permit and hazardous waste handling licence.
  - Used batteries and accumulators that have been collected shall be sorted, based on their harmfulness and the heavy metals contained in them.
  - Natural persons shall transfer the used batteries and accumulators generated by the household to a waste handler in accordance with the provisions of the waste management rules established by the local government body and pursuant to the procedure provided on the basis of subsection 65 (2) of the Waste Act.
- **Requirements for loading and temporary storage sites**
  - A place used for the loading and temporary storage of batteries and accumulators shall be surrounded by a fence and be covered in concrete or an inert material which must be impermeable to water and pollutants.
  - If a loading or temporary storage site for batteries and accumulators is not located inside a building, it shall be ensured that rain water is collected in a waste water storage tank.
  - It is permitted to release waste water collected at a loading or temporary storage site for batteries and accumulators into the sewerage only if the limit values of dangerous substances in the waste water do not exceed the values established by Regulation of the Minister of the Environment No. 75 of 16 October 2003 "Establishment of Requirements for Discharging Dangerous Substances into the Public Sewerage System" (RTL 2003, 110, 1736).

### List of Dangerous Substances, July 2006, last amended October 2009

The '[Detailed List](#) of Dangerous Substances (last amended in [October 2009](#)) which are prohibited in Products of Concern and Restrictions Established for Products of Concern' establishes:

- a detailed list of dangerous substances which are prohibited in products of concern;
- maximum limits of dangerous substances in certain products of concern up to which the content of dangerous substances is not subject to the prohibition of placing the products of concern on the market; (21.06.07 entered into force 01.07.07 - RT I 2007, 42, 310)
- placing on market of certain products of concern and terms for the application of prohibition on use
- paragraph 3 establishes the restrictions for accumulators and batteries.

## Compliance

### Individual compliance

There are 12 approved individual systems, mostly run by vehicle battery importers but also by a [watch retailer](#) and a [hi-fi equipment distributor](#).

### Collective systems

WEEE management systems EES-Ringlus and Elektroonikaromu have been approved as portable battery systems.

#### EES-Ringlus

[www.eesringlus.ee](http://www.eesringlus.ee)

- **Founders:** Three Estonian industry associations – ITL (Association of Estonian Information Technology and Telecommunications Companies), the Union of Traders and CECED Estonia – set up the EES-Ringlus project in May 2004 with the aim of forming a compliance organisation. EES-Ringlus was registered on 15 February 2005.
- **Scope:** all types of batteries and accumulators
- **Members:** *nine* of EES-Ringlus' 99 members have requested the take-back of batteries, corresponding to an estimated 80% of the market share in portable batteries
- **Fees:** EEK 1,000 (EUR 64) per month for all members. A fee relating to types of batteries to be taken back is under consideration.
- **Collection:** began on 26 Sept 2008.

#### Elektroonikaromu

[www.elektroonikaromu.ee](http://www.elektroonikaromu.ee)

- **Founders:** Elektroonikaromu was set up as a not-for-profit organisation by two producers (the legally required minimum) in August 2005. By April 2006 it had 15 EEE importers or producers as clients. It shares its director with Eesti Pakendiringlus which was set up in May 2004 as a packaging compliance organisation. It is also associated with a tyre collection and recycling organisation.
- **Scope:** all types of batteries and accumulators
- **Members:** 10-15 of its 75 members have also requested take-back of batteries



# Estonia - 9

updated 10 May 2010

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- **Fees:** fees apply to batteries placed on the market, excluding 18% VAT

	<i>As of 1 Jan 2007 (EEK/tonne)</i>	<i>EUR/tonne</i>
Batteries	1,500	96
Accumulators	1,500	96

EUR 1 ~ EEK 15.65

- **Collection:** Through WEEE collection points since 2005 and at retailers since spring 2008.

## Results

### Quantities put on the market, collected and recovered

A separate collection system for portable batteries has been in place since the end of the 1990s. Batteries could be returned free of charge to around 100 hazardous waste collection points managed by the municipalities. Other initiatives preceding transposition of the Directive and carried out by local municipalities included the placing of separate collection bins in 24 petrol stations in and around the capital, Tallinn, and the city of Tartu.

Few statistics are available on collection rates of batteries and accumulators, however:

- The Ministry of Environment has reported that in 2001, 122 tonnes of NiCd batteries and 1,442 tonnes of accumulators were collected.
- According to the waste report, the collection rate in 2005 was approximately 6%.
- Elektroonikaromu estimates that 25 tonnes of batteries were collected in the period 2005-2007.

### Treatment Companies

All collected waste portable batteries and accumulators are treated outside Estonia, while most waste automotive batteries and accumulators are treated in Estonia by AS Ecometal.