

**Government proposal to Parliament for legislation to supplement the EU Battery Regulation and to implement the amendment to the Directive on waste electrical and electronic equipment.**

**MAIN CONTENT OF THE PROPOSAL**

The proposal suggests amendments to the Waste Act, the Environmental Protection Act, and the Electrical Safety Act.

The purpose of the proposal is to incorporate into national legislation the supplementary provisions related to the EU regulation on batteries and accumulators and waste batteries and accumulators. The proposed amendments primarily concern the Waste Act. The national implementation of the regulation has been carried out in stages, in accordance with the transitional periods provided. The current proposal represents the final phase of the implementation.

In addition, the proposal would implement an amendment to the directive on waste electrical and electronic equipment.

The Acts are intended to enter into force on 1 January 2026.

## CONTENTS

MAIN CONTENT OF THE PROPOSAL.....	1
EXPLANATORY NOTE.....	4
1 Background and preparatory work.....	4
1.1 Background.....	4
1.2 Preparatory work.....	5
2 The objectives and main content of the EU regulation.....	8
2.1 The objectives and main content of the Battery regulation.....	8
2.2 Objectives and main content of the amendment to the WEEE Directive.....	14
3 Current situation and its assessment.....	15
3.1 Regulation on Batteries and Accumulators.....	15
3.2 Waste electrical and electronic equipment (WEEE) regulation.....	16
4 Proposals and their impacts.....	17
4.1 Implementation of the Battery Regulation.....	17
4.1.1 Main proposals.....	17
4.1.2 Principal impacts.....	19
4.2 Implementation of the amendment to the WEEE Directive.....	25
4.2.1 Main proposals.....	25
4.2.2 Principal impacts.....	26
5 Other options for implementation.....	28
5.1. Implementation of the Battery Regulation.....	28
5.1.1 Alternatives and their impacts.....	28
5.1.2 Means planned or implemented by other Member States.....	31
5.2 Implementation of the amendment to the WEEE Directive.....	33
5.2.1 Alternatives and their impacts.....	33
5.2.2 Means planned or implemented by other Member States.....	33
6 Feedback.....	33
6.1 Amendments made based on consultation feedback.....	38
7 Provision-specific rationale.....	41
7.1 The Waste Act.....	41
7.2 Environmental Protection Act.....	88
7.3 Electrical Safety Act.....	90
8 Regulation at the level of secondary legislation.....	90

8.1 Government Decree on Batteries and Accumulators.....	90
8.2 Government Decree on Waste Electrical and Electronic Equipment.....	90
8.3 Government Decree on end-of-life vehicles and restrictions on hazardous substances in vehicles.....	91
8.4 Government Decree on Waste.....	92
8.5 Annexes 2 and 3.....	93
9 Entry into force.....	93
10 Implementation and monitoring.....	93
11 Relation to other proposals and budget proposal.....	94
12 Relationship to the Constitution and legislative process.....	95
DRAFT ACTS.....	106
amending the Waste Act.....	106
ANNEX 1.....	120
ANNEX 2.....	121
CATEGORIES OF ELECTRICAL AND ELECTRONIC EQUIPMENT UNTIL 14 AUGUST 2018 (53(1)(1) AND (3)).....	121
ANNEX 3.....	124
CATEGORIES OF ELECTRICAL AND ELECTRONIC EQUIPMENT FROM 15 AUGUST 2018 ONWARDS (ARTICLE 53(1)(3)).....	124
amending the Environmental Protection Act.....	127
amending section 5 of the Electrical Safety Act.....	128
ANNEX.....	129
PARALLEL TEXTS.....	129
amending the Waste Act.....	129
amending the Environmental Protection Act.....	167
amending section 5 of the Electrical Safety Act.....	168

## EXPLANATORY NOTE

### 1 Background and preparatory work

#### 1.1 Background

##### Background to the Batteries Regulation

Regulation (EU) 2023/1542 of the European Parliament and of the Council on batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (hereinafter the *Batteries Regulation*) was adopted on 12 July 2023 and entered into force on 17 August 2023<sup>1</sup>. The application of the Regulation began on 18 February 2024. The Regulation includes several transitional periods, with the final requirements entering into force on or after 18 August 2033, depending on the timetable of the Commission's delegated or implementing acts.

The Regulation is directly applicable in the Member States, but national supplementary legislation is also needed to support the Regulation, for example concerning national authorities and the penalties required by the Battery Regulation. In addition, it is necessary to repeal or amend provisions in national legislation that conflict with the Battery Regulation.

The implementation of the Battery Regulation has been carried out in stages, in accordance with the transitional provisions of the Regulation. The first phase of implementation, which involved defining the authority responsible for approving and designating conformity assessment bodies, entered into force on 18 February 2024 (Act on the Amendment of the Waste Act 54/2024 (HE 81/2023)). In the second phase of implementation, the Finnish Safety and Chemicals Agency (Tukes) was designated as the market surveillance authority under the Battery Regulation (HE 103/2024). This proposal is the final part of the national implementation of the Batteries Regulation.

The documents related to the final phase of the implementation project of the Battery Regulation are available in the Government Project Window at: [valtioneuvosto.fi/hankkeet,tunnuksella\\_YM048:00/2024](https://valtioneuvosto.fi/hankkeet/tunnuksella_YM048:00/2024).

##### Background to the amendment of the Directive on Waste Electrical and Electronic Equipment

---

<sup>1</sup> [EUR-Lex - 02023R1542-20240718 - EN - EUR-Lex](https://eur-lex.europa.eu/eli/reg/2023/1542/oj)

Directive (EU) 2024/884 of the European Parliament and of the Council of 13 March 2024 amending Directive 2012/19/EU on waste electrical and electronic equipment (hereinafter the 'WEEE Directive') entered into force on 8 April 2024.<sup>2</sup> The Directive amended Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (hereinafter the 'WEEE Directive'), which had entered into force on 13 August 2012, replacing Directive 2002/96/EC of the European Parliament and of the Council<sup>3</sup>.

The amendment to the directive was prompted by a judgment of the Court of Justice of the European Union in case C-181/20, issued in response to a request for a preliminary ruling from a Member State<sup>4</sup>. According to the judgement, the provisions of the WEEE Directive concerning producer responsibility are, in certain respects, retroactive in nature. Such retroactive provisions violate the principle of legal certainty, and therefore, the directive is invalid in this regard. The Court held that Article 13(1) of the WEEE Directive is invalid insofar as it applies to photovoltaic panels placed on the market between 13 August 2005 and 13 August 2012, due to its unjustified retroactive effect.

In its judgement, the Court explicitly requires the amendment of Article 13(1) of the WEEE Directive so that it does not apply to waste originating from photovoltaic panels intended for users other than private households, which were placed on the market between 13 August 2005 and 13 August 2012. Furthermore, the Commission considered that, based on the reasoning set out in the Court's judgement, it is necessary to amend the provisions on responsibility for other categories of electrical and electronic waste, as specifically identified in the directive amendment, where their situation is comparable to that of photovoltaic panels. For this reason, Articles 12 to 15 of the WEEE Directive have been amended to remove, in part, the retroactive effect of extended producer responsibility for certain electrical and electronic equipment.

## **1.2 Preparatory work**

### Preparation of the Batteries Ordinance

On 10 December 2020, the European Commission issued a proposal for a Regulation of the European Parliament and of the Council concerning batteries and waste batteries, repealing

---

<sup>2</sup> [Direktiivi - EU - 2024/884 - EN - EUR-Lex](#)

<sup>3</sup> Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on waste electrical and electronic equipment (WEEE)

<sup>4</sup> Judgement of the Court of Justice of the European Union (Grand Chamber) of 25 January 2022, VYSOČINA WIND a.s. v. Česká republika – Ministerstvo životního prostředí, C-181/20, ECLI:EU:C:2022:51.

Directive 2006/66/EC and amending Regulation (EU) No 2019/1020 (COM(2020)798 final).<sup>5</sup> The impacts of the proposal for a regulation were assessed in a separate impact assessment<sup>6</sup>.

The proposal is part of the European Green Deal (COM(2019) 640 final), which is the EU's new growth strategy<sup>7</sup>. The proposal is based on the Commission's Strategic Action Plan<sup>8</sup> on Batteries, the Circular Economy Action Plan (COM(2020)98 final)<sup>9</sup>, the new Industrial Strategy for Europe (COM(2020)102 final)<sup>10</sup>, and the Strategy for Sustainable and Smart Mobility (COM(2020)789 final)<sup>11</sup>.

A Government Communication (U-letter)<sup>12</sup> on the proposal for a regulation was submitted to the Finnish Parliament on 4 February 2021. The Government regarded the proposal for the regulation as generally sound and supportable. The Environment Committee, the Finance Committee and the Grand Committee issued their opinions on the communication<sup>13</sup>, which supported the position of the Government while adding certain observations.

Finland sought binding battery legislation in the battery regulation negotiations, as it is considered beneficial for the Finnish battery industry. During the negotiations, Finland also emphasised the importance of safeguarding the operational conditions of a well-functioning collection and recycling system based on producer responsibility for batteries and accumulators. Regarding the implementation of the regulation, Finland supported ambitious timelines. The final regulation, when viewed as a whole, aligns with the position presented by Finland in the Government Communication (U-letter). During the negotiations and preparation of the battery regulation, key stakeholders in the battery and electronics sectors were kept as closely informed as possible about the progress of the negotiations.

#### Preparation of the amendment to the WEEE Directive

On 7 February 2023, the European Commission submitted a proposal for a Directive of the European Parliament and of the Council amending Directive 2012/19/EU on waste electrical and electronic equipment (WEEE). The Commission has not prepared an impact assessment on the proposal.

<sup>5</sup>[EUR-Lex - 52020PC0798 - EN - EUR-Lex](#)

<sup>6</sup>[EUR-Lex - 52020SC0334 - EN - EUR-Lex](#); [EUR-Lex - 52020SC0335 - EN - EUR-Lex](#)

<sup>7</sup>[Euroopan vihreän kehityksen ohjelma \(europa.eu\)](#)

<sup>8</sup>In the Annex to COM(2018)293 final: [EUR-Lex - 52018DC0293 - EN - EUR-Lex \(europa.eu\)](#)

<sup>9</sup>[EUR-Lex - 52020DC0098 - EN - EUR-Lex \(europa.eu\)](#)

<sup>10</sup>[EUR-Lex - 52020DC0102 - EN - EUR-Lex \(europa.eu\)](#)

<sup>11</sup>[EUR-Lex - 52020DC0789 - EN - EUR-Lex \(europa.eu\)](#)

<sup>12</sup>[U 7/2021 vp \(eduskunta.fi\)](#)

<sup>13</sup>[YmVL 4/2021 vp \(eduskunta.fi\)](#), [TaVL 6/2021 vp \(eduskunta.fi\)](#), [SuVP 7/2021 vp \(eduskunta.fi\)](#)

The Government submitted a Communication (U-letter)<sup>14</sup> on the amendment proposal to Parliament on 25 May 2023. The Government considered that the proposal for an amendment to the directive was necessary in light of the Court of Justice of the European Union's judgment in preliminary ruling case C-181/20 and supported the amendment to the directive. The Environment Committee concurred with the Government's position. The Grand Committee also agreed with the Government's position, in accordance with the opinion of the Special Committee.

#### Drafting of the Government Proposal

The proposal was prepared as official work by the Ministry of the Environment. To support the implementation preparation of the Battery Regulation, an official working group was established, including representatives from the Ministry of Economic Affairs and Employment, the Pirkanmaa Centre for Economic Development, Transport and the Environment, the Safety and Chemicals Agency (Tukes), and the Finnish Transport and Communications Agency (Traficom). The working group has met regularly throughout the preparation period.

Additionally, the Ministry of the Environment has consulted key stakeholders in the battery as well as electrical and electronic sectors in separate hearings and discussion events on 16 August 2024, 27 September 2024, 11 October 2024, 6 November 2024, 25 November 2024, 20 January 2025, and 24 January 2025. Moreover, the implementation work for the Battery Regulation and its key regulatory solutions have been presented to the Battery Steering Group, consisting of major actors in the battery sector, on 27 August 2024 and 29 January 2025. The Ministry of the Environment organised a stakeholder event on the amendment to the WEEE Directive on 14 January 2025.

Documents related to the preparation of the Government proposal are available at [valtioneuvosto.fi/hankkeet\\_tunnuksella YM048:00/2024](https://valtioneuvosto.fi/hankkeet_tunnuksella_YM048:00/2024).

Statements on the Government proposal were requested during 3 March – 14 April 2025 via the [lausuntopalvelu.fi](https://lausuntopalvelu.fi) service. Statements were requested from a total of 94 parties. Statements could be submitted either through the [lausuntopalvelu.fi](https://lausuntopalvelu.fi) service or by sending them to the Ministry of the Environment's registry.

Preliminary Notification to the Commission Concerning National Implementation of the Battery

---

<sup>14</sup> [U 11/2023 vp](#)

National legislative amendments or other provisions containing supplementary requirements to the Battery Regulation or the amendment to the WEEE Directive must be notified to the European Commission in accordance with Directive (EU) 2015/1535<sup>15</sup> of the European Parliament and of the Council of 9 September 2015 on a procedure for the provision of information in the field of technical regulations and of rules on Information Society services. This applies in particular to those articles of the Battery Regulation and the amendment to the WEEE Directive that leave national discretion to Member States.

After the date of notification the three-month standstill period begins, during which the proposal cannot be adopted. Approval of the proposal must be postponed for further three months if the Commission or another Member State delivers a detailed opinion within the three-month standstill period to the effect that the measure envisaged may create obstacles to the free movement of services within the single market. Member States shall resubmit the draft technical regulation to the Commission in the event of substantial amendments to the proposal which alter its scope, shorten the initial implementation schedule, increase specifications or requirements or tighten them.

The draft proposal was subject to the European Commission's pre-notification under Directive (EU) 2015/1535 during the period [date] – [date]. (to be completed after pre-notification).

## **2 The objectives and main content of the EU regulation**

### **2.1 The objectives and main content of the Battery regulation**

The Battery Regulation regulates the entire life cycle of batteries, from design and production to recycling and reuse. The Regulation replaces Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators, which repealed Directive 91/157/EEC (hereinafter Directive 2006/66/EC). The Regulation applies to all batteries and accumulators as well as waste batteries and accumulators.

Its objective is to promote the efficient functioning of the internal market and the circular economy, while preventing and reducing the harmful environmental impacts of batteries and accumulators. In addition, it aims to reduce the environmental and social impacts throughout the entire life cycle of batteries.

---

<sup>15</sup> Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

The new rules seek to advance the circular economy by bringing batteries and accumulators and their entire life cycle within the scope of EU legislation. The Commission has estimated that demand for batteries will increase fourteenfold from 2018 to 2030. The main drivers of this growth are the electrification of transport and the proliferation of various wireless and cordless devices powered by electricity. The aim of the Regulation is to keep this growth and its environmental impacts manageable and sustainable. Furthermore, it aims to increase the recovery and reuse of valuable materials contained in batteries and accumulators.

The Regulation applies to all categories of batteries and accumulators, which, according to the Regulation, include portable batteries, starter, lighting, and ignition batteries (vehicle batteries), batteries for light means of transport, traction batteries for electric vehicles, and industrial batteries, regardless of their form, volume, weight, construction, material composition, chemical composition, use, or purpose.

Chapter 1 of the Battery Regulation contains general provisions on the scope of application, objectives, definitions, free movement, and requirements related to sustainability, safety, labelling, and information. Chapter 2 includes sustainability and safety requirements, such as restrictions on certain hazardous substances, as well as requirements concerning carbon footprint, recycled content, performance and durability, removability and replaceability, and the safety of stationary battery energy storage systems. The chapter also lays down provisions on the removability and replaceability of portable batteries and accumulators incorporated into appliances.

The Regulation harmonises battery and accumulator requirements across the EU. Chapter 3 sets out labelling and information requirements, including information on battery components, the proportion of recycled materials, the digital battery passport, and the QR code. Provisions on the compliance of batteries and accumulators are laid down in Chapter 4, while Chapter 5 regulates the notification of conformity assessment bodies. Chapter 6 sets out the obligations of economic operators such as manufacturers, authorised representatives, importers, and distributors.

A significant new element concerning battery raw materials is the introduction of an entire chapter dedicated to the obligation of due diligence. The obligation applies to all actors in the battery and accumulator supply chain, including their subsidiaries and subcontractors involved in the extraction, processing, and trading of raw materials and recycled materials used in batteries and accumulators. According to the Regulation, economic operators who place batteries and accumulators on the market or put them into service must comply with the due diligence obligations laid down in the Regulation by 18 August 2025.

Chapter 8 of the Regulation concerns the waste management of waste batteries and accumulators. The chapter lays down provisions on, among other things, extended producer responsibility for batteries and accumulators. Producers of batteries and accumulators are subject to extended producer responsibility for the treatment of their batteries and accumulators at the end of their life. Extended producer responsibility means that producers must finance the costs arising from the collection, treatment, and recycling of all collected batteries and accumulators, from the composition analysis of collected mixed municipal waste, as well as from reporting and public information measures.

According to the preamble of the Regulation, the purpose of the new provisions on extended producer responsibility is to ensure a high level of environmental and health protection in the Union through the highest possible separate collection rate for used batteries and accumulators. Furthermore, the Regulation aims to ensure that all collected batteries and accumulators are recycled in processes that achieve a high level of recycling efficiency and material recovery, based on technical and scientific progress. The obligations relating to extended producer responsibility must apply to all forms of distribution, including distance selling. Harmonised rules on waste management are necessary to ensure that the same rules apply to producers and other economic operators in all Member States. Extended producer responsibility can contribute to reducing overall resource use, particularly by decreasing the generation of waste batteries and accumulators and the adverse effects associated with their treatment.

In its evaluation of Directive 2006/66/EC, the Commission identified among its shortcomings the lack of sufficiently detailed provisions, which led to uneven implementation and created significant barriers to the functioning of recycling markets. The more detailed and harmonised provisions of the Battery Regulation are therefore intended to prevent market distortions in the collection, treatment, and recycling of waste batteries and accumulators, and to ensure consistent enforcement of the requirements across the Union. Harmonised implementation would also lead to a more consistent quality of waste management services offered by economic operators and facilitate the functioning of markets for secondary raw materials.

The chapter on battery waste management also sets more ambitious targets than before for the collection, recycling efficiency, and material recovery of waste batteries and accumulators. It includes a provision requiring distributors to take back waste batteries and accumulators from end-users free of charge and without requiring the purchase of a new battery or accumulator.

Chapter 9 of the Battery Regulation lays down requirements concerning the digital battery passport. An electronic battery passport must be available for each battery for light means of transport, each industrial battery with a capacity greater than 2 kWh, and each electric vehicle traction battery placed on the market or put into service after 18 February 2027.

Chapter 10 of the Battery Regulation lays down provisions on Union market surveillance and safeguard procedures, Chapter 11 on green public procurement and the procedure for amending restrictions on substances, Chapter X12 on the exercise of delegated powers by the Commission and the committee procedure, and Chapter 13 on amendments. Chapter 14 contains final provisions on penalties, review, repeal and transitional measures, as well as entry into force and application.

According to Article 96 of the Battery Regulation, the Regulation became applicable in the Member States as of 18 February 2024, except for several specific articles with individual dates of application and transitional provisions. Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators, and repealing Directive 91/157/EEC, was adopted on 6 September 2006 (hereinafter "Directive 2006/66/EC"). Pursuant to Article 95 of the Battery Regulation, Directive 2006/66/EC will be repealed on 18 August 2025, except for certain articles to which specific transitional periods apply. The chapter on waste management will enter into force on 18 August 2025.

The Commission has been granted the power to adopt 39 delegated acts and 20 implementing acts. The powers to adopt delegated or implementing acts concern restrictions on substances (Article 6), the calculation of carbon footprint, carbon footprint classes and maximum carbon footprint thresholds (Article 7), the calculation of recycled content (Article 8), performance and durability requirements (Articles 9–10), the removability and replaceability of batteries (Article 11), the determination of safety parameters (Article 12), labelling (Article 13), the determination of state of health and expected lifetime (Article 14), common specifications (Article 16), due diligence policies (Article 48), the recognition of due diligence schemes (Article 53), the adjustment of producers' financial contributions (Article 57), the calculation of the collection rate for portable batteries and accumulators (Article 59), the calculation of the collection rate for light means of transport (Article 60), amendments to treatment requirements (Article 70), the verification and targets for recycling efficiency (Article 71), international transfers of waste batteries and accumulators (Article 72), preparation for re-use or repurposing (Article 73), reporting (Article 76), the battery passport (Article 77), Union safeguard procedures (Article 80), procedures relating to batteries and accumulators presenting a risk (Article 81), green public procurement (Article 85), and review (Article 94).

#### National margin

Most articles of the Battery Regulation are directly applicable in all Member States and should not be transposed into national legislation. The legal basis of the Regulation is Article 114 of

the Treaty on the Functioning of the European Union (TFEU) (functioning and improvement of the internal market), with the exception of Chapter VIII (Articles 54–76) on producer responsibility, which is based on Article 192(1) TFEU (environment).

The preamble (point 103) of the Battery Regulation explains that the Regulation constitutes a *lex specialis* with respect to certain minimum requirements of the <sup>16</sup>Waste Framework Directive concerning extended producer responsibility, including collection and recycling targets, take-back by distributors, and reuse. This means that Member States must amend the national legislation implementing the Waste Framework Directive accordingly. The preamble further states that where Chapter VIII of this Regulation does not provide for full harmonisation, Member States may adopt additional measures in this respect. However, any such supplementary measures must be consistent with the Waste Framework Directive, the national legislation implementing it, and the Battery Regulation.

Several articles of the Battery Regulation contain significantly more detailed provisions compared to the Waste Framework Directive and national legislation, particularly regarding the extended producer responsibility set out in Chapter VIII of the Regulation. The purpose of the Regulation is to replace Member States' national legislation with a uniform EU framework that applies consistently to all economic operators.

The Battery Regulation leaves it to national authorities to designate and notify the competent authority responsible for conformity assessment bodies (as provided in the Act amending the Waste Act, 54/2024<sup>17</sup>) as well as the market surveillance authority (Act amending the Waste Act, 1068/2024<sup>18</sup>), both of which were designated in earlier stages of the Battery Regulation's national implementation.

In addition to the official tasks described above, the Battery Regulation allows for national discretion with regard to the following articles:

– According to Article 54(1), Member States shall designate one or more competent authorities responsible for the obligations under this chapter, in particular for monitoring and verifying that producers and producer responsibility organisations fulfil their obligations under this chapter. According to Article 54(2), each Member State may also designate from among the competent authorities referred to in paragraph 1 a single liaison point to facilitate communication with the Commission pursuant to paragraph 4.

---

<sup>16</sup> Directive 2008/98/EC of the European Parliament and of the Council of November 19, 2008 on waste and repealing certain Directives [EUR-Lex - 02008L0098-20240218 - FI - EUR-Lex](#)

<sup>17</sup> [Laki jätelain muuttamisesta 54/2024 - Säädökset alkuperäisinä - FINLEX ®](#)

<sup>18</sup> [Laki jätelain muuttamisesta 1068/2024 - Säädökset alkuperäisinä - FINLEX ®](#)

- According to Article 54(3), Member States shall lay down rules on the organisation and functioning of the competent authority as well as procedural rules for the registration and approval of producers, the enforcement of extended producer responsibility obligations, the collection of data on batteries and accumulators and waste batteries and accumulators, and the making available of such data.

– According to Article 55(6), where a producer has appointed a producer responsibility organisation pursuant to Article 57(1), the obligations under this Article shall be fulfilled, where applicable, by that organisation, unless otherwise provided by the Member State.

- Under Article 55(8), Member States may decide that the registration procedure under Article 55 and the approval procedure under Article 58 shall form a single procedure.

– Pursuant to Article 57(1), Member States may introduce measures requiring the appointment of a producer responsibility organisation.

– According to Article 57(3), Member States shall designate a competent authority or an independent third party to ensure that producer responsibility organisations fulfil their obligations in a coordinated manner.

– Under Article 58(3), Member States shall include in the measures laying down the administrative and procedural rules referred to in Article 54(3)(b) detailed provisions on the approval procedure and rules for verifying compliance by producers or producer responsibility organisations, including information that producers or such organisations must provide for that purpose.

– Under Article 58(7), Member States may lay down additional requirements for guarantees to be provided by producer responsibility organisations.

According to Articles 59(6), 60(7) and 61(1), Member States may adopt measures requiring that collection points established under the Regulation for the various battery categories may only collect batteries and accumulators if they have concluded an agreement with the producers or producer responsibility organisations.

– Under Article 68(1), Member States may restrict the ability of distributors, operators of treatment facilities referred to in Article 65, waste management authorities referred to in Article 66, and voluntary collection points referred to in Article 67 to hand over collected portable waste batteries and accumulators and waste batteries from light means of transport either to producers or producer responsibility organisations, or to waste operators for treatment in accordance with Article 70.

- UArticle 68(2) allows Member States to adopt measures enabling the waste management authorities referred to in Article 66 to carry out the treatment referred to in Article 70 themselves.
- Article 70(5) allows Member States to introduce incentive schemes for economic operators that exceed the targets set out in Parts B and C of Annex XII as regards recycling efficiency and material recovery.
- Pursuant to Article 75(9), Member States may allow competent authorities to request additional information necessary to ensure the reliability of the data submitted.
- According to Article 93, Member States shall, by 18 August 2025, lay down rules on penalties applicable to infringements of the provisions of the Regulation and shall take all measures necessary to ensure their implementation. The penalties provided for must be effective, proportionate, and dissuasive.

## **2.2 Objectives and main content of the amendment to the WEEE Directive**

The purpose of the amendment to the WEEE Directive is to amend articles 12 to 15 of the directive by removing, in part, the retroactive application of extended producer responsibility for certain electrical and electronic equipment.

The amendment is based on the judgement of the Court of Justice of the European Union of 25 January 2022 in Case C-181/20. In that judgement, the Court held that Article 13(1) of the WEEE Directive is invalid insofar as it applies to photovoltaic panels placed on the market between 13 August 2005 and 13 August 2012 because of an unjustified retroactive effect. In its judgement, the Court requires the amendment of Article 13(1) of the WEEE Directive so that it does not apply to waste originating from photovoltaic panels intended for users other than private households, which were placed on the market between 13 August 2005 and 13 August 2012. Consequently, producers of photovoltaic panels are required to finance the waste management of electrical and electronic waste originating from photovoltaic panels only for those panels placed on the market after 13 August 2012.

The Court considered that, before the adoption of the 2012 WEEE Directive, the EU legislator had left it to the Member States to decide, under Article 14 of the Waste Directive, whether the current or previous holder of the waste, or the producer or distributor of the photovoltaic panels, should bear the costs of waste management for waste originating from such panels. Subsequently, the EU legislator established in Article 13(1) of the 2012 WEEE Directive a rule requiring producers to bear these costs in all Member States, including for products they had placed on the market during the validity of the Waste Directive. The Court held that this rule must be considered retroactive and, as such, is liable to infringe the principle of legal

certainty. Therefore, it is invalid with regard to photovoltaic panels placed on the market before the entry into force of the 2012 WEEE Directive. According to the judgement, the principle prohibiting retroactivity precludes a new legal rule from retrospectively and unpredictably altering the distribution of costs that can no longer be avoided, where economic operators could reasonably rely on the distribution of costs laid down in the legislation in force at the time. Such retroactivity deprives those operators of any real possibility to take appropriate measures in response to the new rule.<sup>19</sup>

The preliminary ruling of the Court of Justice of the European Union formally required only the amendment of Article 13(1), but according to the Commission, maintaining the coherence of the directive necessitated changes to all the articles in question. As a result, the WEEE Directive has been amended with regard to both household and non-household electrical and electronic waste, insofar as their situation is comparable to that of photovoltaic panels. Under the amendment, producers of electrical and electronic equipment falling under the so-called open scope of the directive must finance the waste management costs arising from electrical and electronic waste for products placed on the market after 15 August 2018. However, the amendment applies only to those open-scope electrical and electronic devices that were not previously covered by extended producer responsibility. In practice, the open scope covers nearly all standard electrical and electronic equipment.

The amendments to Articles 14 and 15 also update the references to the European standard EN 50419:2022.

Member States must bring into force the laws, regulations and administrative provisions necessary to comply with the directive by no later than 9 October 2025.

### **3 Current situation and its assessment**

#### **3.1 Regulation on Batteries and Accumulators**

The Waste Directive has been transposed into national law through the Waste Act (646/2011). The directive lays down several extended producer responsibility (EPR) obligations, which apply broadly to all types of waste, along with general minimum requirements for producer responsibility systems. EU legislation requires the application of extended producer responsibility to vehicles, electrical and electronic equipment, batteries and accumulators, packaging, as well as certain single-use plastic products and fishing gear. While the implementation of EPR varies by product group, the core structure of producer responsibility legislation, consolidated in Chapter 6 of the Waste Act, is consistent. Producers must organise waste management for the products they place on the market and are responsible for covering

---

<sup>19</sup> C-181/20, item 58.

the associated costs. More detailed provisions, for instance, regarding the collection of end-of-life products, are set out in product-specific Government decrees.

Producer responsibility for batteries and accumulators was first introduced in EU legislation through Directive 2006/66/EC. This directive was transposed into Finnish law by the Act amending the Waste Act (277/2008). The Government Decree (422/2008) was later replaced by a new decree of the same name (520/2014). Directive 2006/66/EC and its implementing provisions apply to all batteries and accumulators regardless of their shape, size, weight, composition or intended use. The provisions also apply to batteries and accumulators incorporated into electrical and electronic equipment, vehicles, and other products. Under Directive 2006/66/EC, batteries and accumulators are classified into three main types: portable batteries and accumulators, automotive batteries and accumulators and industrial batteries and accumulators

The Battery Regulation amends the Waste Directive by adding a new subparagraph to Article 8a(7), which concerns extended producer responsibility for batteries and accumulators. According to the amended provision, Member States must ensure that EPR systems established before 4 July 2018 comply with the directive in relation to all batteries and accumulators by 18 August 2025. Producers must comply with the requirements set out in Articles 8 and 8a of the Waste Directive, as well as in the Battery Regulation.

Implementing the Battery Regulation requires amendments to the Waste Act, particularly to Chapter 6, which governs extended producer responsibility. The Waste Act must be revised and supplemented so that any provisions conflicting with the Battery Regulation, with regard to batteries and accumulators, are repealed or amended, and the necessary complementary provisions are introduced. Additionally, attention must be given to those articles of the Battery Regulation that allow for national discretion. The Battery Regulation and the Waste Act will be applied in parallel. Furthermore, the Environmental Protection Act and the Electrical Safety Act will be amended to include the necessary references to the Battery Regulation, and related lower-level regulations will also be updated accordingly.

### **3.2 Waste electrical and electronic equipment (WEEE) regulation**

The WEEE Directive issued in 2012 was transposed into national law through an amendment<sup>20</sup> to the Waste Act, which entered into force on 15 July 2014, as well as through the Government Decree on Waste Electrical and Electronic Equipment (519/2014, hereinafter referred to as the WEEE Decree).<sup>21</sup> The amendment to the Waste Act introduced, among other things, a new definition for household electrical and electronic equipment and amended

<sup>20</sup> 6.6.2014/410, [HE 16/2014 vp](#)

<sup>21</sup> [Valtioneuvoston asetus sähkö- ja... 519/2014 - Ajantasainen lainsäädäntö - FINLEX ®](#)

Section 53, which concerns exceptions to the producer's responsibility for the waste management costs of certain products used outside households. Under the current Section 53(1) of the Waste Act, the producer is responsible for the waste management costs of non-household electrical and electronic equipment placed on the market before 14 August 2005 only if the discarded device is replaced with an equivalent or functionally similar new device. Otherwise, the holder of the device is responsible for the waste management costs of equipment placed on the market before that date. Therefore the Section limits the producer's financial responsibility for waste management of electrical and electronic equipment intended for business or professional use, making the device holder responsible for such costs. The section 53 also provides that the producer and the holder of the equipment may agree on a different allocation of waste management costs, regardless of the date the equipment was placed on the market.

Section 1 of the 2014 Government Decree on Waste Electrical and Electronic Equipment (WEEE Decree) sets out the scope of the regulation. According to subsection 2 of Section 1, the decree applies to:

- 1) electrical and electronic equipment falling within the equipment categories listed in Annex 1 until 14 August 2018;
- 2) electrical and electronic equipment falling within the equipment categories listed in Annex 2 from 15 August 2018 onwards, taking into account that every electrical and electronic device always belongs to one of the specified equipment categories. Annex 2 covers the so-called open scope, which in practice includes nearly all electrical and electronic equipment.

The WEEE Decree was amended by Government Decree 1096/2021, which entered into force on 1 December 2021. This amendment repealed Annex 1 of the decree and revised Section 1 on the scope of application. The reference to point 1 in subsection 2 was removed as outdated, and the list numbering and start date in the remaining point were also deleted as unnecessary. The reference to point 1 in subsection 2 was removed as outdated. At the same time, the numbering and the start date of application were removed from the current point 2 as they were deemed unnecessary. According to subsection 2 of Section 1 currently in force, the decree applies to electrical and electronic equipment falling within the equipment categories specified in Annex 2, taking into account that every electrical and electronic device always belongs to one of the listed categories.

## **4 Proposals and their impacts**

### **4.1 Implementation of the Battery Regulation**

#### 4.1.1 Main proposals

The proposal suggests enacting national supplementary legislation necessary for the application of the Battery Regulation. The Battery Regulation and the Waste Act will be applied in parallel. Where the Battery Regulation allows for national discretion, no additional national regulations extending the level of requirements set by the Regulation are proposed. Several articles in the Regulation that contain national discretion, such as fulfilling producer obligations partly through producer organisations, correspond to the current provisions of the Waste Act. The proposed amendments concern only batteries and accumulators as well as waste electrical and electronic equipment. Possible broader amendment needs concerning the producer responsibility provisions in Chapter 6 of the Waste Act, and sanctions related to breaches of various regulations, will be investigated and prepared as part of a comprehensive reform of the Waste Act initiated by the Ministry of the Environment<sup>22</sup>, in which the Waste Act is intended to be transformed into a Circular Economy Act.

The main proposed amendments to the Waste Act required for the implementation of the Battery Regulation concern the regulation of extended producer responsibility. Several sections of the Waste Act would be amended to include references to those articles of the Battery Regulation that contain more detailed, directly applicable provisions compared to the Waste Act. Additionally, some articles of the Regulation necessitate changes or repeals of existing Waste Act provisions relating to batteries and accumulators where they conflict with the Regulation.

Specifically, subsection 2 of Section 47 of the Waste Act is proposed to be amended where it conflicts with the Battery Regulation. The Battery Regulation imposes an obligation on actors collecting and receiving waste batteries and accumulators to transfer these waste batteries and accumulators to the relevant producers or producer organisations. This handover obligation conflicts with subsection 2 of Section 47 of the Waste Act, which currently allows entities other than producers to offer services related to the reuse or preparation for reuse of products without being hindered by the producer's primary right. As a result, entities other than producers could continue to offer services related to the reuse of batteries and accumulators, but not services related to the preparation for reuse of waste batteries and accumulators.

Furthermore, subsection 2 of Section 53 of the Waste Act, which allows producers and holders of industrial batteries and accumulators and vehicle batteries and accumulators intended for non-private use to agree on a different allocation of waste management costs than that set out in subsection 1 of Section 46, is proposed to be repealed as it conflicts with the Battery Regulation. Directive 2006/66/EC, on which subsection 2 of Section 53 of the Waste Act is based, will be repealed on 18 August 2025 in accordance with Article 95 of the Battery

---

<sup>22</sup> [Jätelain muutoksen III osa - Kiertotalouslaki 2024-2026 - Ympäristöministeriö](#)

Regulation. Under this exemption, producers and holders of industrial batteries have been able to agree on the allocation of waste management costs differently than stipulated in Section 46(1) of the Waste Act. However, the obligations under the Battery Regulation require that, going forward, a collective, nationwide collection system must be established for all industrial batteries, regardless of when they were placed on the market. The introduction of collective responsibility marks a significant change, requiring all producers of industrial batteries to join a producer responsibility system and to participate in covering waste management costs.

The producer's obligation to arrange the collection and transport of end-of-life products (Section 49), as well as the distributor's take-back obligation (Section 56), are set out in detail in the Battery Regulation. Therefore, the relevant provisions of the Waste Act must be amended to include references to the corresponding articles of the Battery Regulation. Provisions clarifying the guarantee requirement laid down in the Battery Regulation would be added to Section 61 of the Waste Act, while the existing provisions on guarantees would also be specified. The penalties required under the Battery Regulation would be implemented by supplementing the provisions on the non-compliance fee (Section 131) and criminal penalties (Section 147) in the Waste Act.

Under current legislation, the Pirkanmaa Centre for Economic Development, Transport and the Environment (ELY Centre) acts as the national authority overseeing producer responsibility. As part of the reform of the national state administration, this supervisory role would be transferred to the new national Licensing and Supervisory Agency from 1 January 2026. In addition, the proposal states that the Finnish Transport and Communications Agency (Traficom) would supervise compliance with the obligations imposed on online platform providers under the Battery Regulation, using the powers granted to it in the Act on the Supervision of Online Intermediary Services (18/2024).

References to the Battery Regulation would also be added to the Environmental Protection Act and the Electrical Safety Act.

To implement the Battery Regulation, necessary amendments would also be made to the Government Decrees on Batteries and Accumulators, on Waste Electrical and Electronic Equipment, on End-of-Life Vehicles, and on the restriction of the use of hazardous substances in vehicles, as well as to the Waste Decree.

The amendments are intended to enter into force on 1 January 2026.

#### 4.1.2 Principal impacts

Economic impact

The Supervisory Agency would act as the supervisory authority for extended producer responsibility under the Battery Regulation. The responsibility for overseeing producer responsibility, currently held by the Pirkanmaa ELY Centre, is proposed to be transferred to the new authority as of 1 January 2026 (Government Proposal HE 13/2025). The Pirkanmaa ELY Centre has estimated that supervisory duties related to producer responsibility will increase significantly once the provisions on producer responsibility under the Battery Regulation enter into force. The Centre has assessed its additional resource needs as follows:

EUR 1000	One-time	Permanent from 2026 upwards
Staff expenditure		180 (2 person-years)
IT system (information system changes, maintenance, small development)	150	15
Total	150	195

The Pirkanmaa ELY Centre has estimated the need for additional resources as one full-time equivalent (FTE) for supervisory duties and one FTE for reporting tasks. The expansion of supervisory responsibilities is estimated to increase the need for additional resources as follows: expansion of oversight due to increasing and more detailed regulation, 0.4 FTE; growth in the number of products placed on the market and in the number of producers, 0.3 FTE; strengthening the monitoring of free-riders and especially distance sales, 0.3 FTE. The expansion of reporting responsibilities is estimated as follows: significant increase in reporting, 0.5 FTE; further expansion of reporting in accordance with the forthcoming implementing act of the Commission, 0.3 FTE; reporting by waste treatment facilities and collectors by process, 0.3 FTE; and quality control reporting (Article 76), 0.2 FTE.

In addition, the Pirkanmaa ELY Centre has assessed that the Regulation will require changes to the producer register's information system, for example due to expanded reporting requirements. The estimated additional funding need for the system changes is EUR 150 000. The funding for maintaining and further developing the producer register would also need to be increased. The ELY Centre estimates the annual need to be EUR 15 000.

According to Section 6(3) of the Act on Criteria for Charges Payable to the State, the fees for chargeable public-law services are laid down in Government Decree 794/2024 on the

chargeable services of the Centres for Economic Development, Transport and the Environment and the Development and Administration Centre for the year 2025. Under the Decree, the re-registration decision for producer organisations is subject to a fee of EUR 7 700, and the annual review of monitoring data is subject to a fee of EUR 1 400. Using the fees laid down in the Decree, the Pirkanmaa ELY Centre estimates a one-off revenue of EUR 30 800 from re-registration decisions for producer organisations and an annual revenue of EUR 5 600 from the review of monitoring data. Due to the implementation of the productivity programme, the Pirkanmaa ELY Centre's resourcing would be managed by reallocating existing budgetary funds.

The proposed amendments to national legislation are not, in themselves, expected to have direct financial impacts on households or businesses. The financial effects on businesses will arise directly from the binding provisions of the Battery Regulation, which the national implementing legislation complements.

As the collection, recycling, and safety requirements for end-of-life batteries and accumulators under the Battery Regulation become stricter, there is likely to be upward pressure on the costs to be borne by producers. In addition, the safety requirements for collection infrastructure laid down in the Regulation will increase the costs of collection. On the other hand, increasing recycling volumes as well as the use of automation and digitalisation may significantly reduce the costs across the recycling value chain. The costs of waste management and recycling are made up of many factors, including collection, transport, sorting, pre-treatment, the recycling process, waste treatment, and compliance with quality, reporting and environmental requirements. Labour and administrative costs also affect the overall expenditure.

The Battery Regulation requires producers to maintain a nationwide collection network for each battery category and to collectively cover the recycling costs of so-called "orphan" batteries. The total costs vary significantly depending on the type of battery, influenced by the complexity of the recycling process and the market value of the recycled raw materials obtained. Some waste batteries and accumulators have a positive value as waste, whereas recycling facilities may charge gate fees of several euros for used lithium-ion batteries, for example. In the longer term, over a 10 to 20-year horizon, the value of recycled raw materials classified as critical, such as cobalt, lithium and nickel, is expected to offset the costs of the lithium-ion battery recycling value chain.

#### Impact on the activities of public authorities

The Pirkanmaa ELY Centre has assessed that its workload will increase once the producer responsibility provisions of the Battery Regulation enter into force. The supervisory and reporting duties required under the Regulation will expand as the regulation itself becomes

broader and more detailed. Compared to the current situation, the renewal of registration decisions, other decisions, policies and guidance concerning producers, producer organisations and other actors referred to in the chapter on producer responsibility, as well as the growing supervisory responsibilities and significantly expanded reporting obligations, will clearly require more resources.

The Commission has estimated that demand for batteries will increase fourteenfold from 2018 to 2030. The growth in volumes means an increase in the number of entities subject to supervision and requires, in particular, enhanced monitoring of free-riders. A significant proportion of batteries are placed on the market via distance sales, the supervision of which also calls for additional resources. Compared to the current situation, reporting obligations will multiply and become more detailed. Furthermore, the reporting requirement will extend to waste management operators and recyclers—an obligation that has not previously existed. The increase in reporting obligations will lead to a greater workload for monitoring reporting compliance and will require additional resources. In addition, the new producer responsibility obligations under the Battery Regulation will require comprehensive communication, guidance, and public information efforts.

As part of the reform of the national state administration, this supervisory role would be transferred to the new national Supervisory Agency from 1 January 2026. The proposal to transfer the overall supervisory responsibility for producer responsibility is included in the government bill on the regional administration reform currently under consideration in Parliament (Government Proposal HE 13/2025).

According to the proposal, the Finnish Transport and Communications Agency (Traficom) would supervise compliance with the obligations imposed on online platform providers under the Battery Regulation, using the powers laid down in the Act on the Supervision of Online Intermediary Services (18/2024). This would constitute a relatively minor new supervisory task for Traficom, which could be managed within the scope of its existing resources.

#### Impact on companies

The requirements concerning waste management and producer responsibility contained in the Battery Regulation significantly impact producers and distributors of batteries and accumulators. The Regulation expands the definition of a producer, includes detailed collection requirements for each battery category, clarifies rules on the reuse, repurposing, and remanufacturing of batteries and accumulators, and tightens recycling efficiency and material recovery requirements. In addition, the Regulation sets mandatory recycled content targets for materials such as cobalt, lead, lithium, and nickel.

The Regulation modifies and broadens the cost-bearing, organisation, information, and reporting obligations and responsibilities of producers and producer organisations. It also clarifies and supplements the fee adjustment requirements for producer organisations and introduces more detailed registration requirements for producers than those currently found in the Waste Act. Moreover, the Regulation requires producers and producer organisations to provide financial guarantees to ensure that producers' cost liabilities can be met if the producer or producer organisation becomes insolvent or ceases operations. For industrial batteries, the Regulation changes the responsibility from individual to collective liability, meaning that the exemption for industrial batteries under the current Waste Act will be repealed. The Regulation also requires distance sellers established in a Member State or a third country to appoint a written authorised representative responsible for producer responsibility obligations in each Member State where they sell batteries or accumulators.

Overall, the number of battery and accumulator producers subject to the Battery Regulation's waste management and producer responsibility requirements in Finland is estimated to be several thousand. This number can be roughly gauged through the membership of producer organisations for batteries and accumulators. Currently, there are four Waste Act-approved producer organisations operating in Finland for batteries and accumulators: Akkukierrätys Pb Oy, ERP Finland ry, Recser Oy and Suomen Autokierrätys Oy. Estimating the exact number of producers is complicated by the fact that some companies belong to multiple producer organisations, while others are members of none. For example, actors in the reuse sector or various maintenance services are not members of any producer organisation. In the battery and accumulator sector, the four producer organisations have a total of 1 577 members: Akkukierrätys Pb Oy has 405 members; ERP Finland ry's battery producer organisation has 177; Recser Oy has 1 168; and Suomen Autokierrätys Oy's electric vehicle traction battery organisation has approximately 127 members.

The Regulation also changes the obligations placed on distributors of batteries and accumulators. Distributors are required to take back waste batteries and accumulators and hand them over to producers or producer organisations. This obligation applies to the battery categories included in the distributor's range. These obligations also apply, as appropriate, to distributors supplying batteries and accumulators to end users via distance contracts.

Additionally, the Battery Regulation imposes new obligations on treatment facilities and recyclers handling waste batteries and accumulators. New obligations include the duty of operators of electrical and electronic waste treatment facilities and end-of-life vehicle treatment facilities to hand over waste batteries and accumulators from treatment to the relevant producer or producer organisation. The Regulation also sets targets for recycling

efficiency and material recovery. Furthermore, the Regulation establishes detailed reporting requirements for waste management operators and licensed facilities.

#### Environmental effects

According to the Commission's impact assessment, the regulations set out in the Battery Regulation have positive environmental effects. The new obligations introduced by the Regulation are expected to prevent and reduce the harmful impacts caused by the generation of waste batteries and accumulators as well as their waste management. The aim of the Regulation is to develop battery recycling within Europe, as recycling not only brings environmental benefits but also improves self-sufficiency through the use of recycled raw materials. The requirements seek to establish a safe and sustainable battery and accumulator value chain for all types, taking into account factors such as the carbon footprint of battery and accumulator production, ethical sourcing of raw materials, and supply security. Furthermore, the Regulation's provisions may facilitate the reuse, repurposing, and recycling of batteries and accumulators, while improving their environmental performance. It strives to raise the level of environmental protection across the entire life cycle of batteries and accumulators, involving all relevant actors such as producers, distributors, end-users, and those directly involved in the handling and recycling of waste batteries and accumulators. The Regulation promotes the circular economy and reduces environmental and social impacts at every stage of the battery life cycle. It sets more ambitious targets than before for collection rates, recycling efficiency, and material recovery for each battery category.

In 2022, a total of 3,738 tonnes of portable batteries and accumulators were supplied to the Finnish market, either as standalone products or within devices, and 1,964 tonnes were collected from consumers and other operators. Under the current waste legislation, at least 45% of portable batteries and accumulators must be collected. According to statistics from the Pirkanmaa ELY Centre<sup>23</sup>, Finland has met the collection targets for portable batteries every year.

Most batteries and accumulators are still lead-acid, although the number of lithium batteries has increased in recent years. In 2022, recycling facilities processed 22,337 tonnes of lead-acid batteries, achieving a recycling efficiency of approximately 75 per cent. By 2030, the recycling efficiency for lead-acid batteries must be raised to 80 per cent.

Recycling volumes for nickel-cadmium batteries have been relatively small. In 2022, about 126 tonnes of nickel-cadmium batteries were processed at recycling plants, with a recycling efficiency of 80 per cent. From 2025 onwards, the Battery Regulation sets a recycling

---

<sup>23</sup> [Akut ja paristot - Tuottajavastuu - ELY-keskus](#)

efficiency requirement of 80 per cent for nickel-cadmium batteries. Additionally, the Regulation introduces a material-specific recovery requirement for nickel, which is set at 90 per cent in 2027 and 95 per cent in 2031. Other batteries and accumulators, such as lithium batteries, alkaline batteries, and nickel-metal hydride batteries, met the current minimum recycling efficiency target of 50 per cent.

Not all waste batteries and accumulators end up in separate collection systems or recorded statistics. Those not collected for recycling may enter reuse through electrical devices. Waste batteries and accumulators can also be misclassified or exported outside Europe, potentially contributing to waste crime. Some waste batteries and accumulators also end up in mixed waste.

#### Social effects

The circular economy of batteries and accumulators is regarded as a significant opportunity for new business within Finland's battery sector.<sup>24</sup> Finland possesses particularly advanced expertise in metallurgy, which may contribute to directing recycled material flows to the country, provided that the collection and processing networks for end-of-life batteries and related logistics solutions are well established. Research related to battery recycling in Finland is also of a high standard.

One of the objectives of the Battery Regulation is to increase the reuse, repurposing, and recycling of batteries. New business opportunities could arise at various stages of the battery value chain, from design to repair, preparation for reuse, or remanufacturing. Environmentally sustainable and material-efficient battery designs also represent a competitive advantage internationally. Additionally, solutions based on electrification and the use of batteries within the machinery and transport equipment industries, along with related infrastructure for charging and grid connection, create further business opportunities.

## **4.2 Implementation of the amendment to the WEEE Directive**

### 4.2.1 Main proposals

The proposal suggests amending the Waste Act to implement the changes required by the amendment to the WEEE Directive. It proposes limiting the producer's financial responsibility for the waste management costs of electrical and electronic equipment waste (WEEE) in accordance with the WEEE Directive amendment. To define the producer's responsibility accordingly, new annexes 2 and 3 would be added to the Waste Act, corresponding to the annexes in the WEEE Directive.

---

<sup>24</sup> [Kansallinen akkustrategia 2025](#)

The producer's financial responsibility would exclude photovoltaic panels placed on the market before 13 August 2012. Furthermore, the producer's responsibility would not cover electrical and electronic devices belonging to the product categories listed in annex 2 of the WEEE Regulation that were placed on the market before 15 August 2018. However, an exception would apply to devices that were included in the product categories listed in annex 1 of the WEEE Regulation. For electrical and electronic devices (other than household devices) placed on the market before 13 August 2005 and included in the product categories in annex 1 of the WEEE Regulation, the producer would only be responsible for waste management costs if the discarded device is replaced with a new device of the same or equivalent purpose. Otherwise, the holder of the device would bear the waste management costs.

According to the proposal, the producer must also include in its waste management system devices outside its financial responsibility but within its sector. In such cases, the producer may charge the last holder of the discarded device a reasonable fee for organising its waste management. The producer and the holder of an electrical or electronic device other than household devices may agree on a different division of waste management costs, regardless of when the device was placed on the market.

In addition, the necessary amendments to the Government Decree on electrical and electronic equipment waste would be prepared.

#### 4.2.2 Principal impacts

##### Economic impact

The Commission has not prepared an assessment of the proposal's economic impacts.

The proposed change in the cost responsibility for electrical and electronic equipment waste (WEEE) affects how costs are shared between producers and waste holders. However, because the total amounts of waste affected by the change are small and spread over several years, the economic impact of the directive amendment is not expected to be significant. The impacts primarily concern producers and producer organisations of electrical and electronic equipment waste, who have not considered the economic effects significant. In Finland, there are five approved producer organisations for electrical and electronic equipment: SELT ry, ICT-tuottajaosuuskunta TY, Flip ry, ERP Finland ry, and SER-Tuottajayhteisö ry.

According to statistics maintained by the Pirkanmaa ELY Centre, the average annual amount of devices placed on the market was approximately 125 000 tonnes during 2015–2018 (before the open scope extension) and around 160 000 tonnes during 2019–2022. This increase illustrates how many devices were brought under producer responsibility with the extension of

the open scope. Such equipment includes, for example, certain technical building devices. No data is available on the quantities of photovoltaic panels placed on the market before 2019, as these were previously reported under device category 4 (consumer electronics). The collection volumes of photovoltaic panels have so far been very small; an average of about 10 tonnes per year were collected between 2019 and 2022.

According to customs import statistics, imports of photovoltaic panels have been increasing since at least 2022, partly due to improved customs classification methods. Growth has been particularly notable in imports from outside the EU.

Photovoltaic cells assembled into modules or panels (CN 8541 4300).			
2022	Imports by country of origin	EU-27	1 460 t
2022	Imports by country of origin	External trade	14 905 t
2023	Imports by country of origin	EU-27	1,732 t
2023	Imports by country of origin	External trade	20 522 t

Solar panels are long-lasting devices whose technology is constantly evolving. Over time, an increasing number of these devices will be discarded. It is already necessary to prepare for the development of recycling methods for end-of-life solar panels as well as the costs arising from their collection and recycling in the future. Depending on the case, the costs would be borne either by the producer or the device holder.

#### Impact on the activities of public authorities

The proposal would have minimal impact on the authority's operations. The Pirkanmaa ELY Centre already supervises the producer responsibility for waste electrical and electronic equipment. The change would require updates to the authority's guidelines and possibly minor modifications to reporting forms, with Pirkanmaa ELY Centre estimating the costs to be around EUR 20 000. As part of the reform of the national state administration, this supervisory role would be transferred to the new national Supervisory Agency from 1 January 2026.

#### Impact on companies

The proposal's impact on producers and producer organisations of electrical and electronic equipment would not be significant. The proposal would limit the producer's cost responsibility, but in practice it can be very difficult or even impossible to determine when waste electrical and electronic equipment was placed on the market. The proposal would also include a producer obligation to accept waste electrical and electronic equipment that, under this proposal, would fall under the cost responsibility of the waste holder. For these products, producers would have the right to recover waste management costs from the waste holders.

#### Environmental effects

The Commission has not prepared an environmental impact assessment for the proposal.

Improper waste management from photovoltaic panels and from electrical and electronic equipment covered by the open scope can cause significant harmful effects to health and the environment. Therefore, it is important to ensure proper collection and treatment of waste from photovoltaic panels and electrical and electronic equipment within the open scope, and to maximise the recovery of waste generated from them. For this reason, the proposal includes an obligation for producers to also include in their waste management system devices that do not fall under the producer's cost responsibility but belong to their sector. In such a case, the producer may charge the last holder of the discarded device a reasonable fee for organising its waste management.

Proper collection of waste electrical and electronic equipment will require more attention going forward, as Finland has not met the collection targets set by the WEEE Directive, and the Commission initiated infringement proceedings against Finland in July 2024. The calculation method Finland has chosen for the collection rate requires a 65 percent collection rate, but the rate in Finland was 54.7 percent in 2021, which was the year selected by the Commission for review. The calculation method Finland has chosen for the collection rate requires a 65 percent collection rate, but the rate in Finland was 54.7 percent in 2021, which was the year selected by the Commission for review.

## **5 Other options for implementation**

### **5.1. Implementation of the Battery Regulation**

#### 5.1.1 Alternatives and their impacts

##### Competent Authority

The Battery Regulation requires Member States to designate one or more competent authorities responsible for the waste management obligations set for the competent authority

regarding waste batteries and accumulators, particularly for supervising and verifying that producers and producer responsibility organisations fulfil their producer responsibility obligations. An independent third party could also be appointed to this role. The Pirkanmaa ELY Centre already acts as the competent authority supervising producer responsibility for batteries and accumulators. No other authorities are proposed for this role, as it is justified to concentrate expertise within a single authority. As part of the reform of the national state administration, this supervisory role would be transferred to the new national Supervisory Agency from 1 January 2026. The government proposal HE 13/2025 vp regarding the transfer of duties is currently under consideration by Parliament.

The Finnish Transport and Communications Agency (Traficom) would supervise compliance with the obligations set for online platform providers under the Battery Regulation. This is based on the preamble (104) of the Battery Regulation, which states that, regarding the online sales of products, the implementation of rules on trader traceability shall follow the enforcement rules established in the Digital Services Act<sup>25</sup>. The Digital Services Act has been implemented through the Act on the Supervision of Online Intermediary Services (18/2024). According to section 1 of this Act, Traficom is the competent authority responsible for supervision referred to in Article 49 of the Digital Services Act, unless otherwise provided in sections 2 and 3.

#### Joining a producer responsibility organisation

Pursuant to Article 57(1) of the Battery Regulation, Member States may introduce measures requiring the appointment of a producer responsibility organisation. – According to Article 55(6) of the Regulation, where a producer has appointed a producer responsibility organisation pursuant to Article 57(1), the obligations under this Article shall be fulfilled, where applicable, by that organisation, unless otherwise provided by the Member State. These articles correspond to Section 62 of the current Waste Act, which states that to fulfil their obligations under Chapter 6 of the Waste Act, a producer must join a producer organisation approved in the producer register referred to in Section 142 or establish such an organisation together with other producers. Only producers may be members of a producer responsibility organisation. The Pirkanmaa Centre for Economic Development, Transport and the Environment may approve an individual producer for the producer responsibility organisation, if joining a producer responsibility organisation is evidently unnecessary taking into account the nature and scope of the operation. Section 62 of the Waste Act is not proposed to be amended.

#### The producer's primary right to arrange waste management

---

<sup>25</sup> Pursuant to Regulation (EU) 2022/2065 of the European Parliament and of the Council on digital services in the internal market and amending Directive 2000/31/EC.

According to Articles 59(6), 60(7) and 61(1) of the Battery Regulation, Member States may adopt measures requiring that collection points established under the Regulation for the various battery categories may only collect batteries and accumulators if they have concluded an agreement with the producers or producer responsibility organisations. This is in line with Article 47(1) of the current Waste Act, according to which other operators may set up systems for the collection or reception of end-of-life products or provide related services only if this is done in cooperation with the producer. Section 47, subsection 1 of the Waste Act is not proposed to be amended regarding batteries and accumulators. Cooperation, i.e., making agreements, must also be required in relation to batteries and accumulators, since only in this way can it be ensured that waste batteries and accumulators return to the collection systems maintained by producers. Producers are, according to the Battery Regulation, responsible for the waste battery and accumulator collection system, and these waste batteries and accumulators should not end up outside the producer's system. This is particularly important to ensure that producers of batteries and accumulators meet the prescribed collection targets and are responsible for all waste management costs. If parallel collection systems alongside the producer's collection network were allowed and not all waste batteries and accumulators ended up with their producers or producer organisations, it would weaken the producers' ability to meet the targets set out in the Regulation.

According to the Battery Regulation, distributors (Article 62(3)), operators of waste electrical and electronic equipment (WEEE) and end-of-life vehicles treatment facilities (Article 65(1)), municipalities (Article 66(2)) and other collection points (Article 67(1)) must deliver all collected waste batteries and accumulators to the producers. The handover obligations set by the Battery Regulation for waste batteries and accumulators are directly binding on the operators and do not include national discretion. The handover obligation practically means that operators must hand over the collected end-of-life waste batteries and accumulators to the producer or producer organisations. Therefore, Section 47, subsection 2 of the Waste Act should remove the right of any operator other than the producer to provide services related to the preparation for reuse of products in relation to batteries and accumulators. However, offering services directly related to the reuse of batteries and accumulators as such would continue to be permitted. Preparation for reuse, according to the Battery Regulation, is the same as the preparation for reuse defined in Article 3(16) of the Waste Framework Directive: utilization activities carried out for checking, cleaning, or repairing purposes, by which products or parts of products that have become waste are prepared so that they can be reused without any other pre-processing. Reuse means an operation by which products or components that are not waste are used again for the same purpose for which they were originally designed. Preparation for reuse applies to waste, whereas reuse applies to a product that is used again for the same purpose.

Article 68 of the Battery Regulation states that Member States may restrict the ability of distributors, operators of waste treatment facilities, waste management authorities, and

voluntary collection points to deliver collected portable waste batteries and waste batteries from light means of transport either to producers or producer responsibility organisations or to waste management operators for treatment pursuant to Article 70. Such restrictions on delivery obligations could therefore be imposed only regarding these two battery categories. This kind of restriction concerning delivery obligations for only two different battery categories might adversely affect the overall collection system maintained by producers and would deviate from the current way of organising collection. For this reason, the proposal does not include a possibility similar to section 47(2) of the current Waste Act, allowing services related to preparation for reuse of portable or light means of transport waste batteries to be offered without an agreement with producers.

According to the Battery Regulation, Member States may also implement measures enabling waste management authorities referred to in Article 66 (i.e., municipal waste management entities responsible for operational waste management tasks) to carry out the treatment pursuant to Article 70 themselves. Such a separate task assigned to municipalities is not included in the proposal. According to information received from municipalities, municipal waste management entities do not currently carry out the treatment of batteries and accumulators themselves but deliver the collected batteries and accumulators to producer responsibility organisations. Municipal waste management entities could, however, offer battery and accumulator treatment services on a commercial basis by participating in tenders organised by producer responsibility organisations.

According to section 47, subsection 3 of the current Waste Act, as part of the waste management arranged under chapter 5, a municipality may supplement the transport and reception of end-of-life products to the extent that the producer does not organise it. In such a case, the discarded products shall be delivered to waste management arranged by the producer. Municipal supplementary collection includes, for example, supplementary regional collection such as containers or similar collection points for hazardous waste, mobile collections by municipalities (e.g., in archipelago areas, often as part of hazardous waste collection), reception of waste batteries and accumulators at waste stations, campaign-based collections, or supplementary voluntary property collections. Municipal supplementary collection is not competitive collection against the producer's collection but forms part of the other municipal waste management organised and funded according to chapter 5. In practice, supplementary collection should be carried out in agreement with producers, although the provision does not require a separate contract. The obligations set out in the Battery Regulation do not require changes to the supplementary collection duties imposed on municipalities.

The need to amend section 47 of the Waste Act will be examined more broadly as part of the Ministry of the Environment's comprehensive reform of the Waste Act, which aims to develop it into a Circular Economy Act.

## 5.1.2 Means planned or implemented by other Member States

### Sweden

In Sweden, a note on the national implementation of the Battery Regulation was sent for consultation in January 2025.<sup>26</sup> The memorandum includes, among other things, proposals for new national authorities responsible for supervising compliance with the Battery Regulation provisions and market surveillance, as well as the powers of these authorities. The memorandum also proposes the introduction of implementation and market surveillance fees.

The memorandum proposes a registration obligation for producers of batteries and accumulators, as well as the possibility for producers to carry out the task individually or collectively as part of a producer responsibility organization. The Swedish Environmental Protection Agency must approve producers and producer responsibility organizations.

The memorandum proposes that battery and accumulator collection may only take place through collection systems maintained by the producer or a producer responsibility organization. Producer responsibility organizations must adjust the compensation paid by producers based on criteria set out in the Battery Regulation. Producers and producer responsibility organizations are required to provide a guarantee.

The memorandum also proposes the introduction of new environmental fines, for example, for failure to report the carbon footprint or recycled material percentage of a battery, improper marking of batteries or accumulators, or collection of batteries and accumulators outside the collection systems of producers or producer responsibility organizations. Most of the provisions are proposed to enter into force on 18 August 2025.

### Denmark

In Denmark, a recent reform has combined the national implementation of the Single-Use Plastics Directive, the producer responsibility for packaging waste, and the Battery Regulation. The changes have been prepared as amendments to the Environmental Protection Act.<sup>27</sup>

The purpose of the amendment concerning batteries and accumulators is to align the extended producer responsibility framework for batteries with the requirements of the Battery

---

<sup>26</sup> [Promemoria Kompletterande bestämmelser till EU-förordningen om batterier - Regeringen.se](https://www.regeringen.se)

<sup>27</sup> <https://www.retsinformation.dk/eli/lta/2024/48>

Regulation. The legislative proposal includes repealing provisions that are considered to conflict with the regulation.

Existing collection systems for batteries and accumulators, which have been based on municipal collection and producer financing, are deemed incompatible with the Battery Regulation. The Battery Regulation directly holds producers responsible for the collection of waste batteries and accumulators and gives producers decision-making power over the entities they collaborate with in the collection. Consequently, the municipal collection obligation has been abandoned. Furthermore, the amendment mandates compulsory membership in a producer responsibility organisation. It also stipulates that other actors may only collect waste batteries and accumulators if they have agreements with the producers. This ensures that all battery and accumulator collection points belong to a collection network established by producers and approved by authorities.

## **5.2 Implementation of the amendment to the WEEE Directive**

### 5.2.1 Alternatives and their impacts

A directive is not intended to be directly applicable in the Member States but requires separate implementation at national level. The amendment to the WEEE Directive is based on a ruling by the EU Court of Justice and is very detailed in content, leaving little room for national discretion. The WEEE Directive amendment must be transposed into national legislation practically as is, and there are no alternative solutions for its implementation.

### 5.2.2 Means planned or implemented by other Member States

In Sweden, the implementation of the WEEE Directive amendment will be part of a broader development<sup>28</sup> of the Swedish WEEE decree, aimed at improving the collection of electrical and electronic waste in Sweden. Norway is not preparing any changes to its own WEEE legislation.

## **6 Feedback**

The draft proposal was submitted for public consultation on the lausuntopalvelu.fi platform from 3 March to 14 April 2025. The submitted opinions are available on the Government's project website: [valtioneuvosto.fi/hankkeet\\_tunnuksella YM048:00/2024](https://valtioneuvosto.fi/hankkeet_tunnuksella/YM048:00/2024).

---

<sup>28</sup> [Förordning \(2022:1276\) om producentansvar för elutrustning - Regeringskansliets rättsdatabaser](#)

A total of 26 opinions were received, three of which stated that they had no comments. Statements were submitted by the Ålands landskapsregering, Ministry of Justice, Ministry of Finance, Ministry of Economic Affairs and Employment, Ministry of Transport and Communications, Centre for Economic Development, Transport and the Environment for Pirkanmaa, Finnish Safety and Chemicals Agency (Tukes), Transport and Communications Agency (Traficom), Finnish Competition and Consumer Authority, Finnish Recycling Industries, Envor Recycling Oy, Business Finland, Finnish Commerce Federation, Recser Oy, Finnish Scrapdealers Association, Association of Finnish Technical Traders, Finnish Customs, Finnish Car Dismantlers' Association, Finnish Solid Waste Association (KIVO), Finnish Car Recycling Ltd, Association of Finnish Local and Regional Authorities, Stena Recycling Oy, ERP Finland, ICT Producer Co-operative-TY, Akkukierrätys Pb Oy, and VTT Technical Research Centre of Finland.

Language requirements for battery and accumulator labelling, instructions, safety data and documentation (Section 16b)

Several respondents (Association of Finnish Technical Traders, Finnish Scrap Dealers' Association, Recser, Finnish Car Dismantlers' Association, Finnish Commerce Federation, Tukes, Envor Recycling) pointed out that the proposed provision was imprecise and partly imposed language requirements going beyond those set in the Batteries Regulation.

Other supervisory authorities (Section 25)

Several respondents (Ministry of Transport and Communications, Traficom, Recser) supported assigning the supervisory role for obligations of online platform providers to Traficom. The Pirkanmaa ELY Centre expressed concern about ambiguities regarding the jurisdiction of different authorities and the supervision of foreign online platforms selling products in Finland. The ELY Centre also noted that the proposal does not specify which authority would supervise compliance with Article 30(7) of the Digital Services Act. However, during further preparation, the ELY Centre clarified that it supports the proposed role of Traficom and emphasized the importance of inter-authority cooperation in supervising online platforms. The Ministry of Justice's opinion highlighted concerns that the proposed competence of the supervisory authority for online platform providers' obligations poses problems in terms of the principle of legality, as well as regulatory clarity and predictability. The proposed provisions leave unclear whether all powers defined in the Act on the Supervision of Intermediary Service Providers apply to the supervision of platform providers' obligations.

The producer's primary right to arrange waste management (Section 47)

The proposed amendment limiting the right of other operators to offer services only related to the reuse of batteries and accumulators (as products), not preparation for reuse (as waste), was supported by several respondents (ERP Finland, Pirkanmaa ELY Centre, Akkukierrätys, Recser, Finnish Commerce Federation, Finnish Car Recycling) and was not opposed in any of the opinions. However, some respondents (Finnish Scrapdealers Association, Finnish Car Dismantlers' Association) expressed concern that the regulations should allow for broader reuse than currently. It was also noted that “reuse” and “preparation for reuse” are ambiguous terms, leading to unclear situations in practice, especially regarding vehicle batteries. The proposed ELV Regulation on the circular economy of vehicles, currently under negotiation, also includes provisions related to components removed from end-of-life vehicles, such as batteries. Several respondents also noted that the producer’s “primary right” in Section 47(1) of the Waste Act should instead be expressed as the producer’s responsibility and obligation to organise the waste management of discarded batteries and accumulators. Some respondents (Finnish Commerce Federation, Recser) additionally pointed out that although the Batteries Regulation does not require amendments to the municipality’s right to complement producer collection as set out in Section 47(3) of the Waste Act, it is still important in such cases that municipalities and producers have cooperation agreements concerning supplementary collection by municipalities.

#### The take-back obligation of the distributor of the product (Section 56)

Several respondents (Akkukierrätys, Pirkanmaa ELY Centre, Finnish Commerce Federation) noted that the proposal regarding the distributor’s cost responsibility does not take into account the producer’s cost responsibility as provided in Articles 59–61 of the Battery Regulation. The producer’s defined cost responsibility limits the distributor’s liability for costs.

#### Exceptions to producer cost responsibility for certain products (Section 53)

Several respondents (Pirkanmaa ELY Centre, Finnish Solid Waste Association, Association of Finnish Local and Regional Authorities) supported the proposed provision to limit producer cost responsibility and to impose an obligation on producers to also take back waste that does not fall under their cost responsibility. Two respondents (Finnish Recycling Industries, Finnish Scrapdealers Association) argued that producer responsibility organizations should not be allowed to charge for raw materials from waste that falls under the responsibility of the waste holder. The Finnish Car Dismantlers' Association proposed that vehicle batteries sold for reuse should be considered an exception to the producer’s financial responsibility. The Pirkanmaa ELY Centre suggested that either the section or its explanatory notes must clearly state that the holder of the waste is responsible for the waste management costs of waste electrical and electronic equipment (WEEE) that falls outside the producer’s cost responsibility. The ELY Centre also proposed some technical clarifications to the section and

its justifications and further noted that, regarding products for which cost responsibility lies with the holder of the waste, it should be clarified who is entitled to offer waste management services for such products. In addition, Recser supported the proposed repeal of paragraph 2, which concerns collective producer responsibility for industrial batteries.

Guarantee required from producers and producer organisations of certain products (Section 61)

Several respondents (Finnish Recycling Industries, Finnish Scrapdealers Association, Finnish Car Dismantlers' Association) expressed concern that the guarantee requirement must not increase costs for recyclers who operate as part of the producer's collection network. There were also calls for the law to include a requirement for greater transparency from producer organisations regarding the publication of financial information.

Negligence fee (Section 131)

Several respondents (ERP Finland, Pirkanmaa ELY Centre, Akkukierrätys, Finnish Competition and Consumer Authority, Recser) considered the proposed negligence fees to be justified and a welcome means of enhancing the supervision of compliance with the Battery Regulation. The Finnish Safety and Chemicals Agency (Tukes) generally supported the introduction of a negligence fee to strengthen market surveillance, but highlighted deficiencies in the proposal regarding terminology, maximum amounts, scope of application, and procedures. The agency noted that the proposed two-tier negligence fee risks confusing the procedure for administrative sanctions with the coercive fine procedure, which is meant to enforce compliance with administrative decisions. Several stakeholders (Finnish Recycling Industries, Finnish Car Dismantlers' Association, Finnish Scrapdealers Association) pointed out that, since the negligence fee may also be imposed on parties other than producers, there must be clear criteria for its application to avoid wrongful sanctions. The Ministry of Economic Affairs and Employment noted that the proposal lacks an assessment of how the sanction provisions relate to the EU Market Surveillance Regulation and the national Market Surveillance Act. The Ministry of Justice stated that the legislative justification should clearly explain why the proposed acts are to fall under the negligence fee system and how they relate to the acts referred to in Section 147.

Penal provision (Section 147)

Several respondents (ERP Finland, Pirkanmaa ELY Centre, Akkukierrätys, Finnish Competition and Consumer Authority, Recser) supported the proposed penalty provision. The Finnish Safety and Chemicals Agency noted that the same types of offenses appeared both in the proposed negligence fee and in the penalty provision. The Ministry of Justice provided several comments on the proposed provision and its justifications. It emphasized that the draft

proposal should further justify whether the obligations could be fulfilled appropriately using other than criminal sanctions. Furthermore, the proposal did not examine the general requirements for blanket criminal provisions, even though these are a prerequisite for processing a legislative proposal under the ordinary legislative procedure. During further drafting, attention should be paid to the fact that the offenses based on the Battery Regulation are listed under a single point (26) in the proposed provision, whereas each type of offense should ideally be listed separately. The Ministry of Justice also noted that the required level of culpability for a new punishable act must be clearly justified in the government proposal.

#### Other Comments

Several respondents (Finnish Recycling Industries, ERP Finland, Finnish Scrapdealers Association, Pirkanmaa ELY Centre, Akkukieerrätys, Recser, Finnish Commerce Federation, Finnish Safety and Chemicals Agency) highlighted the importance of ensuring adequate resources for the authority supervising producer responsibility under the Battery Regulation. In particular, resources should be secured for monitoring free-riders, including batteries and accumulators entering via online distance selling. The Pirkanmaa ELY Centre stated that it cannot manage the additional responsibilities assigned to it unless it receives appropriate additional staffing and budget allocations for IT systems. The Finnish Safety and Chemicals Agency expressed its support for the operational model presented in Government Proposal 103/2024, under which the new Permitting and Supervisory Agency would in the future monitor compliance with due diligence obligations. The Ministry of Economic Affairs and Employment noted in its statement a general concern that ensuring the agency's effective operation would require allocating adequate additional resources in line with its expanding duties. The Finnish Transport and Communications Agency (Traficom) noted in its comments that the cumulative impact of new EU regulations on the agency's staffing needs should be closely monitored.

The Ministry of Finance pointed out that the proposal assigns duties to the Pirkanmaa ELY Centre and makes changes to sections currently being considered by Parliament as part of the regional administration reform (Government Proposal 13/2025), in which the ELY Centres' responsibilities under the Waste Act would be transferred to the new Permitting and Supervisory Agency. This proposal must be taken into account under section 11.1. Additionally, the Ministry of Finance drew attention in its statement to the number of simultaneous legislative proposals related to environmental matters currently in progress. The ministry considered it challenging and undesirable from a planning perspective that the proposals concerning the transfer of responsibilities to the new Permitting and Supervisory Agency are scattered and that their financial impacts cannot be assessed as a whole. In the course of further preparation, the Ministry of Finance stated it does not consider additional funding for the Pirkanmaa ELY Centre to be realistic for the tasks arising from the implementation of the Battery Regulation and amendments to the WEEE Directive.

The proposed solution—to prepare separate implementation guidelines for the Battery Regulation’s provisions concerning the collection network for waste batteries and accumulators, the distributor's take-back obligation, and the reporting requirements of actors—received support from several stakeholders (Finnish Commerce Federation, Akkukierrätys, Recser). The swift preparation of the guidelines and stakeholder consultation during the process were deemed important. Additionally, the Finnish Commerce Federation and the Association of Finnish Technical Traders raised concerns about risks related to the take-back of waste batteries and accumulators. The Commerce Federation proposed that the lack of safety-related aspects in the Battery Regulation be addressed during national implementation. Akkukierrätys also noted that the bookkeeping and reporting obligations imposed on various actors under the Battery Regulation require the reporting of collected and processed battery quantities not only to the authority but also to producers or producer organisations.

The Pirkanmaa ELY Centre further noted in its statement the need to clarify several sections of the Waste Act (Sections 46, 52, 63, 66) and the new Section 221 g proposed in the Environmental Protection Act, as required by the Battery Regulation.

Several other statements also included technical observations and suggestions for amending certain provisions of the Waste Act and their justifications.

### **6.1 Amendments made based on consultation feedback**

Language requirements for battery and accumulator labelling, instructions, safety data and documentation (Section 16b)

During further preparation, this section was clarified and redrafted so that it no longer includes language requirements exceeding those of the Battery Regulation. The explanatory memorandum for the section was also updated to match the revised wording.

Supervision of obligations imposed on online platform providers (Section 25)

In the further preparation, the competence of the Finnish Transport and Communications Agency (Traficom) has been clarified. The agency's competence would not include Chapter 3 of the Act on the Supervision of Intermediary Services, including the administrative sanctions provided therein. The explanatory memorandum for the proposed section has been amended to reflect the revised wording of the section and now includes a paragraph on cooperation between authorities. It has not been possible to include in the proposed section or its explanatory memorandum a specification of which authority would supervise the publication of the producer responsibility registration number on an online platform under Article 30(7) of the Digital Services Act, as the applicability of that provision is subject to interpretation under the Battery Regulation.

#### The producer's primary right to arrange waste management (Section 47)

In the further preparation, the proposed wording of the section has been retained, but its explanatory memorandum now provides a more detailed explanation of the terms used in the Battery Regulation, namely re-use, preparation for re-use, and remanufacturing. In addition, the memorandum clarifies that the transfer obligation laid down in the Battery Regulation does not apply to batteries and accumulators suitable for re-use that are reused for the same original purpose. The ongoing negotiations on the Circular Economy Regulation for vehicles have aimed to take into account the provisions of the Battery Regulation. Negotiations on the Regulation are still ongoing. The title of the section and the wording of subsection 1 concerning the producer's primary right have not been amended. Possible changes may be explored and considered as part of a comprehensive reform of the Waste Act.

#### The take-back obligation of the distributor of the product (Section 56)

In the further preparation, it is proposed to add to subsection 4 of the section that the distributor of batteries and accumulators shall be responsible for the costs of the collection it organises, insofar as those costs do not fall under the producer's responsibility pursuant to Article 59(1), Article 60(4), and Article 61(3) of the Battery Regulation. The explanatory memorandum of the section has been amended to reflect the content of the proposed section.

#### Exceptions to producer cost responsibility for certain products (§53) (Section 53)

In the further preparation, some technical clarifications have been made to the section and its justifications. In addition, the justifications now include that waste returned to the producer's waste management system should be treated in the same way as all other waste within that system, regardless of whether the cost responsibility lies with the producer or the waste holder. In practice, it may be impossible to distinguish waste falling under the cost responsibility of the waste holder from other waste that ends up in the waste management system of the producer.

#### Guarantee required from producers and producer organisations of certain products (Section 61)

Some technical clarifications have been made to the section concerning the guarantee requirement and its justifications during further preparation. The proposed provision to improve the transparency of producer responsibility organizations' financial data has not been included in the section; such a change may be considered as part of a comprehensive reform of the Waste Act.

#### Negligence fee (Section 131)

In the further drafting stage, the instances of non-compliance with the Battery Regulation obligations proposed to fall under the non-compliance fee have been narrowed compared to the proposal that was circulated for comments. It was noted during further preparation that introducing a non-compliance fee or administrative penalty for market surveillance under the Battery Regulation or for monitoring platform operators' obligations would require a broader reform of the sanction system in the Waste Act, as well as harmonization with the Market Surveillance Act and the Act on Intermediary Service Providers. Such a comprehensive reform cannot be carried out within the implementation schedule required by the Battery Regulation.

The Ministry of the Environment is currently working on a comprehensive reform of the Waste Act, as part of which the need to develop the Waste Act's sanction system will also be reviewed. Within that context, the introduction of a penalty system to strengthen market surveillance under the Battery Regulation and the supervision of platform providers' obligations could be considered.

The non-compliance fee would only apply to certain clearly defined obligations imposed on producers, and would therefore not fall within the competence of authorities other than the Pirkanmaa ELY Centre, which supervises producer responsibility. Thus, Section 133, which governs the imposition of the non-compliance fee, does not need to be amended, and its amendment is no longer included in the proposal.

#### Penal provision (Section 147)

In the continued preparation phase, the proposed penal provision has been clarified for certain types of conduct by describing as precisely as possible the actions proposed to be sanctioned. In addition, non-compliant actions related to the CE marking requirement and prohibited final disposal or energy recovery operations are no longer proposed to be criminalized.

The proposed penal provision follows the structure of the current penal provisions in the Waste Act, in which the types of offences are grouped under a single subsection, thereby ensuring consistency with the presentation of other penal provisions in the section.

The explanatory notes for the provision have also been supplemented and refined during further preparation.

Furthermore, the relationship of the proposal to the Constitution and the grounds for the legislative procedure have been elaborated, especially in relation to the proposed sanctions. The proposal for penal provisions has been assessed from the perspective of general criminalization principles, including an evaluation of whether the same objective could be achieved by means less intrusive to fundamental rights than criminalization. In addition, the

precision of the proposed provision has been assessed in light of the general requirements for blanket penal provisions and the case law of the Constitutional Law Committee. Beyond sanctions, the proposed regulation concerning the authority of public bodies has also been assessed for its compatibility with the rule of law and the principle of legality in public administration, as enshrined in Section 2(3) of the Constitution. Moreover, the proposed extension of the authority's right to access information (Section 122) has been evaluated in light of the Constitutional Law Committee's established practice.

#### Other changes

Based on the continued drafting, amendments necessary for the implementation of the Battery Regulation are also proposed to sections 63 (operation of producer organisations), 66 (service procurement by producer organisations), and 66 b (acting as an authorised representative in Finland). It was considered appropriate during further preparation to add references to the Battery Regulation to these sections. The Battery Regulation contains more detailed provisions compared to these sections of the Waste Act, and these provisions must be applied alongside the Waste Act. Additionally, based on further drafting, a change is proposed to section 122 (right to access information) to grant the Pirkanmaa ELY Centre the right to obtain necessary information also for supervising the producer responsibility obligations under the Battery Regulation.

In section 11.1 of the proposal, regarding dependencies on other proposals, a reference has been added to the ongoing government proposal (HE 13/2025 vp) concerning regional state administration reform. According to the proposal, the supervision of producer responsibility in waste management, currently held by Pirkanmaa ELY Centre, would be transferred to the new Permit and Supervision Agency as of 1 January 2026, which coincides with the proposed effective date of this legislative amendment. Furthermore, in section 4.1.2 concerning economic impacts, an estimate by the Pirkanmaa ELY Centre regarding revenue from chargeable services has been added.

The previous phase of implementing the Battery Regulation involved transferring market surveillance tasks, including supervising due diligence policies, to the Finnish Safety and Chemicals Agency (Tukes) as outlined in government proposal HE 103/2024 vp. The proposal stated that it would be appropriate at a later stage to consider transferring the supervision of due diligence to a new horizontal supervisory authority responsible for overseeing due diligence in line with the Corporate Sustainability Due Diligence Directive (EU 2022/2426), which came into force on 25 July 2024. However, such a transfer is not currently underway, as several amendments to the directive, including postponement of its application date, have been proposed. Amendments to the Battery Regulation's due diligence requirements have also been proposed, including moving the application date by two years to 18 August 2027. Consequently, supervision of due diligence policies under the Battery Regulation currently

remains with Tukes, and consideration of transferring these tasks can be initiated as the national implementation of the Corporate Sustainability Due Diligence Directive progresses.

## **7 Provision-specific rationale**

### **7.1 The Waste Act**

**Section 2** *Scope of application.* The proposal suggests repealing the current subsection 5 of the section. The repeal is appropriate because other EU regulations implemented by the Waste Act are not listed in the section either.

**Section 16b.** *Language requirements for battery and accumulator labelling, instructions, safety data and documentation* A new Section 16 b is proposed to be added to the law, which would regulate the language requirements for the markings, instructions, safety information, and documents of batteries and accumulators. The articles of the Battery Regulation mentioned in the section require the Member State to legislate language requirements. According to the proposed section, instructions, safety information, and documents referred to in Article 38(1)(a) and (7), Article 41(2)(c) and (3), Article 42(2)(c), and Article 74(1) of the Battery Regulation must be provided at least in Finnish and Swedish. These articles require that the required markings, documents, instructions, and safety information must be drafted in one or more languages that end users can understand easily, as defined by the Member State in whose market the battery or accumulator is made available or put into use.

The information referred to in Article 18(2), Article 38(10), Article 41(8), and Article 42(6) of the Battery Regulation, as well as the documents delivered with batteries and accumulators, must be in Finnish or Swedish or in another language approved by the market surveillance authority. These articles require that information and documents provided to the authorities must be drafted in one or more languages that the relevant national authority can easily understand.

**Section 22.** *State authorities.* It is proposed to add to subsection 4 that the Supervisory Agency (Lupa- ja valvontavirasto) shall, as a national authority, guide and promote the performance of producer responsibility tasks referred to in this Act and its provisions, as well as in the Battery Regulation. A reference to the Battery Regulation is necessary because Article 54 of the Battery Regulation requires Member States to designate one or more competent authorities responsible for the obligations related to waste management under Chapter VIII of the Battery Regulation, in particular supervising and verifying that producers and producer responsibility organisations fulfil their obligations under that chapter. Thus, the Supervisory Agency would act as the authority referred to in Article 54 of the Battery Regulation.

**Section 25. Other supervisory authorities.** It is proposed to add to subsection 2 that the Finnish Transport and Communications Agency (Liikenne- ja viestintävirasto) would supervise compliance with the obligations set out in Article 62(6) of the Battery Regulation under the Act on the Supervision of Online Intermediary Services (18/2024), using powers other than those specified in Chapter 3 of that Act.

Article 62(6) of the Battery Regulation refers to Regulation (EU) 2022/2065 of the European Parliament and of the Council on Digital Services in the Internal Market and the amendment of Directive 2000/31/EC (hereinafter the Digital Services Act),<sup>29</sup> which has been implemented in Finland by the Act on the Supervision of Online Intermediary Services (18/2024)<sup>30</sup>. Article 62(6) of the Battery Regulation imposes an obligation on online platform providers who enable consumers to enter into distance contracts with producers to obtain from producers offering batteries and accumulators on the platform information on the producer's registration in the producer register as well as voluntary certification that the producer commits to offering only products for which producer responsibility obligations are fulfilled in the Member State where the consumer is located. According to the Article, this information must be verified to comply with Articles 30(1)(d) and (e) of the Digital Services Act.

Article 62(6) of the Battery Regulation requires that the provisions of the Battery Regulation be applied to online platforms together with Articles 30(1)(d) and (e) of the Digital Services Act. Article 30 of the Digital Services Act concerns the traceability of traders offering their services or products on an online platform. According to points (d) and (e) of paragraph 1 of that Article, online platforms that allow consumers to conclude distance contracts with traders must ensure that these traders can use the platform to communicate about or offer products or services to consumers in the Union only if the platform has first obtained from the trader their contact details, as well as, where applicable, their business registration number and a voluntary declaration by the trader committing to offer only products or services that comply with applicable Union law. These obligations apply only to online platform providers that are not small or micro enterprises.

The relationship between the Battery Regulation and the Digital Services Act has been clarified in recital (104) of the Battery Regulation, which states that for the sale of products on online platforms, the enforcement of trader traceability rules is subject to the enforcement

---

<sup>29</sup>Regulation (EU) 2023/1542 of the European Parliament and of the Council, adopted on 12 July 2023, concerning batteries and accumulators and waste batteries and accumulators, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC kumoamisesta [EUR-Lex - 02023R1542-20240718 - FI - EUR-Lex](#)

<sup>30</sup> [Laki verkon välityspalvelujen valvonnasta 18/2024 - Ajantasainen lainsäädäntö - FINLEX](#)

®

rules set out in the Digital Services Act. Thus, the obligations imposed by the Battery Regulation on online platforms expand the scope of Article 30 of the Digital Services Act by adding new obligations to it. The supervision provisions of the Digital Services Act have been implemented by the Act on the Supervision of Online Intermediary Services, which in its Section 1 establishes that the Finnish Transport and Communications Agency (Liikenne- ja viestintävirasto) is the competent authority responsible for supervision under Article 49 of the Digital Services Act, unless otherwise provided in Sections 2 and 3. Supervision of compliance with points 1 to 6 of Article 30 of the Digital Services Act in Finland therefore falls under the responsibility of the Finnish Transport and Communications Agency. Since the obligations set for online platforms in Article 62 of the Battery Regulation must be checked to ensure compliance with Article 30(1)(d) and (e) of the Digital Services Act, it is justified for legal certainty to regulate the powers of the Finnish Transport and Communications Agency at the level of law as proposed.

According to the proposed provision, the Finnish Transport and Communications Agency would supervise compliance with the obligations of online platforms as laid down in the Battery Regulation using the powers conferred by the Act on the Supervision of Online Intermediary Services, except for those powers provided in Chapter 3 of that Act. The administrative sanctions laid down in Chapter 3 of the Act, such as fines on the online platform provider or blocking access to the service, would therefore not fall within the powers of the Finnish Transport and Communications Agency.

The Finnish Transport and Communications Agency would only supervise online platforms established in Finland. The regional competence of the Finnish Transport and Communications Agency is regulated in more detail in Article 56 of the Digital Services Act. The Finnish Transport and Communications Agency could use the procedures laid down in Chapter 2 of the Act on the Supervision of Online Intermediary Services when supervising online platforms. This Chapter contains provisions on, among other things, the authority's right to obtain information, exchange of information between authorities, inspections, summons to hearings, and penalty notices. The provisions of this Chapter would be applied to supervising the obligations of online platforms as laid down in the Battery Regulation.

The Finnish Transport and Communications Agency would supervise only those online platform provider obligations specified in the Battery Regulation articles mentioned in subsection 2. For economic operators offering their products on online platforms, the Supervisory Agency would monitor that producers have registered with a producer organisation and fulfilled their producer responsibility obligations. In addition, the Supervisory Agency would control the provider of the online platform to the extent that the online platform is itself a producer, i.e. acting as an importer of batteries or accumulators.

The Finnish Transport and Communications Agency (Liikenne- ja viestintävirasto) and the Supervisory Agency (Lupa- ja valvontavirasto) would cooperate with each other in supervising online platforms. According to Section 10 of the Administrative Procedure Act, an authority must, within the limits of its competence and to the extent necessary, assist another authority upon request in performing administrative tasks, and otherwise strive to promote cooperation between authorities.

**Section 46.** *Producer's responsibility for waste management and related costs.* A new subsection 3 is proposed to be added to the provision, stating that the producer's responsibility for waste management costs related to batteries and accumulators is regulated in Articles 56(4) and 56(5) of the Battery Regulation. This reference to the Battery Regulation is necessary because Article 56(4) details the costs that the producer must cover. It should also be noted that Article 56 of the regulation defines producers to include economic operators who place on the market within the territory of a Member State for the first time a battery or accumulator that results from preparation for reuse, change of use, or remanufacturing. Section 46 of the Waste Act would be applied alongside the Battery Regulation.

Paragraph 4 of Article 56 specifies the producer's financial contributions, which must cover the following costs:

- a) costs arising from the separate collection of waste batteries and accumulators and their subsequent transport and treatment, taking into account any revenues obtained from preparation for reuse, change of use, or the value of secondary raw materials recovered from recycled waste batteries and accumulators;
- b) costs related to the performance of the composition analysis of mixed municipal waste in accordance with Article 69(5);
- c) costs related to information and awareness-raising measures concerning the prevention of battery and accumulator waste generation and waste management as set out in Article 74;
- d) costs related to data collection and reporting to the competent authorities as required by Article 75.

According to the recitals of the Battery Regulation (point 101), producers have extended producer responsibility for the handling of their batteries and accumulators at the end of their life. Therefore, producers must finance the costs arising from the collection, treatment, and recycling of all collected batteries and accumulators, the analysis of the composition of collected mixed municipal waste, reporting related to batteries, accumulators, waste batteries, and waste accumulators, as well as appropriate communication to end users and waste

management operators regarding the reuse and waste management of batteries, accumulators, waste batteries, and waste accumulators.

Paragraph 5 of the Article provides that if more than one extended producer responsibility applies to a battery or accumulator referred to in paragraph 2, the first producer placing that battery or accumulator on the market must not incur additional costs from such a cost allocation system.

**Section 47.** *The producer's primary right to arrange waste management.* The proposal suggests amending subsection 2 to the extent that it conflicts with the Battery Regulation regarding batteries and accumulators. The Battery Regulation imposes an obligation on operators collecting and receiving waste batteries and accumulators to hand over the collected waste batteries and accumulators to the relevant producers or producer organisations. This handover obligation conflicts with subsection 2 of Section 47 of the Waste Act, which currently allows entities other than producers to offer services related to the reuse or preparation for reuse of products without being hindered by the producer's primary right. Therefore, it is proposed that subsection 2 be amended so that, in relation to batteries and accumulators, entities other than the producer may only offer services related to the reuse of the product itself. This change would mean that offering services related to the preparation for reuse of waste batteries and accumulators would only be possible by agreement with the producer responsibility organisation, in accordance with subsection 1 of section 47.

The change concerning waste batteries and accumulators is based on the obligations laid down in the Battery Regulation for distributors (Article 62(3)), operators of waste treatment facilities for electrical and electronic equipment waste and end-of-life vehicles (Article 65(1)), municipalities (Article 66(2)), and other collection points (Article 67(1)) to hand over all collected waste batteries and accumulators to producers. These handover obligations imposed by the Battery Regulation are directly binding on the operators and practically require them to handover the collected end-of-life waste batteries and accumulators to the producer or the producer responsibility organization. The handover obligation does not apply to batteries that are reused for the same purpose.

According to the Battery Regulation, preparation for reuse applies to waste batteries and accumulators, whereas reuse refers to the battery or accumulator being used again for the same purpose for which it was designed (Article 3(1)(16)(b) and (2) of the Battery Regulation). Without prejudice to the primary right of the producer laid down in subsection 1, other operators could provide only the reuse of batteries and related services.

Preparation for reuse, according to the Battery Regulation, is the same as the preparation for reuse defined in Article 3(16) of the Waste Framework Directive: utilization activities carried out for checking, cleaning, or repairing purposes, by which products or parts of products that

have become waste are prepared so that they can be reused without any other pre-processing. The Battery Regulation also uses the term “remanufacturing,” which, according to preamble (17), refers to the preparation of waste batteries or accumulators for reuse or for a change in their intended purpose. The remanufacturing referred to in the Battery Regulation therefore concerns waste batteries. The remanufacturing referred to in the Battery Regulation therefore concerns waste batteries.

Reuse, on the other hand, means the action by which products or parts that are not waste can be used again for the same purpose for which they were designed. Preparing for reuse and remanufacturing concern waste, whereas reuse concerns a product that is reused for the same intended purpose.

According to Article 56(2) of the Battery Regulation, an economic operator who places on the market in a Member State for the first time a battery or accumulator that results from preparation for reuse or for a change in use, change of use, or remanufacturing, is considered the producer of that battery or accumulator under this Regulation and has extended producer responsibility.

According to recitals (16–18) of the Battery Regulation, in line with the Union framework for product legislation, a used battery or accumulator, meaning one that has been subject to reuse, is considered to have already been placed on the market when it was first made available for use or distribution. By contrast, batteries or accumulators that have been prepared for reuse, had their intended use changed, or have been remanufactured, are considered to have been placed on the market again, and therefore must comply with the Battery Regulation. Furthermore, under the Union product legislation framework, a used battery or accumulator imported from a third country is considered placed on the market when it first enters the Union. Therefore, a battery or accumulator imported from a third country that is subject to reuse, change of use, remanufacturing, or preparation for reuse or change of use, must comply with the Battery Regulation.

If the end user is a consumer, and the battery or accumulator has been prepared for reuse or a change of use, had its use changed, or has been remanufactured, that battery or accumulator should fall within the scope of the sales contract under the European Parliament and Council Directive (EU) 2019/771<sup>31</sup>. The requirements of the said directive particularly concern the conformity of the product with the contract, the seller’s liability, including the possibility of a

---

<sup>31</sup> European Parliament and Council Directive (EU) 2019/771, adopted on 20 May 2019, on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (Official Journal of the European Union L 136, 22.5.2019, p. 28).

shorter liability or limitation period, the burden of proof, remedies for defects, repair or replacement of goods, and commercial guarantees.

**Section 48. *Products and producers subject to producer responsibility.*** The proposal suggests amending item 4 of subsection 1 of the section so that the definition of “producer” would refer to Article 3 and Article 56(2) of the Battery Regulation. Until now, the producer of batteries and accumulators has been considered the party placing the battery or accumulator on the market, but the Battery Regulation significantly broadens the definition of producer. According to Article 3(1), point 47 of the Battery Regulation, a producer means a manufacturer, importer, or distributor, or any other natural or legal person who, regardless of the sales method used, including distance contracts:

a) is established in a Member State and manufactures batteries or accumulators under their own name or trademark, or who designs or manufactures batteries or accumulators and supplies them for the first time under their own name or trademark, including batteries and accumulators incorporated into devices, light means of transport, or other vehicles, within the territory of that Member State;

b) is established in a Member State and resells, under their own name or trademark, batteries or accumulators produced by others that do not bear the name or trademark of those other producers, including batteries and accumulators incorporated into devices, light means of transport, or other vehicles;

c) is established in a Member State and supplies batteries or accumulators for the first time professionally in that Member State, including batteries and accumulators incorporated into devices, light means of transport, or other vehicles, coming from another Member State or a third country; or

d) sells batteries or accumulators directly to end users in a Member State by means of distance contracts, including those incorporated into devices, light means of transport, or other vehicles, regardless of whether the end users are private households or not, and who is established in another Member State or a third country.

The term “placing on the market,” which is essential for the definition of producer, is defined in Article 3 of the Battery Regulation as meaning the first making available of a battery or accumulator on the Union market (Article 3(1)(16)). Subparagraph 17 defines “making available on the market” as supplying a battery or accumulator on the Union market in the course of a commercial activity for distribution or use, whether for payment or free of charge. Since placing on the market no longer refers to a third party, manufacturing or importing for own use would also fall within the scope of producer responsibility. This is also clarified in the recitals of the Battery Regulation, which state that the same requirements apply to batteries

or accumulators put into use without prior placement on the market as to those placed on the market before being put into use. This applies, for example, to batteries or accumulators used by manufacturers for their own purposes or batteries that, due to their characteristics, can only be assembled and tested on-site at their final destination. To avoid the need to demonstrate compliance twice for the same product, the same requirements should not apply to batteries and accumulators placed on the market at the point of use.

In addition, according to Article 56(2) of the Battery Regulation, an economic operator who places on the market in a Member State for the first time a battery or accumulator that results from preparation for reuse or for a change in use, change of use, or remanufacturing, is considered the producer of that battery or accumulator under this Regulation and has extended producer responsibility.

**Section 48b.** *The producer's cost responsibility for certain waste management and cleaning activities carried out by municipalities.* To replace the Annex, Annex 1 would be amended to subsection 4 of the section.

**Section 49.** *Reception and transport of end-of-life products.* It is proposed to add to subsection 1 that the collection of batteries and accumulators is regulated by Articles 59–61 of the Battery Regulation. The reference to the Battery Regulation needs to be added because these articles contain detailed provisions directly applicable to the collection of waste batteries and accumulators, which must be followed instead of subsection 1 of section 49 of the Waste Act.

#### Collection of portable waste batteries and accumulators

According to Article 59 of the Battery Regulation, producers or producer responsibility organisations of portable batteries and accumulators must ensure that all portable waste batteries and accumulators are collected separately regardless of their nature, chemical composition, condition, trademark, or origin in the Member State where they first place portable batteries and accumulators on the market. To this end, they must:

- a) establish a collection and take-back system for portable waste batteries and accumulators;
- b) provide free collection of portable waste batteries and accumulators from the entities referred to in point a of paragraph 2, and ensure the collection of portable waste batteries and accumulators from all those who have used this possibility, hereinafter referred to as 'collection points linked to the collection network for portable waste batteries and accumulators';

c) ensure the necessary practical arrangements for the collection and transport of portable waste batteries and accumulators, including the provision free of charge of suitable collection and transport containers that comply with the requirements of European Parliament and Council Directive 2008/68/EC (46) to the collection points linked to the collection network for portable waste batteries and accumulators;

d) collect the portable waste batteries and accumulators from the collection points linked to the collection network free of charge and with sufficient frequency in relation to the area covered by the collection points linked to the collection network and the quantity and hazardousness of portable waste batteries and accumulators generally collected through the collection points linked to the collection network;

e) collect portable waste batteries and accumulators removed from waste electrical and electronic equipment free of charge and with sufficient frequency in relation to the quantity and hazardousness of portable waste batteries and accumulators;

f) ensure that the waste management operator treats the collected portable waste batteries and accumulators from the collection points linked to the collection network and those removed from waste electrical and electronic equipment at an authorized facility in accordance with Article 70.

According to paragraph 2 of the Article, producers or producer responsibility organisations of portable batteries and accumulators must ensure that the collection and take-back system

a) consists of collection points established in cooperation with one or more of the following:

i) distributors in accordance with Article 62;

ii) treatment facilities for end-of-life vehicles subject to Directive 2000/53/EC;

iii) authorities or third parties responsible for waste management on their behalf in accordance with Article 66;

iv) voluntary collection points in accordance with Article 67;

v) treatment facilities for waste electrical and electronic equipment subject to Directive 2012/19/EU; and

b) covers the entire territory of the Member State, taking into account population size and density, the expected quantity of portable waste batteries and accumulators, and accessibility and proximity to end users, without limiting to areas where collection and subsequent waste management of portable waste batteries and accumulators is profitable.

According to paragraph 4 of Article 59, end users must be able to leave used portable batteries and accumulators at the collection points referred to in point a of paragraph 2 free of charge,

and they must not be charged any fee or be obliged to purchase a new battery or accumulator, nor must it be required that the portable battery or accumulator was purchased from producers who established the collection point.

#### Collection of waste batteries from light means of transport

According to Article 60 of the Battery Regulation, producers or producer responsibility organisations of batteries for light means of transport must ensure that all waste batteries from light means of transport are collected separately regardless of their nature, chemical composition, condition, trademark, or origin in the Member State where they first place batteries on the market. To this end, they must:

- a) establish a collection and take-back system for waste batteries from light means of transport;
- b) provide free collection of waste batteries from light means of transport to the entities referred to in point a of paragraph 2 and ensure the collection of waste batteries from light means of transport from all those who have used this possibility, hereinafter referred to as ‘collection points linked to the collection network for batteries from light means of transport’;
- c) ensure the necessary practical arrangements for the collection and transport of waste batteries from light means of transport, including the provision free of charge of suitable collection and transport containers that comply with the requirements of Directive 2008/68/EC to the collection points linked to the collection network for batteries from light means of transport;
- d) collect the waste batteries from light means of transport from the collection points linked to the collection network free of charge and with sufficient frequency in relation to the area covered by the collection points and the quantity and hazardousness of the waste batteries from light means of transport generally collected through these points;
- e) collect waste batteries from light means of transport removed from waste electrical and electronic equipment free of charge and with sufficient frequency in relation to the quantity and hazardousness of waste batteries from light means of transport;
- f) ensure that the waste management operator treats the waste batteries from light means of transport collected from the collection points linked to the collection network and those removed from waste electrical and electronic equipment at an authorized facility in accordance with Article 70.

According to paragraph 2 of Article 60, producers or producer responsibility organisations of batteries for light means of transport must ensure that the collection and take-back system for waste batteries from light means of transport.

- a) consists of collection points established in cooperation with one or more of the following:
- i) distributors in accordance with Article 62;
  - ii) treatment facilities for end-of-life vehicles subject to Directive 2000/53/EC;
  - iii) authorities or third parties responsible for waste management on their behalf in accordance with Article 66;
  - iv) voluntary collection points in accordance with Article 67;
  - v) treatment facilities for waste electrical and electronic equipment subject to Directive 2012/19/EU; and
- b) cover the entire territory of the Member State, taking into account the population size and density, the expected quantity of waste batteries from light means of transport, as well as the accessibility and proximity from the perspective of end users, without limiting to areas where the collection and subsequent waste management of waste batteries from light means of transport is profitable.

According to Article 60(4), producers or producer responsibility organisations of batteries for light means of transport must:

- a) establish an appropriate collection infrastructure for the separate collection of waste batteries from light means of transport, which meet applicable safety requirements, at the collection points referred to in point (a) of paragraph 2, and cover the necessary costs arising from the take-back of such batteries at those collection points; the collection points must have suitable containers for the collection and temporary storage of such waste batteries, taking into account the expected quantity and hazardousness of waste batteries from light means of transport likely to be collected via these points;
- b) collect waste batteries from light means of transport from the collection points referred to in point (a) of paragraph 2 with sufficient frequency relative to the storage capacity of the separate collection infrastructure and the quantity and hazardousness of the waste batteries generally collected via these collection points;
- c) ensure the delivery of waste batteries from light means of transport collected from the collection points referred to in point (a) of paragraph 2 to authorized treatment facilities in accordance with Articles 70 and 73.

According to Article 60(5), end users must be able to leave waste batteries from light means of transport at the collection points referred to in point (a) of paragraph 2 free of charge; they

must not be charged a fee, required to purchase a new battery, nor required that the battery has been purchased from the producer who established the collection point.

Collection of waste vehicle batteries, industrial batteries, and electric vehicle traction batteries

Article 61 of the Battery Regulation provides that producers or producer responsibility organisations of vehicle batteries, industrial batteries, and electric vehicle traction batteries must take back these batteries free of charge and without requiring the end user to buy a new battery or that the battery was purchased from them, and ensure that all waste vehicle batteries, industrial batteries, and electric vehicle traction batteries, regardless of their nature, chemical composition, condition, brand, or origin, that they have placed on the market for the first time in the territory of the Member State, are collected separately. To that end, they must agree to take back waste vehicle batteries, industrial batteries, and electric vehicle traction batteries from end users or from collection and take-back systems, which include collection points established in cooperation with:

- a) distributors of vehicle batteries, industrial batteries, and electric vehicle traction batteries in accordance with Article 62(1);
- b) authorized operators who carry out the remanufacturing or repurposing of vehicle batteries, industrial batteries, and electric vehicle traction batteries;
- c) treatment facilities for waste electrical and electronic equipment and end-of-life vehicles referred to in Article 65, regarding waste vehicle batteries, industrial batteries, and electric vehicle traction batteries generated from their operations;
- d) authorities or third parties responsible for waste management on their behalf in accordance with Article 66.

According to Article 60(2), the take-back systems established pursuant to paragraph 1 must cover the entire territory of the Member State, taking into account the population size and density, the expected quantity of waste vehicle batteries, industrial batteries, and electric vehicle traction batteries, as well as the accessibility and proximity from the perspective of end users; they must not be limited to areas where the collection and subsequent waste management of these batteries is profitable.

According to Article 60(3), producers or producer responsibility organisations of vehicle batteries, industrial batteries, and electric vehicle traction batteries shall:

- a) provide collection infrastructure suitable for separate collection of waste vehicle batteries, industrial batteries, and electric vehicle traction batteries meeting applicable safety

requirements at the reception and collection systems referred to in paragraph 1, and cover the necessary costs arising from the take-back of these batteries; the reception and collection systems must have suitable containers for the collection and temporary storage of such waste batteries, taking into account the expected quantity and hazardousness of waste vehicle batteries, industrial batteries, and electric vehicle traction batteries likely to be collected through these systems;

b) collect waste vehicle batteries, industrial batteries, and electric vehicle traction batteries from the reception and collection systems referred to in paragraph 1 with sufficient frequency relative to the storage capacity of the separate collection infrastructure and the quantity and hazardousness of waste batteries generally collected through these systems;

c) ensure the delivery of waste vehicle batteries, industrial batteries, and electric vehicle traction batteries collected from end users and the reception and collection systems referred to in paragraph 1 to authorized treatment facilities in accordance with Articles 70 and 73.

**Section 51. Producers' communication and counselling obligation.** It is proposed that a reference be added to subsection 1 of the section, stating that the provision of information on the prevention of battery and accumulator waste and waste management is also governed by Article 74 of the Battery Regulation. The reference to the Battery Regulation is necessary, as Article 74 of the Battery Regulation contains broader requirements than those in the Waste Directive, and the current Section 51 of the Waste Act is based on the minimum requirements set out in the Waste Directive. According to Article 74(1) of the Battery Regulation, in addition to the information referred to in Article 8a(2) of the Waste Directive, producers or producer responsibility organizations must make the following information available to end-users and distributors regarding the prevention and management of battery and accumulator waste for the categories of batteries and accumulators they place on the market within a Member State:

a) the role of end-users in preventing waste generation, including providing information on best practices and recommendations for the use of batteries and accumulators aimed at extending their service life and improving their potential for reuse, preparation for reuse, repurposing, and remanufacturing;

b) the role of end-users in promoting the separate collection of waste batteries and accumulators in accordance with the obligations imposed on them under Article 64 to enable the treatment of waste batteries and accumulators;

c) the available separate collection, return, and collection points for waste batteries and accumulators intended for preparation for reuse, repurposing, and treatment;

d) the necessary safety instructions for handling waste batteries and accumulators, including the risks associated with batteries and accumulators containing lithium and their handling;

e) the significance of the markings and symbols printed on batteries and accumulators, their packaging, or accompanying documents, in accordance with Article 13;

f) the impact of the substances contained in batteries and accumulators, particularly hazardous substances, on the environment and human health or safety, including the inappropriate disposal of waste batteries and accumulators, such as littering or disposal as unsorted municipal waste.

This information shall be made available:

a) At regular intervals for each battery or accumulator model, starting from when the model is first placed on the market in a Member State, at a minimum visibly at the point of sale and via online platforms;

b) In the language(s) designated by the Member State in which the battery or accumulator is to be placed on the market, and which can be easily understood by end-users.

According to paragraph 2 of the Article, producers must make available to distributors and operators referred to in Articles 62, 65, and 66, as well as other waste management operators involved in preparation for reuse, repurposing, or treatment, information on safety and protective measures applicable to the storage and collection of waste batteries and accumulators, including occupational safety.

According to paragraph 3 of the Article, from the moment a battery or accumulator is placed on the territory of a Member State, producers must, free of charge and upon request, make the following model-specific information on the proper and environmentally sound treatment of waste batteries and accumulators available in electronic format to waste management operators carrying out preparation for reuse, repurposing, or treatment, insofar as such operators require it to perform those operations:

a) procedures for dismantling light means of transport, vehicles, and appliances in such a way that the batteries or accumulators contained in them can be removed;

b) safety and protective measures applicable to the storage, transport, and treatment processes of waste batteries and accumulators, including occupational and fire safety measures.

The information referred to in points (a) and (b) of the first subparagraph must identify the parts and materials as well as the location of all hazardous substances in the battery or accumulator, to the extent that such information is required by the operators performing preparation for reuse, repurposing, or treatment to comply with the requirements of this Regulation.

This information must be made available in the language or languages designated by the Member State in whose market the battery or accumulator is to be placed, and which can be easily understood by the operators referred to in the first subparagraph.

According to paragraph 5 of the Article, the costs covered by the producer in accordance with points (a) to (d) of Article 56(4) must be presented separately to the end-user at the point of sale of the new battery or accumulator. Furthermore, according to paragraph 6 of the Article, producers or producer responsibility organizations for the relevant battery or accumulator category must organize awareness campaigns and provide incentives to encourage end-users to dispose of waste batteries and accumulators in a manner consistent with the information made available to end-users under paragraph 1 regarding the prevention and management of battery and accumulator waste.

**Section 52. *Measures to promote reuse.*** It is proposed that subsection 2 be amended to include that the provision of information on the performance and expected lifetime of batteries and accumulators is also governed by Article 14 of the Battery Regulation, and that information on the prevention and management of battery and accumulator waste is governed by point (a) of Article 74(1). A reference to the Battery Regulation is necessary because Article 14 of the Regulation requires certain specifically defined battery categories to have a battery management system, which must contain more extensive information than that mentioned in the section, in order to enable preparation for reuse, repurposing, or remanufacturing of batteries. According to Article 14(1) of the Regulation, from 18 August 2024, the battery management systems of stationary battery energy storage systems, light means of transport batteries, and propulsion batteries for electric vehicles must contain up-to-date information on the parameters necessary to determine battery performance and expected lifetime, as specified in Annex VII.

According to paragraph 2 of the Article, a natural or legal person who has legally purchased a battery — including independent operators or waste management operators — or a third party acting on their behalf, must at all times have non-discriminatory read access to the data on the variables specified in Annex VII, via the battery management system referred to in paragraph 1, in compliance with the battery manufacturer's intellectual property rights:

- a) in order to make the battery's capacity available to independent aggregators or market participants through energy storage;
- b) to assess the battery's residual value, remaining service life, and continued usability based on an evaluation of the battery's condition;
- c) to facilitate preparation for reuse, preparation for repurposing, repurposing, or remanufacturing of the battery.

According to paragraph 3 of the Article, the battery management system must include a software restore function in cases where economic operators carrying out preparation for reuse, repurposing, or remanufacturing need to install a different battery management system software. If the software restore function is used, the original battery manufacturer shall not be held liable for any safety or functionality issues related to the battery that can be attributed to the battery management system software installed after the battery was placed on the market.

According to point (a) of Article 74(1) of the Battery Regulation, producers or producer responsibility organizations must make available to end-users and distributors information about the role of end-users in contributing to the prevention of waste generation. This includes providing guidance on good practices and recommendations for the use of batteries and accumulators aimed at extending their service life and improving the possibilities for their reuse, preparation for reuse, preparation for repurposing, repurposing, and remanufacturing.

**Section 53.** *Exceptions to producer cost responsibility for certain products.* It is proposed that paragraph 1 of the section be amended and the current paragraph 2 be repealed. In addition, it is proposed to lay down new paragraphs 2 and 3. The title of the section would also be amended by removing the reference to products used outside of households.

The proposed amendment would align with the amendment to the WEEE Directive. According to Article 12(1) of the amended WEEE Directive, producers are required to finance, in accordance with Article 5(2), at least the collection, treatment, recovery, and environmentally sound disposal of household waste electrical and electronic equipment brought to the collection facilities established under Article 5(2), as follows:

- a) waste electrical and electronic equipment originating from electrical and electronic equipment other than photovoltaic panels, as referred to in Article 2(1)(a), where such electrical and electronic equipment has been placed on the market after 13 August 2005;
- b) waste electrical and electronic equipment originating from photovoltaic panels, where such panels were placed on the market from 13 August 2012 onward;
- c) Waste electrical and electronic equipment originating from electrical and electronic devices referred to in Article 2(1)(b), which are not covered by the scope of Article 2(1)(a), where such devices were placed on the market from 15 August 2018 onward.

According to paragraph 4 of the amended Article 12, the financing of waste management costs for waste electrical and electronic equipment originating from products referred to in Article 2(1)(a), excluding photovoltaic panels, which were placed on the market no later than 13 August 2005, must be ensured through one or more systems in which all producers operating

on the market at the time the costs arise participate in proportion to their respective share — for example, based on their market share by type of equipment.

According to the amended Article 13, producers shall finance the costs of collection, treatment, recovery, and environmentally sound disposal of waste electrical and electronic equipment from users other than private households as follows:

- a) waste electrical and electronic equipment originating from electrical and electronic equipment other than photovoltaic panels, as referred to in Article 2(1)(a), where such electrical and electronic equipment has been placed on the market after 13 August 2005;
- b) waste electrical and electronic equipment originating from photovoltaic panels, where such panels were placed on the market from 13 August 2012 onward;
- c) Waste electrical and electronic equipment originating from electrical and electronic devices referred to in Article 2(1)(b), which are not covered by the scope of Article 2(1)(a), where such devices were placed on the market from 15 August 2018 onward.

Producers of the relevant products shall be responsible for financing the costs arising from such historical waste that originates from electrical and electronic equipment other than photovoltaic panels, as referred to in Article 2(1)(a), which is replaced by new equivalent products or new products serving the same purpose. Member States may alternatively provide that users other than private households shall bear this financing responsibility either in full or in part. As regards other historical waste originating from electrical and electronic equipment other than photovoltaic panels, as referred to in Article 2(1)(a), the financing of the costs shall be borne by users other than private households.

The amendment of the WEEE Directive requires that the producer's financial responsibility be similarly limited in national legislation. In order to define the producer's financial responsibility in accordance with the amendment to the WEEE Directive, new Annexes 2 and 3 would be added to the Waste Act. . Annex 2 corresponds to Annex II of the WEEE Directive, and Annex 3 to Annex IV of the Directive.

According to the proposed subsection 1, notwithstanding what is provided in section 46, the producer of electrical and electronic equipment shall not be responsible for:

- 1) the waste management costs of non-household electrical and electronic equipment, placed on the market before 14 August 2005 and belonging to the equipment categories referred to in Annex 2, unless the equipment is replaced by new equivalent equipment or new equipment serving the same purpose;

2) the waste management costs of photovoltaic panels placed on the market before 13 August 2012; and

3) the waste management costs of electrical and electronic equipment placed on the market before 15 August 2018 and belonging to the equipment categories referred to in Annex 3, which are not included in Annex 2.

According to point 1 of subsection 1, the producer shall not be responsible for the waste management costs of non-household electrical and electronic equipment, placed on the market before 14 August 2005 and referred to in Annex 2, unless it is replaced with equivalent or functionally similar new equipment. The equipment categories would be defined in Annex 2, which corresponds to Annex II of the WEEE Directive. Thus, the producer would only be responsible for the waste management costs of non-household electrical and electronic equipment placed on the market before 14 August 2005 if the decommissioned equipment is replaced by equivalent or similarly purposed new equipment.

According to point 2 of subsection 1, photovoltaic panels placed on the market before 13 August 2012 would fall outside the producer's financial responsibility. According to the proposed point 3, the producer would not be responsible for the waste management costs of electrical and electronic equipment placed on the market before 15 August 2018 and belonging to the categories set out in Annex 3, which are not included in Annex 2. Annex 3 corresponds to Annex IV of the WEEE Directive, which relates to the so-called open scope of the Directive. The open scope covers nearly all electrical and electronic equipment, except for the equipment referred to in section 1(3) of the WEEE Directive.

The holder of the waste would be responsible for the waste management costs of such electrical and electronic equipment waste that falls outside the producer's financial responsibility.

According to the proposed subsection 2, the producer shall accept all equipment referred to in subsection 1, within its field of responsibility, at its designated collection points. In such cases, the producer may charge the last holder of the decommissioned equipment a reasonable fee for organising the waste management. Thus, the producer would also be required to accept, at its collection points, equipment that falls outside its financial responsibility, to the extent that the equipment belongs to product groups for which the producer or producer organisation is registered in the producer register. In such cases, the producer may charge the last holder of the decommissioned equipment a reasonable fee for organising the waste management. Waste returned to the producer's collection points shall be treated in the same manner as all other waste within the producer's waste management system, regardless of whether the cost responsibility lies with the producer or the waste holder. According to the proposed provision, the producer would not be required to expand the collection network but would need to

accept at its existing collection network the electrical and electronic equipment waste that falls outside its financial responsibility. It is necessary to regulate the producer's take-back obligation, as the improper handling of waste originating from solar panels and from electrical and electronic equipment falling under the open scope of application can cause significant harm to human health and the environment. By assigning the responsibility for collection and waste management to the producer—who is also responsible for the waste management of other electrical and electronic equipment—the proper treatment of decommissioned devices can be best ensured and the recovery of the resulting waste maximised.

According to the proposed subsection 3, however, the producer and the holder of electrical and electronic equipment other than household equipment could agree on a different division of waste management costs, regardless of when the device was placed on the market. The provision would correspond to the current subsection 1, which states that the producer and the device holder may agree on a different division of waste management costs, regardless of the time the device was placed on the market. The term "holder of electrical and electronic equipment other than for households," which was removed from the title of the section, would be added to this subsection. The distinction between household and non-household users of electrical and electronic waste would continue to be based on the characteristics of the device, not on the actual user.

The current subsection 2, which allows the producer of industrial batteries and accumulators as well as vehicle batteries and accumulators not intended for private use, and the holder of such a battery or accumulator, to agree on a different division of waste management costs than specified in section 46(1), is proposed to be repealed entirely. According to Article 3(1)(13) of the EU Battery Regulation, an industrial battery means a battery that is specifically designed for industrial use or weighs more than 5 kg and does not fall under other battery categories. Thus, batteries sold to consumers for energy storage are also considered industrial batteries. The Battery Regulation also applies to batteries that are integrated into or added to products, or that are specifically designed to be integrated into or added to products.

Directive 2006/66/EC, on which section 53(2) of the Waste Act was based, will be repealed under Article 95 of the Battery Regulation as of 18 August 2025. Based on the exception, the producer of an industrial battery and the battery holder have been able to agree on a different division of waste management costs than what is provided in section 46 of the Waste Act. In practice, this has meant that producers of industrial batteries have been able to negotiate the cost-sharing for recycling with the end user. Due to this exception, producers of industrial batteries have not been required under the Waste Act to establish a collective collection system. They have only been required to accept a share—deemed reasonable in relation to their market share—of other similar products, regardless of when the products were placed on the market.

However, the obligations under the Battery Regulation require that, going forward, a collective, nationwide collection system must be established for all industrial batteries, regardless of when they were placed on the market. According to Article 61 of the Battery Regulation, producers of industrial batteries must accept all offered waste industrial batteries free of charge and without requiring the purchase of a new product. To fulfil this obligation, producers must establish a collection or reception system (or systems) in cooperation with battery distributors, operators carrying out remanufacturing or repurposing, treatment facilities, and municipal waste management authorities. The collection system must cover the entire country, provide collection infrastructure that meets applicable safety standards at collection points, and cover the costs arising from take-back operations. Thus, under the Battery Regulation, a collective, nationwide collection system must be established for all industrial batteries, regardless of their placement on the market. In the future, producers of industrial batteries must transfer their producer responsibility obligations to a producer organisation in accordance with section 62 of the Waste Act.

**Section 53a. Producers' self-monitoring.** It is proposed that subsection 1 of the section be amended to include a provision stating that producer self-monitoring regarding batteries and accumulators is also regulated in Article 58(5) of the Battery Regulation. A reference to the Battery Regulation is necessary, as it specifies the tasks related to producer self-monitoring in more detail than Article 8a of the Waste Directive. According to Article 58(5), the self-monitoring referred to in Article 8a(3)(d) of the Waste Directive must be carried out regularly, at least every three years, and upon request by the competent authority, in order to verify compliance with the provisions of the said subparagraph and to ensure that the conditions for approval referred to in Article 58(2) continue to be fulfilled. The producer or producer organisation must, upon request, submit a self-monitoring report and, where necessary, a draft plan for corrective measures to the competent authority. The competent authority may provide comments on the self-monitoring report and the draft plan for corrective measures, and must forward any such comments to the producer or producer organisation, without prejudice to the authority provided in paragraph 6 of this Article. The producer or producer organisation must prepare and implement a corrective action plan based on the comments received.

**Section 54. The producer's record-keeping and notification obligation.** It is proposed that subsection 1 of the section be amended to include a provision stating that the record-keeping and reporting obligations of battery and accumulator producers are laid down in Article 75 and in Article 76(1)–(2) of the Battery Regulation. This reference to the Battery Regulation is necessary, as the Regulation contains detailed, directly applicable provisions on producers' record-keeping and reporting that take precedence over the provisions of the Waste Act. According to Article 75, producers or producer responsibility organisations of portable batteries and accumulators, as well as producers or producer responsibility organisations of batteries for light means of transport, must submit to the competent authority, for each

calendar year, at least the following data, broken down by battery chemistry and category of batteries, accumulators, and waste batteries and accumulators:

- a) the quantity of portable batteries and accumulators and light means of transport batteries placed on the market for the first time within the territory of the Member State, excluding batteries and accumulators exported outside the territory before being sold to end users;
- b) the quantity of general-purpose portable batteries and accumulators placed on the market for the first time within the territory of the Member State, excluding those exported outside the territory before being sold to end users;
- c) the quantity of portable waste batteries and accumulators collected in accordance with Article 59 and the quantity of light means of transport waste batteries collected in accordance with Article 60;
- d) the collection rate achieved by the producer or producer responsibility organisation for portable and light means of transport waste batteries;
- e) the quantity of collected portable waste batteries and accumulators and light means of transport waste batteries delivered to authorised treatment facilities;
- f) the quantity of collected portable waste batteries and accumulators and light means of transport waste batteries exported to third countries for treatment, preparation for reuse, or repurposing;
- g) the quantity of collected portable waste batteries and accumulators and light means of transport waste batteries and accumulators delivered to authorised facilities for preparation for reuse or repurposing.

The information referred to in points (a) to (g) of paragraph 1 shall include data on batteries and accumulators contained in vehicles and appliances, as well as on waste batteries and accumulators removed from vehicles and appliances in accordance with Article 65.

According to Article 75(2), producers or producer responsibility organisations of automotive batteries, industrial batteries and electric vehicle traction batteries shall report the following information to the competent authority for each calendar year, broken down by battery chemistry and category of waste batteries:

- a) the quantity of automotive batteries, industrial batteries and electric vehicle traction batteries placed on the market for the first time in the Member State, excluding batteries exported outside the Member State during the same year before being sold to end-users;

b) the quantity of collected waste automotive batteries, waste industrial batteries and waste electric vehicle traction batteries delivered to authorised facilities for preparation for reuse or repurposing;

c) the quantity of collected waste automotive batteries, waste industrial batteries and waste electric vehicle traction batteries delivered to authorised facilities for treatment;

d) the quantity of collected waste automotive batteries, waste industrial batteries and waste electric vehicle traction batteries exported to third countries for preparation for reuse, repurposing or treatment.

Reporting on recycling efficiency and material recovery shall include all individual steps of the recycling process and all corresponding fractions obtained from the recycling process. If recycling operations are carried out in more than one facility, the first recycler shall be responsible for collecting and submitting the data to the competent authorities.

According to Article 75(7), producers or producer responsibility organisations shall report within six months of the end of the reporting year from which the data have been collected.

Article 76 of the Battery Regulation concerns the reporting by Member States to the Commission. In order for a Member State to comply with its reporting obligations, producers or producer responsibility organisations must report the data specified in Article 76. According to Article 76(1), Member States shall make publicly available, for each calendar year and in an aggregated form established in an implementing act adopted by the Commission under paragraph 5, the following data for portable batteries and accumulators, light means of transport batteries, automotive batteries, industrial batteries and electric vehicle traction batteries, broken down by battery or accumulator category and chemistry:

a) the quantity of batteries and accumulators placed on the market for the first time in the Member State, including those incorporated into appliances, vehicles or industrial products, but excluding batteries and accumulators that were exported outside the Member State during the same year before being sold to end-users;

b) the quantity of waste batteries and accumulators collected pursuant to Articles 59, 60 and 61, and the collection rate, calculated according to the method set out in Annex XI;

c) the quantity of waste industrial batteries and electric vehicle waste traction batteries that have been collected and delivered to authorised facilities for preparation for reuse or repurposing;

d) the achieved recycling efficiencies referred to in Part B of Annex XII and the achieved material recovery levels referred to in Part C of Annex XII for batteries and accumulators collected in that Member State. Reporting on recycling efficiency and material recovery shall include all individual steps of the recycling process and all corresponding fractions obtained from the recycling process.

Member States shall make the data available within 18 months of the end of the reporting year from which the data have been collected. They shall publish the data electronically in the format established by the Commission under paragraph 5, using easily accessible data services. The data shall be machine-readable, sortable, searchable, and shall comply with open standards for use by third parties. Member States shall notify the Commission when the data referred to in the first subparagraph are made available.

The first reporting period shall be the first full calendar year following the entry into force of the implementing act establishing the format for reporting to the Commission in accordance with paragraph 5.

In addition to complying with the obligations set out in Directives 2000/53/EC and 2012/19/EU, the data referred to in points (a) to (d) of the first subparagraph of paragraph 1 shall also include information on batteries and accumulators incorporated in vehicles and appliances, and on waste batteries and accumulators removed from such vehicles and appliances in accordance with Article 65.

**Section 55. *Ensuring producer registration.*** It is proposed that paragraph 1 of this section be amended to include that the obligations of distributors of batteries and accumulators referred to in this paragraph are laid down in Article 42(2) of the Battery Regulation, and the obligations of online platform providers are laid down in Article 62(6) of the Battery Regulation. The reference to the Battery Regulation is necessary because the Regulation imposes an obligation on distributors and online platform providers to ensure that producers are registered. According to Article 42(2) of the Regulation, before placing a battery or accumulator on the market, distributors must verify that the producer is registered in the producer register referred to in Article 55. According to Article 62(6), online platform providers that enable consumers to conclude distance contracts with producers must obtain from such producers offering batteries and accumulators to consumers information on their registration and self-certification. In addition to the obligations set out in the Battery Regulation, the provision in Section 55 of the Waste Act shall also apply to batteries and accumulators. According to that provision, a public procurement entity acquiring the products referred to in Section 48 must, where possible, ensure that the producer of the product delivered to it is included in the producer register.

**Section 56.** *The take-back obligation of the distributor of the product.* It is proposed that paragraph 1 of subsection 1 of the section is amended, a new paragraph 2 is added and the existing paragraph 3 is repealed. It is proposed that paragraph 1 of subsection 1 be repealed and the current paragraph 1a be amended to paragraph 1. The current requirement in paragraph 1 of subparagraph 1 concerning the obligation to accept portable batteries and accumulators conflicts with the acceptance obligation laid down in Article 62 of the Battery Regulation. A new subsection 2 is proposed, stating that the distributor's obligation to accept end-of-life batteries and accumulators shall be governed by Article 62 of the Battery Regulation.

Two technical corrections would be made to subsection 2 of the Act, where the references to subsection 1, paragraph 1a, would be amended to refer to subsection 1, paragraph 1.

The take-back obligation for the distributor of automotive batteries and accumulators for vehicles intended for private use laid down in paragraph 3 of the Act would be repealed, as Article 62 of the Batteries Regulation provides in detail for the take-back obligation for distributors. According to Article 62(1) of the Battery Regulation, distributors shall take back waste batteries and accumulators free of charge from end-users without requiring the end-user to purchase a new battery or accumulator, regardless of their chemical composition, brand, or origin, as follows:

- a) portable waste batteries and accumulators must be accepted at the distributor's retail premises or in their immediate vicinity;
- b) waste batteries of light means of transport, waste vehicle batteries, waste industrial batteries, and waste traction batteries of electric vehicles must be accepted at the distributor's retail premises or nearby.

In accordance with Article 62(2), the take-back obligation referred to in paragraph 1:

- a) does not apply to waste products containing batteries and accumulators;
- b) shall apply only to those categories of waste batteries and accumulators included in the distributor's product range, and, for portable waste batteries and accumulators, only to the quantity generally discarded by end-users other than professional users.

Article 62(3) provides that distributors must hand over the waste batteries and accumulators they have accepted back to producers or producer responsibility organisations responsible for ensuring the collection of those waste batteries and accumulators in accordance with Articles 59, 60, and 61, or to a waste management operator selected pursuant to Article 57(8), for their treatment under Article 70.

According to paragraph 4 of the Article, the obligations apply, as appropriate, to distributors who supply batteries and accumulators to end-users through distance contracts. These distributors must provide a sufficient number of collection points covering the entire territory of the Member State, taking into account population size and density, the expected quantity of portable waste batteries and accumulators, waste batteries of light means of transport, waste vehicle batteries, waste industrial batteries, and waste traction batteries of electric vehicles, as well as accessibility and proximity from the end-users' perspective, so that end-users can return batteries and accumulators.

If the sale includes delivery, distributors must offer to take back portable waste batteries and accumulators, waste batteries of light means of transport, waste industrial batteries, waste vehicle batteries, and waste traction batteries of electric vehicles free of charge at the place where the battery or accumulator was delivered to the end-user or at a local collection point. The end-user must be informed of the arrangements for the return of waste batteries or accumulators at the time of ordering the battery or accumulator.

According to paragraph 6 of the Article, in order to comply with points (d) and (e) of Article 30(1) of Regulation (EU) 2022/2065<sup>32</sup>, providers of online platforms falling within the scope of Section 4 of Chapter III of that Regulation, who enable consumers to conclude distance contracts with producers, must obtain from producers the following information regarding batteries and accumulators, including those incorporated in devices, light means of transport, or other vehicles, offered to consumers established in the Union:

- a) detailed information concerning the producer register referred to in Article 55, and the producer's registration number or numbers in that register;
- b) the producer's voluntary certification committing to offer only batteries and accumulators, including those incorporated into devices, light means of transport, or other vehicles, which comply with the extended producer responsibility requirements laid down in Article 56(1), (2), (3) and (4), Article 57(1), and Article 58(1), (2) and (7).

It is proposed to add to paragraph 4 of the section that the distributor of batteries and accumulators shall bear the costs of the take-back they organize, which are not the responsibility of the producer pursuant to Articles 59(1), 60(4) and 61(3) of the Battery Regulation. It is necessary to add a reference to the Batteries Regulation, as the above-mentioned articles lay down provisions on producer's cost responsibility for take-back. According to the Battery Regulation, the producer bears the costs in this respect, which limits

---

<sup>32</sup> European Parliament and Council Regulation (EU) 2022/2065 of 19 October 2022 on the internal market for digital services and amending Directive 2000/31/EC (Digital Services Act) (Relevant text for the EEA).

the distributor's cost liability and thus conflicts with Section 56(4) of the Waste Act. Therefore, the distributor of batteries and accumulators is responsible for the costs of the take-back they organize only to the extent that the producer does not bear the costs of the take-back.

According to Article 59(1)(c) of the Battery Regulation, the producer or producer responsibility organization shall provide free collection of portable waste batteries and accumulators through the take-back and collection system it has established in cooperation with distributors, end-of-life vehicle treatment facilities, authorities or third parties responsible for waste management on their behalf, voluntary collection points, or waste electrical and electronic equipment treatment facilities. According to Article 60(4)(a) of the Battery Regulation, producers or producer responsibility organizations of batteries of light means of transport shall establish a collection infrastructure appropriate for collection points for the separate collection of waste batteries from light means of transport that meet applicable safety requirements and shall cover the necessary costs of take-back for those collection points. According to Article 61(3) of the Battery Regulation, producers or producer responsibility organizations of vehicle batteries, industrial batteries, and electric vehicle traction batteries shall provide a collection infrastructure appropriate for take-back and collection systems for the separate collection of waste vehicle batteries, waste industrial batteries, and waste traction batteries from electric vehicles that meet applicable safety requirements, and shall cover the necessary costs of take-back for those take-back and collection systems.

**Section 57.** *Distributor's obligation to provide information.* It is proposed that subsection 1 of the section be amended to include a reference to the obligation of the distributor to provide information on the prevention of battery and accumulator waste and on waste management, as laid down in Article 74(4) of the Battery Regulation. A reference to the Battery Regulation is necessary, as in addition to the provisions of the Waste Act, the distributor must also comply with the broader information obligation regarding batteries and accumulators set out in the Regulation. According to Article 74(4) of the Regulation, distributors who supply batteries or accumulators to end-users must provide, in their retail premises, the information referred to in paragraphs 1 and 2 in a permanent, accessible, and clearly visible manner, as well as information on how end-users can return waste batteries or accumulators free of charge to the relevant collection points established at retail outlets or on behalf of an online platform. This obligation is limited to those battery and accumulator categories that are or were offered by the distributor or retailer as new batteries or accumulators. Distributors must also provide the information referred to in paragraphs 1 and 2 when selling their products via online platforms, in order to enable consumers to conclude distance contracts with economic operators.

**Section 61.** *Guarantee required from certain producers and producer responsibility organisations of certain products.* It is proposed that new subsections 2 and 4 be added to this section. In addition, the current subsection 3 would be amended. The title of the section would

also be changed, as it previously applied only to producers of electrical and electronic equipment.

The new subsection 2 would provide that a producer or a producer responsibility organisation (PRO) for batteries and accumulators must provide a guarantee in favour of the Supervisory Agency to cover the costs arising from the take-back, transport, other waste management, related communication, and reuse promotion of the batteries and accumulators placed on the market by the producer or the producers affiliated with the PRO. The subsection would also include a reference to section 103(3), which governs decisions related to the guarantee and its provision.

The new subsection 4 would stipulate that the guarantee must be sufficient to cover the waste management operations, taking into account the scope and nature of the activity and the provisions issued for the activity. The guarantee must cover either the average cost of waste management for the products placed on the market in the year preceding the provision of the guarantee, or the average six-month cost of the waste management operations falling under the PRO's responsibility. The amount of the guarantee shall be at least EUR 10 000. This requirement would clarify the existing guarantee obligation and apply also to producers of electrical and electronic equipment.

Article 58(7) of the Batteries Regulation requires that, in the case of individual compliance with extended producer responsibility (EPR) obligations, a producer—and in the case of collective compliance, a producer responsibility organisation—must provide a guarantee to cover the costs of the waste management operations for which they are responsible, in case they fail to meet their obligations under EPR, including in cases of permanent cessation of activities or insolvency. The regulation is directly binding and applies to both individual registered producers and PROs. Under the Batteries Regulation, Member States may impose additional requirements regarding guarantees. The proposed provision complements the guarantee requirement laid down in the Regulation.

Subsection 3 would be amended so that the Supervisory Agency would have the right to access the guarantee if the producer or PRO is found to be insolvent, or if they have failed to organise waste management or otherwise failed to comply with their EPR obligations despite being requested to do so. The proposed amendments would clarify the existing provision and apply to all types of guarantees. Before realising the guarantee, the supervisory authority would need to issue an order under section 128, requiring the operator to fulfil their obligations, and set a penalty payment as an enforcement measure. The guarantee could be used to cover the costs of enforcement actions. The Authorisation and Supervisory Authority could then distribute the amount obtained from the guarantee proportionally based on market share to producers and PROs registered in the producer register for the procurement of waste management services or, as a last resort, procure the services itself. In addition, the wording of

the subsection would be clarified by replacing the reference to electrical and electronic equipment with a broader reference to products. The new subsection 6 would correspond to the current subsection 4 and no changes are proposed to it.

**Section 63.** *Operation of the producer responsibility organisation.* It is proposed that subsection 1 of the section be amended to include a provision stating that the obligations concerning the operation of battery and accumulator producer organisations are laid down in Article 57(2)–(5) of the Battery Regulation. A reference to the relevant parts of Article 57 of the Battery Regulation is necessary, as this article sets out the obligations of producer organisations in more detail than the Waste Act, and these must be complied with alongside the provisions of the Waste Act.

According to Article 57(2), producer organisations must ensure equal treatment of producers regardless of their origin or size, without placing a disproportionate burden on those producing small quantities of batteries or accumulators, including small and medium-sized enterprises. Article 57(3) provides that, if multiple producer organisations are approved in a Member State to fulfil extended producer responsibility obligations on behalf of producers, they must ensure that the actions referred to in Article 59(1), Article 60(1), and Article 61(1) are covered throughout the entire territory of the Member State.

According to Article 57(4), producer organisations must ensure the confidentiality of the data they hold, particularly when it concerns internal business information or information directly related to individual producers or their authorised representatives responsible for extended producer responsibility. Under paragraph 5, producer organisations must, in addition to the information referred to in Article 8a(3)(e) of Directive 2008/98/EC, publish on their websites at least annually the collection rates of waste batteries and accumulators, recycling efficiencies, and material recovery rates achieved by the producers they represent—unless business confidentiality dictates otherwise.

**Section 63a.** *Producer payment shares and their adaptation.* It is proposed that subsection 2 of the section be amended to include a provision stating that the adjustment of battery and accumulator producers' financial contributions is regulated in Article 56(5) and Article 57(2) of the Battery Regulation. A reference to the Battery Regulation is necessary, as for batteries and accumulators, the detailed rules set out in the Regulation must be followed instead of the provisions in the Waste Act. Article 56(5) provides that when batteries or accumulators placed on the market have been prepared for re-use, repurposed, or remanufactured, both the original producers and the producers placing them on the market after such measures may implement and adjust a cost-sharing scheme based on the actual distribution of costs between the different producers for the purposes of sharing the costs referred to in points (a), (c), and (d) of paragraph 4. If more than one extended producer responsibility applies to a battery or

accumulator referred to in paragraph 2, the first producer placing it on the market must not incur additional costs as a result of such a cost-sharing scheme.

According to Article 57(2) of the Regulation, if extended producer responsibility obligations are fulfilled collectively, producer organisations must ensure the equal treatment of producers, regardless of their origin or size, without imposing an undue burden on those producing batteries or accumulators in small quantities, including small and medium-sized enterprises. They shall also ensure that the financial contributions paid by producers to them:

a) are adjusted in accordance with Article 8a(4)(b) of the Waste Directive and, at a minimum, by battery or accumulator category and chemistry, taking into account, where necessary, factors such as rechargeability, the degree of recycled content used in manufacturing, whether the battery or accumulator has been prepared for re-use, repurposed, or remanufactured, and its carbon footprint; and

b) are adjusted to reflect any revenue received by the producer organisations from the preparation for re-use or repurposing of recycled waste batteries and accumulators or from the value of recovered secondary raw materials.

**Section 64.** *Safeguarding the operation of producers approved for the producer register and the producer responsibility organisation.* It is proposed that subsection 1 of the section be amended to include a provision requiring that the producer organisation for batteries and accumulators must include in its report the approved financial statements for the most recently concluded financial year and the budget for the current financial year. This provision would replace section 21(2) of the Government Decree on Batteries and Accumulators, which is proposed to be repealed and which currently regulates the submission of financial monitoring data to the Supervisory Agency.

**Section 66.** *Procurement of services by a producer responsibility organisation.* It is proposed that the section be amended to include a provision stating that, with regard to batteries and accumulators, the requirements laid down in Article 57(6) and (8) of the Battery Regulation must also be followed. This reference is necessary, as Article 57(8) of the Battery Regulation requires that producers or producer organisations apply a non-discriminatory selection procedure for waste management operators, based on transparent contract award criteria, and that the procedure does not place a disproportionate burden on small and medium-sized enterprises. The obligations of the Waste Act and the Battery Regulation would therefore apply in parallel. According to Article 57(6), in addition to the information referred to in paragraph 5, producer organisations must make publicly available information on the selection procedure for waste management operators selected in accordance with paragraph 8.

**Section 66a.** *Authorized representative of a producer or other operator.* It is proposed to add a new subsection 3 to the section, which provides that the obligation for the producer of batteries and accumulators and other operators to appoint an authorised representative responsible for extended producer responsibility is laid down in Article 56(3) of the Battery Regulation.

According to Article 56(3) of the Battery Regulation, a producer who sells batteries or accumulators directly to end users by means of distance contracts in a Member State—including batteries and accumulators incorporated into devices, light means of transport, or other vehicles—regardless of whether the end users are private households or not, and who is established in another Member State or a third country, must appoint an authorised representative responsible for extended producer responsibility in each Member State where it sells batteries or accumulators. It is necessary to include a reference to the Battery Regulation, as it changes the current legal situation. Under the current Waste Act, remote sellers of batteries and accumulators have alternatively been able to join producer organisations directly. According to Article 56 of the Battery Regulation, remote sellers must henceforth appoint, by written mandate, an authorised representative to fulfil producer responsibility obligations in each Member State where they sell batteries or accumulators. For other product groups, the obligation under the Waste Act to appoint an authorised representative applies to remote sellers established in other European Union Member States, but the requirement under the Battery Regulation to appoint an authorised representative also applies to remote sellers established in countries outside the European Union.

**Section 66b.** *Acting as an authorised representative in Finland.* It is proposed that subsection 1 of the section be amended to include a provision stating that the obligations of the authorised representative for batteries and accumulators are also laid down in Articles 55(7) and 55(12) of the Battery Regulation. According to Article 55(7) of the Battery Regulation, the obligations set out in this Article may be fulfilled on behalf of the producer by an authorised representative responsible for extended producer responsibility. If the authorised representative fulfilling the obligations represents more than one producer, in addition to the information required under paragraph 3, that authorised representative must separately provide the name and contact details of each represented producer. According to Article 55(12), the producer or, where applicable, the authorised representative responsible for extended producer responsibility, or the producer organisation appointed on behalf of the producers they represent, must without undue delay notify the competent authority of any changes to the information provided at registration and of any permanent cessation of placing batteries or accumulators on the market in the Member State.

**Section 101.** *Application for approval in the producer register.* It is proposed that subsection 2 of the section be amended to require that battery and accumulator producers also submit the guarantee required under section 61. Additionally, it is proposed to add that the obligation for

battery and accumulator producers to register in the producer register is laid down in Article 55(2) of the Battery Regulation, and that the content of the registration application is specified in paragraph 3 of the same article. . A reference to the Battery Regulation is necessary, as, in addition to the provisions of the Waste Act, the detailed rules of the Battery Regulation must be followed. According to Article 55(2) of the Battery Regulation, producers must register in the producer register. For this purpose, they must submit a registration application in each Member State where they first place a battery or accumulator on the market. The registration application must be submitted via the electronic data processing system referred to in Article 55(9)(a).

Producers may place batteries or accumulators on the market in a Member State, including batteries and accumulators incorporated into devices, light means of transport, or other vehicles, only if they or their authorised representatives responsible for extended producer responsibility have registered in that Member State.

According to Article 55(3), the registration application must include the following information:

- a) the name and trademarks (if available) used by the producer in the Member State, and the producer's address, including postal code and locality, street address, country, telephone number if any, internet and email address indicating a single contact point;
- b) the national identification code of the producer, including its trade register number or equivalent official registration number, as well as the European or national tax identification number;
- c) the category or categories of batteries or accumulators that the producer intends to place on the market for the first time in the Member State, such as portable batteries or accumulators, industrial batteries, batteries for light means of transport, traction batteries for electric vehicles, or vehicle batteries, and their chemical composition;
- d) information on how the producer fulfills the obligations laid down in Article 56 as well as the requirements set out in Articles 59, 60, and 61:
  - i) For portable batteries and accumulators or batteries for light means of transport, the requirements under point (d) must be fulfilled by providing:
    - in writing details of the measures taken to comply with the extended producer responsibility obligations laid down in Article 56, the separate collection obligations set out in Articles 59(1) or 60(1) for the quantities of batteries and accumulators placed on the market in the Member State, and the system ensuring the reliability of the data reported to competent authorities;

– where applicable, the name and contact details of the producer organisation appointed to fulfil extended producer responsibility obligations pursuant to Article 57(1) and (2), including postal code and locality, street address, country, telephone number, internet and email address, national identification code, including trade register number or equivalent official registration number, European or national tax identification number, and the producer’s mandate to the organisation;

ii) for vehicle batteries, industrial batteries, and traction batteries for electric vehicles, the requirements under point (d) must be fulfilled by providing:

– in writing details of measures taken to comply with the extended producer responsibility obligations in Article 56, the collection obligations in Article 61(1) for the quantities placed on the market in the Member State, and the system ensuring the reliability of the data reported to competent authorities;

– where applicable, the name and contact details of the producer organisation appointed to fulfil extended producer responsibility obligations pursuant to Article 57(1) and (2), including postal code and locality, street address, country, telephone number, internet and email address, national identification code, including trade register number or equivalent official registration number, European or national tax identification number, and the producer’s mandate to the organisation;

e) a declaration by the producer, or where applicable by the authorised representative responsible for extended producer responsibility, or by the producer organisation appointed under Article 57(1), confirming the accuracy of the information provided.

**Section 102.** *Requirements for approval for the producer register.* It is proposed that subsection 3 of the section be amended to include that, as a condition for the approval of a battery and accumulator producer, the financial guarantee required under section 61 must also be provided. Additionally, the subsection would state that the conditions for the approval of battery and accumulator producers are further laid down in Article 58(2) of the Battery Regulation. It is necessary to include a reference to the Battery Regulation, as in addition to the provisions of the Waste Act, the approval conditions set out in Article 58(2) of the Regulation must also be followed. According to Article 58(2) of the Regulation, approval can be granted only if:

a) it is demonstrated that the requirements established in points (a)–(d) of Article 8a(3) of the Waste Directive have been fulfilled, and the measures taken by the producer or producer organisation are sufficient to comply with the obligations laid down in this chapter for the quantities of batteries or accumulators placed on the market for the first time in the Member State by one or more producers represented by the producer organisation; and

b) documentary evidence is provided to show compliance with the requirements of Articles 59(1) and (2) or Articles 60(1), (2), and (4), and that all arrangements have been made to enable the achievement and sustainable maintenance of the collection targets referred to in Articles 59(3) or 60(3).

**Section 103.** *Decision on the approval to the producer register.* It is proposed to amend subsection 1 of the section to include that the approval of battery and accumulator producers to the producer register is additionally governed by Article 55(9) of the Battery Regulation. A reference to the Battery Regulation is necessary because, in addition to the provisions of the Waste Act, the provisions of the Battery Regulation regarding decisions on producer approval must be followed. According to Article 55(9) of the Regulation, the competent authority must make available on its website information on the application process through an electronic data processing system and must grant registration and issue a registration number within 12 weeks of receiving all the information required under the Article.

Additionally, it is proposed to add references to the Battery Regulation also to subsection 2, alongside the Government Decrees issued. The decision may include necessary provisions to ensure compliance with the approval conditions set out in section 102 and other requirements in the Battery Regulation, as well as provisions for supervision of operations. Moreover, the decision may impose gradually stricter initial obligations and targets for new battery or accumulator producers and producer organisations, taking into account the quality and scope of operations, relating to the collection, reuse, and recovery of end-of-life products and the functioning of the beverage container return system, until the obligations and targets set out in the Battery Regulation apply to them in full. Such provisions may only be imposed if the producer or producer organisation reliably demonstrates, through memoranda of understanding or equivalent documents concluded with relevant parties concerning the collection, transport, and treatment of end-of-life batteries or accumulators, that operations will be brought into compliance within the deadline set in the decision. According to Article 55(10) of the Regulation, the competent authority may adopt rules relating to registration requirements and procedures without adding substantive requirements beyond those laid down in Articles 55(2) and (3).

Additionally, it is proposed to add a new subsection 3, under which the decision may include necessary provisions concerning the financial guarantee referred to in section 61 and its establishment. The decision may require the producer or producer organisation to regularly assess the adequacy of the financial guarantee and to submit a report on its sufficiency annually or within three months of any significant change in operations to the Supervisory Agency. The Supervisory Agency must take action, if necessary, to review the amount of the guarantee. The guarantee must remain valid continuously or be renewed periodically until at least six months have passed since the termination of the producer's or producer organisation's registration in the producer register. Thus, the guarantee must be valid for as

long as the producer organisation is registered and for at least six months thereafter. The guarantee may be indefinite or fixed-term, and its amount must be regularly reviewed, taking into account, for example, changes in operations or costs. If the guarantee is extended, renewal must take place before the guarantee expires. The guarantee must be provided in favour of the Supervisory Agency before the producer or producer organisation can be registered in the producer register.

**Section 107.** *Cancellation and expiration of the approval for the producer register.* It is proposed to add to subsection 1 that the Supervisory Agency may revoke the approval in the producer register if a producer, producer organisation, or beverage container return system operator, despite a written warning from the Centre for Economic Development, Transport and the Environment, repeatedly neglects to comply with this Act and its regulations and provisions issued under it, or with the obligations based on producer responsibility under the Battery Regulation to arrange the collection, reuse, recovery, and other waste management of end-of-life products, or if any other approval condition set out in section 102 cannot be fulfilled despite a written warning from the authority.

According to Article 55(11) of the Battery Regulation, the competent authority may reject a producer's registration or revoke it if the information and documentary evidence referred to in paragraph 3 of that Article have not been provided or are insufficient, or if the producer no longer meets the requirements set out in Article 55(3)(d). The competent authority must revoke the producer's registration if the producer has ceased to exist.

According to Article 58(6) of the Battery Regulation, the competent authority may decide to revoke the approval if the collection targets established in Article 59(3) or Article 60(3) are not met, or if the producer or producer organisation no longer complies with the requirements for organising the collection and treatment of waste batteries and accumulators, neglects reporting to the competent authority, fails to notify changes in permit conditions, or has ceased operations.

**Section 117a.** *Special provisions concerning used electrical and electronic equipment as well as batteries and accumulators.* It is proposed to add a new subsection 4 to the section. Additionally, the title of the section would be amended to also cover batteries and accumulators. According to the proposed new subsection 4, the international shipment of used batteries and accumulators is regulated by Articles 72 and 73 of the Battery Regulation, the latter covering the preparation for reuse or repurposing of waste batteries from light means of transport, industrial waste batteries, and waste traction batteries from electric vehicles. in Article.

Article 72 of the Battery Regulation sets out the obligations concerning shipments of waste batteries and accumulators. According to Article 72, the treatment of waste batteries and

accumulators may be carried out either within the relevant Member State or outside the Union, provided that the shipment of the waste batteries and accumulators or their components complies with Regulations (EC) No 1013/2006<sup>33</sup> and (EC) No 1418/2007<sup>34</sup>.

According to paragraph 2 of the Article, in order to distinguish between used batteries and accumulators and waste batteries and accumulators, the competent authorities of the Member States may inspect shipments of used batteries and accumulators suspected to contain waste batteries and accumulators, to ensure compliance with the minimum requirements established in Annex XIV, and appropriately supervise such shipments. If the competent authorities of a Member State find that a shipment intended to contain used batteries and accumulators actually includes waste batteries and accumulators, the costs of proper analysis, inspection, and storage of the suspected waste batteries and accumulators may be charged to the producers of the relevant battery or accumulator category, third parties acting on their behalf, or other persons arranging the shipment.

According to paragraph 3 of the Article, waste batteries and accumulators or their parts exported from the Union under paragraph 1 of this Article may be counted towards meeting the obligations, efficiencies, and targets established in Articles 70 and 71 only if the exporter of the waste batteries and accumulators or their parts provides documentary evidence approved by the competent authority of the destination that the treatment has taken place under conditions complying with this Regulation and other Union law requirements on human health and environmental protection.

Furthermore, international shipments of batteries and accumulators must take into account Article 73 of the Battery Regulation, which regulates the preparation for reuse or repurposing of waste batteries from light means of transport, industrial waste batteries, and waste traction batteries from electric vehicles. The preamble to the Batteries Regulation (point 117) states that if used batteries are exported from the Union for preparation for re-use, preparation for repurposing, or recycling, the competent authorities of the Member States should make effective use of the powers provided for in Regulation (EC) No 1013/2006<sup>35</sup> and require the submission of documentary evidence to ensure that the requirements laid down in this Regulation are complied with.

---

<sup>33</sup> Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste

<sup>34</sup> Commission Regulation (EC) No 1418/2007 of 29 November 2007 on the export for recovery of certain types of waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 to countries to which the OECD Decision on the control of transboundary movements of wastes does not apply (Text with EEA relevance)

<sup>35</sup> Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste

The procedure referred to in Article 73 applies only to the battery categories specifically mentioned in the article, which are batteries for light means of transport, industrial batteries, and traction batteries for electric vehicles. Batteries for light means of transport, according to Article 3 of the Battery Regulation, mean a battery that is sealed and weighs no more than 25 kg, and which is specifically designed to supply electrical energy for propulsion in wheeled vehicles whose power source may be either an electric motor alone or a combination of a motor and human power, including vehicles type-approved under Regulation (EU) No 168/2013 (43) of the European Parliament and of the Council in category L, and which is not a traction battery for an electric vehicle. An industrial battery means a battery or accumulator specifically designed for industrial use, intended for industrial use after being prepared for reuse or repurposing, or any other battery or accumulator weighing more than 5 kg, which is not a traction battery for an electric vehicle, a battery for light means of transport, or a vehicle battery. Waste traction batteries for electric vehicles mean a battery specifically designed to supply electrical energy for propulsion in L-category hybrid or electric vehicles under Regulation (EU) No 168/2013, weighing more than 25 kg, or a battery specifically designed to supply electrical energy for propulsion in M-, N- or O-category hybrid or electric vehicles under Regulation (EU) 2018/858.

According to Article 73(1), to demonstrate that a waste battery for a light means of transport, a waste industrial battery, or a waste traction battery for an electric vehicle that is being prepared for reuse or repurposing is no longer waste, the battery holder must, at the request of the competent authority, provide evidence of

- a) an assessment or testing of the operational status carried out in the Member State by providing a copy of the results confirming that the battery has the required performance for its use after being prepared for reuse or repurposing;
- b) evidence of the battery's use after it has been prepared for reuse or repurposing, by providing proof such as an invoice or contract for the sale or transfer of ownership of the battery;
- c) appropriate protection against damage during transport, loading, and unloading, including adequate packaging materials and proper loading of the cargo.

According to paragraph 2 of the article, the information referred to in point (a) of paragraph 1 must be made available on equal terms and conditions to end users and third parties acting on their behalf as part of the documentation attached to the battery referred to in paragraph 1 when the battery is placed on the market or put into service.

Providing access to the information under paragraphs 1 and 2 does not limit the obligation to treat commercially sensitive information confidentially in accordance with applicable Union and national legislation.

**Section 119.** *Data included in records-keeping and their processing.* It is proposed to add to paragraph 1 that information on batteries and accumulators and their handling shall also be governed by Articles 65(2), 75, and 76(1) and (2) of the Battery Regulation. A reference to the Battery Regulation is necessary because, in addition to the provisions of the Waste Act, the detailed rules on record-keeping and reporting obligations laid down in the Battery Regulation must be complied with.

According to Article 65(2) of the Regulation, operators of treatment facilities must keep records of deliveries of waste batteries and accumulators originating from end-of-life vehicles or waste electrical and electronic equipment to the relevant producers of each battery or accumulator category.

According to Article 75(1), producers of portable batteries and accumulators and producers or producer responsibility organisations of batteries for light means of transport must report to the competent authority, for each calendar year, at least the following information, broken down by battery chemistry and category, for batteries and accumulators as well as waste batteries and accumulators:

- a) the quantity of portable batteries and accumulators and light means of transport batteries placed on the market for the first time within the territory of the Member State, excluding batteries and accumulators exported outside the territory before being sold to end users;
- b) the quantity of general-purpose portable batteries and accumulators placed on the market for the first time within the territory of the Member State, excluding those exported outside the territory before being sold to end users;
- c) the quantity of portable waste batteries and accumulators collected in accordance with Article 59 and the quantity of light means of transport waste batteries collected in accordance with Article 60;
- d) the collection rate achieved by the producer or producer responsibility organisation for portable and light means of transport waste batteries;
- e) the quantity of collected portable waste batteries and accumulators and light means of transport waste batteries delivered to authorised treatment facilities;

f) the quantity of collected portable waste batteries and accumulators and light means of transport waste batteries exported to third countries for treatment, preparation for reuse, or repurposing;

g) the quantity of collected portable waste batteries and accumulators and light means of transport waste batteries and accumulators delivered to authorised facilities for preparation for reuse or repurposing.

If waste management operators other than producers collect portable waste batteries and accumulators or waste batteries for light means of transport from distributors or other collection points for portable waste batteries and accumulators or waste batteries for light means of transport, they must report to the competent authority, for each calendar year, the quantities of collected portable waste batteries and accumulators and waste batteries for light means of transport, broken down by battery chemistry.

According to Article 75(2), producers or producer responsibility organisations of automotive batteries, industrial batteries and electric vehicle traction batteries shall report the following information to the competent authority for each calendar year, broken down by battery chemistry and category of waste batteries:

a) the quantity of vehicle batteries, industrial batteries, and electric vehicle traction batteries placed on the market for the first time in the Member State, excluding batteries exported outside the Member State before being sold to end users during that year;

b) the quantity of collected waste automotive batteries, waste industrial batteries and waste electric vehicle traction batteries delivered to authorised facilities for preparation for reuse or repurposing;

c) the quantity of collected waste automotive batteries, waste industrial batteries and waste electric vehicle traction batteries delivered to authorised facilities for treatment;

d) the quantity of collected waste automotive batteries, waste industrial batteries and waste electric vehicle traction batteries exported to third countries for preparation for reuse, repurposing or treatment.

If waste management operators collect waste batteries and accumulators from distributors, other collection points for waste vehicle batteries, waste industrial batteries, and waste traction batteries for electric vehicles, or from end users, they must report to the competent authority, for each calendar year, the following information broken down by battery chemistry and category of waste batteries and accumulators:

- a) the quantity of collected waste vehicle batteries, waste industrial batteries, and waste traction batteries for electric vehicles;
- b) the quantity of collected waste automotive batteries, waste industrial batteries and waste electric vehicle traction batteries delivered to authorised facilities for preparation for reuse or repurposing;
- c) the quantity of collected waste automotive batteries, waste industrial batteries and waste electric vehicle traction batteries delivered to authorised facilities for treatment;
- d) the quantity of collected waste automotive batteries, waste industrial batteries and waste electric vehicle traction batteries exported to third countries for preparation for reuse, repurposing or treatment.

The information referred to in points (a) to (g) of paragraph 1 must include data on the batteries and accumulators contained in vehicles and equipment, and on waste batteries and accumulators removed from vehicles and equipment in accordance with Article 65.

According to paragraph 5 of the Article, waste management operators and recyclers performing treatment must report the following information to the competent authorities of the Member State where the used batteries and accumulators are treated, for each calendar year and per Member State based on where the used batteries and accumulators were collected:

- a) the quantity of waste batteries and accumulators received for treatment;
- b) the quantity of waste batteries and accumulators prepared for reuse, prepared for repurposing, or recycled;
- c) data on the recycling efficiency of waste batteries and accumulators, the recovery of materials from waste batteries and accumulators, and the destination and quantity of the final output fractions.

Reporting on recycling efficiency and material recovery shall include all individual steps of the recycling process and all corresponding fractions obtained from the recycling process. If recycling operations are carried out in more than one facility, the first recycler shall be responsible for collecting and submitting the data to the competent authorities.

The competent authority of the Member State in which waste batteries and accumulators are subject to treatment shall transmit the information referred to in this paragraph to the competent authority of the Member State in which they are collected, if this is a different Member State.

Waste batteries and accumulators that are sent to another Member State for treatment must be included in the data on recycling efficiency and material recovery, and must be taken into account for the achievement of the targets set out in Annex XII in the Member State where the waste was collected.

According to paragraph 6 of the Article, if holders of waste other than those referred to in paragraph 5 export batteries or accumulators for treatment, they must provide data on the quantity of separately collected waste batteries and accumulators exported for treatment, as well as the information referred to in points (b) and (c) of paragraph 5, to the competent authorities of the Member States in which they are located.

According to paragraph 7 of the Article, the producers, waste management operators or waste holders referred to in this Article must report within six months after the end of the reporting year from which the data were collected. The first reporting period is the first full calendar year following the entry into force of the implementing act that establishes the reporting format for the Commission in accordance with Article 76(5).

Article 76 of the Battery Regulation concerns the reporting by Member States to the Commission. In order for a Member State to comply with its reporting obligations, producers or producer responsibility organisations must report the data specified in Article 76. According to Article 76(1), Member States shall make publicly available, for each calendar year and in an aggregated form established in an implementing act adopted by the Commission under paragraph 5, the following data for portable batteries and accumulators, light means of transport batteries, automotive batteries, industrial batteries and electric vehicle traction batteries, broken down by battery or accumulator category and chemistry:

- a) the quantity of batteries and accumulators placed on the market for the first time in the Member State, including those incorporated into appliances, vehicles or industrial products, but excluding batteries and accumulators that were exported outside the Member State during the same year before being sold to end-users;
- b) the quantity of waste batteries and accumulators collected pursuant to Articles 59, 60 and 61, and the collection rate, calculated according to the method set out in Annex XI;
- c) the quantity of waste industrial batteries and electric vehicle waste traction batteries that have been collected and delivered to authorised facilities for preparation for reuse or repurposing;
- d) the achieved recycling efficiencies referred to in Part B of Annex XII and the achieved material recovery levels referred to in Part C of Annex XII for batteries and accumulators collected in that Member State. Reporting on recycling efficiency and material recovery shall

include all individual steps of the recycling process and all corresponding fractions obtained from the recycling process.

Member States shall make the data available within 18 months of the end of the reporting year from which the data have been collected. They shall publish the data electronically in the format established by the Commission under paragraph 5, using easily accessible data services. The data shall be machine-readable, sortable, searchable, and shall comply with open standards for use by third parties. Member States shall notify the Commission when the data referred to in the first subparagraph are made available.

The first reporting period shall be the first full calendar year following the entry into force of the implementing act establishing the format for reporting to the Commission in accordance with paragraph 5.

In addition to the obligations laid down in Directives 2000/53/EC and 2012/19/EU, the information referred to in points (a) to (d) of the first subparagraph of paragraph 1 of this Article must include data on the batteries and accumulators contained in vehicles and equipment, as well as on the waste batteries and accumulators removed from those vehicles and equipment in accordance with Article 65.

**Section 122. *Right to information.*** It is proposed to add to paragraph 3 that the Supervisory Agency, or an official designated by it, shall have the right, upon request, to obtain from a producer responsibility organisation, producer, distributor, or other operator engaged in the waste management of end-of-life products as referred to in Section 48, the information necessary for the supervision and enforcement of compliance with the Battery Regulation. This includes data on the quantity of products placed on the market and removed from use, collection or export, as well as reuse, preparation for reuse, recycling, recovery or other waste management, and other comparable matters. The right to access information needs to be established in order to ensure that the authority supervising producer responsibility also has, upon request, the right to obtain the necessary information for supervising and enforcing compliance with the Battery Regulation.

**Section 126. *Rectification of an infringement or neglect.*** It is proposed to add to point 1 of paragraph 1 that the supervisory authority may prohibit anyone who violates the Battery Regulation or any provision issued under it from continuing or repeating the non-compliant conduct, or may order the person concerned to fulfil their obligations in another manner.

**Section 128. *Correction of an infringement or neglect concerning producer responsibility.*** It is proposed to add to point 1 of paragraph 1 that the Supervisory Agency could require a producer or producer responsibility organisation to bring its operations into compliance with the Battery Regulation. According to the proposed paragraph, if a producer or producer

responsibility organisation has not arranged reuse, recycling, other recovery, or other waste management based on the producer responsibility laid down in Section 46(1), the Supervisory Agency may, in addition to what is provided in Section 126, require the producer, producer responsibility organisation, or the operator of a return system for beverage packaging to bring its operations into compliance with this Act, with the provisions or regulations issued under it, or with the Battery Regulation, and to demonstrate that the necessary changes have been made. Under the proposal, the Supervisory Agency would, as the national authority, also supervise producer responsibility as set out in the Battery Regulation. Therefore, it would be granted the right to require producers or producer responsibility organisations to bring their operations into compliance with the Battery Regulation.

**Section 131.** *Neglect fee.* It is proposed that subsection 1 of this section be amended. According to Article 93 of the Battery Regulation, Member States must lay down the penalties applicable to infringements of the provisions of the Regulation and must take all necessary measures to ensure their enforcement. The penalties provided for must be effective, proportionate, and dissuasive. Subsection 1 would be amended to include that a producer is obliged to pay a non-compliance fee if they fail to fulfil the obligation to register in the producer register as required by Article 55(2) of the Batteries Regulation.

In addition, point 1 of subsection 2 would be amended to include that a producer or producer responsibility organization is also obliged to pay a non-compliance fee if they fail to comply with the obligation to report information to the competent authority as laid down in Article 75(1)(a–g) or 75(2)(a–d) of the Battery Regulation. Pursuant to Article 75(1) of the Battery Regulation, producers of portable batteries and producers or producer organisations of LMT batteries shall report to the competent authority for each calendar year at least the following information, broken down by battery chemistry and category of batteries and waste batteries:

- a) the quantity of portable batteries and accumulators and light means of transport batteries placed on the market for the first time within the territory of the Member State, excluding batteries and accumulators exported outside the territory before being sold to end users;
- b) the quantity of general-purpose portable batteries and accumulators placed on the market for the first time within the territory of the Member State, excluding those exported outside the territory before being sold to end users;
- c) the quantity of portable waste batteries and accumulators collected in accordance with Article 59 and the quantity of light means of transport waste batteries collected in accordance with Article 60;
- d) the collection rate achieved by the producer or producer responsibility organisation for portable and light means of transport waste batteries;

e) the quantity of collected portable waste batteries and accumulators and light means of transport waste batteries delivered to authorised treatment facilities;

f) the quantity of collected portable waste batteries and accumulators and light means of transport waste batteries exported to third countries for treatment, preparation for reuse, or repurposing;

g) the quantity of collected portable waste batteries and accumulators and light means of transport waste batteries and accumulators delivered to authorised facilities for preparation for reuse or repurposing.

According to Article 75(2), producers or producer responsibility organisations of automotive batteries, industrial batteries and electric vehicle traction batteries shall report the following information to the competent authority for each calendar year, broken down by battery chemistry and category of waste batteries:

a) the quantity of automotive batteries, industrial batteries and electric vehicle traction batteries placed on the market for the first time in the Member State, excluding batteries exported outside the Member State during the same year before being sold to end-users;

b) the quantity of collected waste automotive batteries, waste industrial batteries and waste electric vehicle traction batteries delivered to authorised facilities for preparation for reuse or repurposing;

c) the quantity of collected waste automotive batteries, waste industrial batteries and waste electric vehicle traction batteries delivered to authorised facilities for treatment;

d) the quantity of collected waste automotive batteries, waste industrial batteries and waste electric vehicle traction batteries exported to third countries for preparation for reuse, repurposing or treatment.

**Section 147. Penal provisions.** It is proposed that a new provision be added to the law regarding penalties for violations of the Battery Regulation. According to Article 93 of the Battery Regulation, Member States must establish penalties that are effective, proportionate, and dissuasive.

The Batteries Regulation includes new product requirements for batteries and accumulators, as well as requirements for economic operators such as manufacturers, importers, and distributors. Violations or neglect of these requirements necessitate the establishment of penalties. A new point 26 is proposed to be added to subsection 2, under which anyone who,

in a manner other than that referred to in subsection 1, intentionally or negligently violates the Batteries Regulation would be subject to penalties.

a) the prohibition in Article 5 on placing on the market or putting into service batteries and accumulators that do not comply with the durability, safety, labelling, and information requirements set out in paragraph 1 of that article, or with the substance restriction in Article 6(1);

b) the manufacturer's obligation in Article 38(1)–(3) to ensure that the battery or accumulator is designed, manufactured, and labelled in accordance with the requirements laid down in the Regulation, includes the required documentation, and has undergone the conformity assessment procedure;

c) the obligation in Article 38(9) to take corrective action in cases of non-compliance;

d) the importer's obligation in Article 41(1) or (2) to ensure that only batteries and accumulators meeting the requirements of the Regulation, with the required documentation and labelling, and that have undergone the conformity assessment procedure, are placed on the market;

e) the obligation in Article 41(6) to take corrective action in cases of non-compliance;

f) the distributor's obligation in Article 42(2)(b) to ensure that, before making a battery or accumulator available on the market, it bears the labelling required by the Regulation;

g) the obligation in Article 42(3) to notify the manufacturer or importer and the market surveillance authority of a battery or accumulator that poses a risk;

h) the obligation laid down in Article 42(5) to take corrective action in cases of non-compliance,

shall be sentenced to pay a fine for an infringement of the Waste Act, unless a more severe punishment for the act is prescribed elsewhere in the law.

It is proposed that it be made punishable, first of all, to violate the prohibition laid down in the Battery Regulation on placing on the market or putting into service batteries and accumulators that do not comply with the durability, safety, labelling, and information requirements set out in Article 5 or the substance restrictions set out in Article 6(1). According to Article 5 of the Battery Regulation, batteries and accumulators may only be placed on the market or put into service if they comply with the durability and safety requirements set out in Articles 6 to 10 and 12, and the labelling and information requirements set out in Chapter III. Batteries and

accumulators placed on the market or put into service must not pose a risk to human health, human safety, property, or the environment. Article 6 of the Battery Regulation lays down restrictions on substances; article 7 concerns the carbon footprint declaration for traction batteries for electric vehicles, rechargeable industrial batteries, and batteries for light means of transport; article 8 concerns the declaration of recycled content in industrial batteries, traction batteries for electric vehicles, batteries for light means of transport, and vehicle batteries; article 9 lays down performance and durability requirements for general-purpose portable batteries and accumulators; and article 10 lays down performance and durability requirements for rechargeable industrial batteries, batteries for light means of transport, and traction batteries for electric vehicles.

According to Article 6 of the Regulation, in addition to the restrictions laid down in Annex XVII to Regulation (EC) No 1907/2006<sup>36</sup> and in point (a) of Article 4(2) of Directive 2000/53/EC<sup>37</sup>, batteries and accumulators must not contain substances that are restricted in Annex I to this Regulation, unless the conditions of the restriction are met. The restrictions under this Article apply to substances that are harmful to human health and the environment, such as mercury, cadmium, and lead. Therefore, the criminalisation of violations of Article 6 of the Regulation is justified.

It is proposed that violations of the manufacturer's obligations set out in Article 38(1)–(3), the importer's obligations under Article 41(1)–(2), and the distributor's obligations under Article 42(2)(b) and (3) be made punishable. Article 38 provides that when placing a battery or accumulator on the market or putting it into service—including for a manufacturer's own use—manufacturers must ensure that the battery or accumulator is designed and manufactured in accordance with Articles 6–10, as well as Articles 12 and 14, and that it is accompanied by clear, understandable, and legible instructions and safety information in one or more languages easily understood by end-users, as defined by the Member State where the battery or accumulator is marketed or put into service, and that it bears the markings required under Article 13. According to Article 38(2), before placing the battery or accumulator on the market or putting it into service, manufacturers must prepare the technical documentation referred to in Annex VIII and carry out or have carried out the relevant conformity assessment

---

<sup>36</sup>Regulation (EC) 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Substance and Chemical Mixtures Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) 793/93 and Commission Regulation (EC) 1488/94, Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC [Asetus - 1907/2006 - EN - REACH - EUR-Lex](#)

<sup>37</sup>Consolidated text: Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles, [EUR-Lex - 02000L0053-20230330 - EN - EUR-Lex](#)

procedure as set out in Article 17. Article 38(3) requires that, if the conformity of a battery or accumulator with applicable requirements has been demonstrated via the appropriate conformity assessment procedure under Article 17, the manufacturer must draft an EU declaration of conformity under Article 18 and affix the CE marking in accordance with Articles 19 and 20. In addition, the violation of the obligation under Article 38(9) requiring the manufacturer to take corrective action in case of non-compliance would be made punishable.

Under Article 41(1), importers may only place batteries and accumulators on the market that comply with Articles 6–10, and Articles 12, 13, and 14. Before placing a battery or accumulator on the market, the importer shall verify that:

- a) the EU declaration of conformity and technical documentation referred to in Annex VIII have been drawn up and that the manufacturer has carried out the appropriate conformity assessment procedure under Article 17;
- b) the battery or accumulator bears the CE marking in accordance with Article 19 and the markings in accordance with Article 13;
- c) the battery or accumulator is accompanied by the required documents, instructions, and safety information as per Articles 6–10 and 12–14, in a language easily understood by end-users as defined by the Member State where it will be marketed; and
- d) the manufacturer has complied with the requirements of Article 38(6) and (7).

If the importer believes or has reason to believe that the battery or accumulator does not comply with Articles 6–10 or Articles 12–14, it must not be placed on the market until it has been brought into conformity (Article 41(2)). If the battery or accumulator poses a risk, the importer must inform the manufacturer and market surveillance authorities, and provide detailed information on the non-compliance and any corrective actions taken.

Under Article 41(3), importers must provide their name, registered trade name or trademark, a contact postal address, website, and email address if available. If this is not possible, the information must be provided on the packaging or in a document accompanying the battery or accumulator. The contact details must be provided in the language(s) defined by the Member State where the product is being marketed and must be clear, understandable, and easily legible. Additionally, a violation of the importer's obligation under Article 41(6) to take corrective action in the event of non-compliance would be made punishable.

Under Article 42(2)(b), distributors must verify, before placing a battery or accumulator on the market, that the CE marking required under Article 19 and the markings under Article 13 are present.

Also, the failure of a distributor to take corrective action in the event of non-compliance, as set out in Article 42(5), would be punishable.

The proposed penalty provision criminalizes acts that contravene product requirements or obligations of economic operators as stipulated in the Battery Regulation. The punishable acts have been formulated to comply with the criminal legality principle under Section 8 of the Constitution, meaning that the wording of the provision should allow one to reasonably foresee whether a particular act or omission is punishable. According to the proposed provision, a fine would be imposed for breaches of the obligations under the Battery Regulation committed intentionally or through negligence, unless a harsher penalty is prescribed elsewhere in the law. The requirements of the Constitution would be taken into account by drafting precise definitions in the penal provision and by specifying and describing those obligations under the Battery Regulation whose neglect or breach could result in a fine. Based on the wording of the provision, it would be foreseeable whether a certain action or omission is punishable. The threat of punishment for acts contrary to the Battery Regulation would need to be sufficiently effective, preventive, and proportionate to the seriousness of the act. The penalty prescribed in the proposed provision for punishable acts would be a fine.

The threshold for culpability in the penal provision—whether intentional or negligent—corresponds to that established in the Waste Act and other environmental legislation. Furthermore, the proposed threshold for culpability is consistent with the penal provisions of other laws governing inherently hazardous products, such as the Act on the Restriction of the Use of Hazardous Substances in Electrical and Electronic Equipment (387/2013). Negligence is also punishable under the Electrical Safety Act (1135/2016) and the Lift Safety Act (1134/2016). Common to the products within the scope of these laws is the emphasis on identifying and assessing risks during their design and manufacture, which requires a higher than usual degree of care.

The proposed punishable breaches of obligations concern economic operators such as manufacturers, importers, and distributors of batteries and accumulators, who are required to possess specialized expertise. These operators are subject to a special duty of care to ensure the safety of batteries and accumulators. Legal certainty in sanctions clearly relates to the preventive effect of the penal provision in these cases. When the threshold for culpability is low, the penal provision would have a preventive effect. Setting the threshold for culpability at negligence would also reduce evidentiary difficulties in cases of minor offenses, thereby increasing legal certainty. Even causing a hazard has been considered punishable under environmental criminal law, which supports setting the culpability threshold at negligence

rather than gross negligence. The consequences of negligent conduct can be particularly serious, which justifies requiring special care from economic operators in performing their duties. For this reason, it is proposed that breaches of the Battery Regulation provisions be punishable not only when committed intentionally but also when committed negligently. Since negligent acts are also intended to be punishable, this must be expressly provided for. Accordingly, the degree of culpability for the acts now proposed to be punishable would be equivalent to that currently set out in section 147 of the Waste Act.

No sanctions would be proposed, for the time being, for breaches of obligations concerning appropriate care. The requirements concerning appropriate care are a new type of regulation. The possibility of adding penal provisions to the law will be examined once initial experiences with the legislation have been gained and companies have had more time to adapt to the legislative requirements. Article 84 of the Battery Regulation provides that if a Member State finds that an economic operator fails to fulfil its obligations of appropriate care as laid down in Articles 48, 49, and 50, it must require that economic operator to remedy the non-compliance. If the failure to comply with the obligation referred to in paragraph 1 continues and if there are no other effective means to remedy the failure, the Member State concerned must take all necessary measures to restrict or prohibit the placing on the market of batteries or accumulators made available by that economic operator, or, if the failure is serious in nature, to ensure that batteries and accumulators are withdrawn from the market or that a return procedure is organized.

## **7.2 Environmental Protection Act**

**Article 221g.** *Provisions relating to batteries and accumulators.* It is proposed that a new section 221g be added to the Environmental Protection Act, with provisions on batteries and accumulators. The section would provide that the treatment of batteries is governed by Article 70(1) to (3) of the Batteries Regulation, the obligations concerning the recycling efficiency and material recovery of authorised facilities in Article 71(1) to (2) and the obligations of waste management operators carrying out the treatment to report information to the competent authority in Article 75(5).

In accordance with Article 70(1) of the Batteries Regulation, waste batteries collected shall not be disposed of or subject to energy recovery operations. In accordance with paragraph 2, without prejudice to Directive 2010/75/EU, authorised installations shall ensure that the treatment of waste batteries complies at least with Part A of Annex XII to this Regulation and with best available techniques as defined in Article 3(10), of Directive 2010/75/EU. According to paragraph 3 of the Article, if batteries and accumulators are still collected as part of waste electrical and electronic equipment, end-of-life light means of transport, or end-of-life vehicles, they must be removed from the waste equipment, end-of-life light means of

transport, or end-of-life vehicles in accordance with the requirements laid down in Directive 2000/53/EC or Directive 2012/19/EU, as applicable.

According to Article 71(1), each authorized facility must ensure that all waste batteries and accumulators placed at the facility are received and prepared for reuse, repurposing, or recycling. Paragraph 2 requires recyclers to ensure that recycling efficiency targets set out in Part B of Annex XII and material recovery targets established in Part C of Annex XII are achieved. According to paragraph 3, the levels of novelty and material recovery must be calculated in accordance with the rules set out in a delegated act adopted under paragraph 4 of this Article.

According to Article 73, to demonstrate that a waste battery for a light means of transport, a waste industrial battery, or a waste traction battery for an electric vehicle that is being prepared for reuse or repurposing is no longer waste, the battery holder must, at the request of the competent authority, provide evidence of

- a) an assessment or testing of the operational status carried out in the Member State by providing a copy of the results confirming that the battery has the required performance for its use after being prepared for reuse or repurposing;
- b) evidence of the battery's use after it has been prepared for reuse or repurposing, by providing proof such as an invoice or contract for the sale or transfer of ownership of the battery;
- c) appropriate protection against damage during transport, loading, and unloading, including adequate packaging materials and proper loading of the cargo.

According to paragraph 2, the information referred to in sub paragraph (a) of paragraph 1 must be made available to end users and third parties acting on their behalf on equal terms and conditions as part of the documents attached to the battery referred to in paragraph 1 when the battery is placed on the market or put into service.

According to paragraph 3, the provision of information in accordance with paragraphs 1 and 2 does not restrict the obligation to treat commercially sensitive information as confidential in accordance with applicable Union and national legislation.

According to Article 75(5), waste management operators and recyclers performing treatment must report the following information to the competent authorities of the Member State where the used batteries and accumulators are treated, for each calendar year and per Member State based on where the used batteries and accumulators were collected:

- a) the quantity of waste batteries and accumulators received for treatment;
- b) the quantity of waste batteries and accumulators prepared for reuse, prepared for repurposing, or recycled;
- c) data on the recycling efficiency of waste batteries and accumulators, the recovery of materials from waste batteries and accumulators, and the destination and quantity of the final output fractions.

Reporting on recycling efficiency and material recovery shall include all individual steps of the recycling process and all corresponding fractions obtained from the recycling process. If recycling operations are carried out in more than one facility, the first recycler shall be responsible for collecting and submitting the data to the competent authorities.

Waste batteries and accumulators that are sent to another Member State for treatment must be included in the data on recycling efficiency and material recovery, and must be taken into account for the achievement of the targets set out in Annex XII in the Member State where the waste was collected.

### **7.3 Electrical Safety Act**

**Section 5** *Relationship with other legislation.* A new paragraph 10 is proposed to be added to Section 5 of the Electrical Safety Act, according to which batteries and accumulators are regulated by the European Parliament and Council Regulation (EU) 2023/1542 on batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020, and repealing Directive 2006/66/EC. The reference to the Battery Regulation is justified because, according to Section 4, paragraph 1, point 1 of the Electrical Safety Act, an electrical device means a device that requires electricity to operate or is intended for generating, transmitting, or measuring electricity. In line with the definitions in the Battery Regulation (Article 3), a battery or accumulator means a device that supplies electrical energy by converting chemical energy directly into electrical energy. Thus, batteries and accumulators could fall under the definition of an electrical device in the Electrical Safety Act, which is not the intended purpose. This ambiguity would be avoided by an informative reference to the Battery Regulation. Such an informative reference would also help reduce possible confusion among operators caused by the casuistic nature of product regulation.

## **8 Regulation at the level of secondary legislation**

### **8.1 Government Decree on Batteries and Accumulators**

The Government Decree on batteries and accumulators is intended to be repealed as part of the national implementation of the Battery Regulation, except for Section 14(2) of the decree, which would be repealed in accordance with the transitional provisions of the Battery Regulation as of 18 August 2026. The sections of the Government Decree contain provisions that are either wholly or partially in conflict with the Battery Regulation, and the matter is exhaustively regulated in the Battery Regulation. Complementary regulations to the Battery Regulation would be transferred as necessary to be part of the Waste Act. The objective is to simplify the application of the legislation when the rules concerning batteries and accumulators are mainly in the Battery Regulation and the Waste Act.

### **8.2 Government Decree on Waste Electrical and Electronic Equipment**

Changes required for the implementation of the Battery Regulation

Section 3(2) of the Decree (design and manufacture of electrical and electronic equipment) is intended to be repealed, as the Battery Regulation contains several direct obligations related to the design and manufacture of batteries and accumulators applicable to economic operators.

A new subsection 4 would be added to Section 7 (storage and handling), according to which the obligations of operators of waste electrical and electronic equipment treatment facilities regarding batteries and accumulators are regulated in Article 65 of the Battery Regulation, and the treatment of waste batteries and accumulators in Article 70. According to Article 65, operators of treatment facilities within the scope of Directives 2000/53/EC or 2012/19/EU must hand over waste batteries and accumulators originating from end-of-life vehicles or waste electrical and electronic equipment to the relevant battery or accumulator producer groups or waste management operators designated pursuant to Article 7(8) for their treatment in accordance with Article 70 of the Battery Regulation. Operators of treatment facilities must keep records of such handovers. According to Article 70 of the Battery Regulation, collected waste batteries and accumulators must not be finally treated or subjected to energy recovery measures. According to paragraph 2 of the Article, authorized facilities must ensure that the treatment of waste batteries and accumulators complies at least with Part A of Annex XII of the Battery Regulation and the best available techniques defined in Article 3(10) of Directive 2010/75/EU, without prejudice to the application of Directive 2010/75/EU. Paragraph 3 of the Article states that if batteries and accumulators are still collected as part of waste electrical and electronic equipment, end-of-life light means of transport, or end-of-life vehicles, they must be removed from such waste electrical and electronic equipment, end-of-life light means

of transport, or end-of-life vehicles in accordance with the requirements set in Directive 2000/53/EC or 2012/19/EU, as applicable.

Amendments required for the implementation of the amendment to the WEEE Directive

The amendment of the WEEE Directive requires amending subsection 3 of Section 4 of the decree, which governs the collection rate, and subsection 3 of Section 6, which governs exceptions from the producer's cost responsibility, so that the provisions correspond to the proposed amendment to Section 53 of the Waste Act. At the same time, Annex 3 of the decree, partly outdated regarding components containing radioactive substances, would be updated.

### **8.3 Government Decree on end-of-life vehicles and restrictions on hazardous substances in vehicles**

A new subsection 3 would be added to Section 4 of the decree (restrictions on the use of certain hazardous substances), according to which all batteries contained in vehicles shall also be subject to the mercury restriction of Table 1, Section I of Annex I of the Battery Regulation. Portable batteries contained in vehicles, as defined in Article 3(1)(9) of the Battery Regulation, shall also be subject to the cadmium restriction of Table 2 and the lead restrictions according to Section 3 of Annex I of the Battery Regulation.

According to Article 6(1) of the Battery Regulation, in addition to the restrictions set in Annex XVII of Regulation (EC) No 1907/2006<sup>38</sup> and Article 4(2)(a) of Directive 2000/53/EC<sup>39</sup>, batteries and accumulators must not contain substances restricted by this Regulation's Annex I unless the conditions of the restriction are met. Annex 1 of the Regulation sets out restrictions on mercury, cadmium, and lead. Batteries and accumulators, whether contained in equipment, light means of transport, or other vehicles, must not contain more than 0.0005% by weight of mercury (expressed as metallic mercury). Portable batteries and accumulators, whether contained in equipment, light means of transport, or other vehicles, must not contain more than 0.002% by weight of cadmium (expressed as metallic cadmium). Portable batteries and accumulators, whether contained in equipment, must not contain more than 0.01% by weight

---

<sup>38</sup> Regulation (EC) No. 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Substance and Chemical Mixtures Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No. 793/93 and Commission Regulation (EC) No. 1488/94, Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC

<sup>39</sup> Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of-life vehicles

of lead (expressed as metallic lead) as of 18 August 2024. This restriction shall not apply to zinc-air button cells until 18 August 2028.

#### **8.4 Government Decree on Waste**

Section 8 of the Government Decree regulates packaging of hazardous waste and Section 9 its labeling. The decree would be amended to include necessary references to the Battery Regulation, specifying the collection and transport of waste batteries and accumulators in particular. According to Article 59(1)(c) of the Battery Regulation, producers of portable batteries and accumulators must ensure practical arrangements for the collection and transport of waste portable batteries and accumulators, including the provision free of charge of collection and transport containers that meet the requirements of the Directive on the inland transport of dangerous goods<sup>40</sup> to the collection points connected to the collection network for portable waste batteries and accumulators. According to Article 60(1)(c), producers of batteries for light means of transport must ensure practical arrangements for the collection and transport of waste batteries from light means of transport, including the provision free of charge of collection and transport containers that comply with the requirements of the Directive<sup>41</sup> on the inland transport of dangerous goods to collection points connected to the collection network for batteries from light means of transport.

Furthermore, the safety requirements for the collection infrastructure set out in Articles 60 and 61 of the Battery Regulation would be clarified either by adding a new provision to the Waste Decree or by preparing a separate application guideline. The Battery Regulation requires the producer or producer responsibility organization to establish a collection infrastructure appropriate for each battery category, meeting applicable safety requirements (Article 60(4)(a) and Article 61(3)(a)). The Battery Regulation also requires that the collection point must have appropriate containers for the collection and temporary storage of such waste batteries, taking into account the amount and hazard of waste batteries likely to be collected through these collection points.

The Waste Decree would also be supplemented with provisions specifying Article 75 of the Battery Regulation concerning the delivery of reporting data required by the Regulation to the competent authority, insofar as a regulatory act at the decree level is needed in addition to the prepared application guideline.

---

<sup>40</sup>Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods [Direktiivi - 2008/68 - EN - EUR-Lex](#)

<sup>41</sup>ibid.

## **8.5 Annexes 2 and 3**

New Annexes 2 and 3 would be added to the Waste Act, defining the device categories of electrical and electronic equipment excluded from the producer cost responsibility under Section 53. Annex 2 would correspond to Annex 2 of the WEEE Directive and Annex 3 to Annex IV of the Directive.

## **9 Entry into force**

It is proposed that the Acts enter into force on 1 January 2026.

The chapter on waste management in the Battery Regulation and national regulations on sanctions should be implemented in Member States by 18 August 2025 at the latest. The amendment to the WEEE Directive should be implemented in Member States by 9 October 2025 at the latest. Due to delays in the Commission's implementing regulations and guidelines and prior notification, the implementation of both the Regulation and the Directive amendment would be delayed by 3–4 months from the proposed schedule.

## **10 Implementation and monitoring**

In addition to the national regulations complementing the Battery Regulation, national application guidelines are intended to be prepared to clarify the application of the Battery Regulation's obligations. The purpose of the application guideline is to clarify for the producer the prescribed collection network requirements, distributors' acceptance obligations, as well as bookkeeping and reporting obligations. Stakeholders are intended to be consulted during the preparation of the application guidelines. The application guidelines are not legally binding.

According to Article 94 of the Battery Regulation, the Commission shall review the Battery Regulation and prepare a report on the application of this Regulation as well as its effects on the environment, human health, and the functioning of the internal market by 30 June 2031, and submit it to the European Parliament and the Council. The Article specifies in more detail the aspects to be included in the report. Additionally, the Commission shall include in the report an assessment of the need to propose legislative amendments to Articles 6, 86, 87, and 88 of the Battery Regulation and assess the need for amendments to Chapter VII of the Regulation. If necessary, the Commission shall attach a legislative proposal for amending Chapter VII to its report.

Furthermore, by 30 June 2031 at the latest, the Commission shall submit to the European Parliament and the Council a report assessing the feasibility and technical consequences of extending the scope of the definition of a battery for light means of transport in Article 3(11),

in particular by including batteries that power vehicles other than wheeled vehicles. The report shall include a legislative proposal if necessary.

By 1 January 2025, the Commission shall assess the best way to introduce harmonized standards for rechargeable batteries designed for light means of transport as well as for universal chargers for rechargeable batteries and accumulators included in categories of electrical and electronic equipment falling within the scope of Directive 2012/19/EU. This assessment shall not consider chargers for radio equipment categories referred to in Article 3(4) of Directive 2014/53/EU.

## **11 Relation to other proposals and budget proposal**

In the Ministry of the Environment, at least two other proposals amending the Waste Act are in preparation during 2025 alongside this Government Proposal. Part III<sup>42</sup> of the draft Waste Act proposes to rename the Waste Act to the Circular Economy Act. Potential broader amendment needs to producer responsibility in Chapter 6 of the Waste Act and sanction provisions concerning violations of various regulations are being investigated and prepared as part of the Circular Economy Act project. For this reason, only the changes required by the Battery Regulation concerning batteries and accumulators are proposed in connection with the implementation of the Battery Regulation.

In the project implementing the new EU Waste Shipment Regulation<sup>43</sup>, some of the same Waste Act provisions are proposed to be amended as in this proposal. During the further preparation of the proposals, it will be assessed whether the amendment proposals can be included in the same proposal.

Additionally, changes to the Waste Act concerning the obligation of producers of certain single-use plastic products to cover the costs of waste management and cleaning activities caused to municipalities are being prepared. During the further preparation of the proposals, it will be assessed whether the amendment proposals can be included in the same proposal.

The Parliament is currently processing the Government Proposal for legislation on the reform of state regional administration (HE 13/2025 vp), which includes a proposal for legislation related to the reform of state regional administration. This proposal is dependent on the aforementioned Government Proposal insofar as this proposal suggests tasks for the Pirkanmaa ELY Centre. The reform proposal includes provisions, among others, on the Act on the Supervisory Agency. The tasks of the Supervisory Agency would include responsibilities currently under the Environment and Natural Resources sector of the Centres

---

<sup>42</sup> [Jätelain muutoksen III osa - Kiertotalouslaki 2024-2026 - Ympäristöministeriö](#)

<sup>43</sup> [EU:n jätteesiirtoasetuksen kansallinen täytäntöönpano - Ympäristöministeriö](#)

for Economic Development, Transport and the Environment. According to the proposal, the Pirkanmaa ELY Centre's supervisory task for producer responsibility in waste management would be transferred to the Supervisory Agency. Accordingly, the Pirkanmaa Centre for Economic Development, Transport and the Environment would be converted into the Supervisory Agency due to the transfer of the task. The amendment would concern the amendments proposed in this Government Proposal to Sections 22(4), 25(2), 61(1–3), 64(1), 103(1 and 3), 107(1), 122(3) and 128(1) of the Waste Act. The Act on the Supervisory Agency is proposed to enter into force simultaneously with the laws now proposed, i.e., on 1 January 2026.

The proposal is not estimated to have any impact on the budget.

## **12 Relationship to the Constitution and legislative process**

The proposal suggests adopting regulations complementing the Battery Regulation as well as implementing the amendment to the WEEE Directive. According to the established case law<sup>44</sup> of the Court of Justice of the European Union, national legislation may not be enacted in the area of application of a regulation unless the regulation explicitly requires or authorizes complementary national legislation or other decision-making. The Constitutional Law Committee has stated that, in so far as EU legislation requires or allows national regulation, the requirements of basic and human rights must be taken into account when making use of the margin of manoeuvre for Member States (PeVL 25/2005 vp, PeVL 1/2018 vp). The Committee has therefore emphasized that, particularly with respect to regulation significant for fundamental rights, the government proposal should clarify the scope of national discretion (PeVL 1/2018 vp, PeVL 26/2017 vp, PeVL 2/2017 vp, and PeVL 44/2016 vp).

### **Fundamental right to the environment**

According to section 20 of the Constitution, nature and its biodiversity, the environment and the national heritage are the responsibility of everyone. In addition, subsection 2 of the mentioned provision imposes an obligation on public authorities to strive to ensure everyone's right to a healthy environment and the opportunity to influence decisions concerning their living environment. The legal significance of the environmental fundamental right has strengthened since the provision was enacted (PeVL 69/2018 vp). In legal literature and Constitutional Law Committee opinions (including PeVL 21/1996 vp and PeVL 38/1998 vp), the interpretation has been adopted that this is a normatively binding fundamental right provision and that the environmental values expressed in the environmental fundamental right

---

<sup>44</sup> Judgement of 10 October 1973, Variola, 34/73; judgment of 2 February 1977, Amsterdam Bulb, 50/76.

provision must be taken into account in all environmentally significant legislation and case law.

The purpose of the Battery Regulation is, among other things, to promote the circular economy and simultaneously prevent and reduce the harmful environmental impacts of batteries and accumulators. Furthermore, according to the Battery Regulation, an economic operator placing batteries and accumulators on the Union market must implement a due diligence policy regarding batteries and accumulators, to take into account social and environmental risks related to the extraction, refining, and trade of certain raw materials and secondary raw materials used in battery and accumulator manufacturing. The aim of the regulation is to increase the recovery and re-use of valuable materials in batteries and accumulators. The purpose of the new provisions concerning extended producer responsibility in the regulation is to ensure a high level of environmental and health protection in the Union by achieving the highest possible separate collection rate of used batteries and accumulators. Furthermore, the Regulation aims to ensure that all collected batteries and accumulators are recycled in processes that achieve a high level of recycling efficiency and material recovery, based on technical and scientific progress. The requirements of the Battery Regulation and the complementary national legislation can be assessed as enhancing the reuse and recycling of batteries and accumulators and improving their treatment. The proposal can be seen to promote the realization of the environmental fundamental right.

#### Freedom to conduct business

The proposal also has significance concerning the freedom of enterprise safeguarded in section 18 of the Constitution. Section 18 of the Constitution guarantees everyone the right to earn a livelihood by work, profession, or business of their choice according to law. Freedom of enterprise is the rule, but derogation is possible if supported by other fundamental rights or important societal interests. Freedom of enterprise may be restricted by law (e.g. PeVL 14/2004 vp, p. 2). The Constitutional Law Committee has in its opinions evaluated the imposition of various obligations and product safety requirements on entrepreneurs from the viewpoint of freedom of enterprise (e.g. PeVL 37/2021 vp, pp. 7–8; PeVL 36/2016 vp, pp. 2–3; PeVL 14/2013 vp, p. 4/I; PeVL 58/2002 vp, p. 2). The Committee has considered it important especially to ensure regulatory compliance with the proportionality requirement. Proportionality entails that restrictions must not exceed what is necessary to protect the interest underlying the fundamental right. For example, the Committee has held that product safety requirements must not create excessive market entry barriers or disproportionate administrative burdens on operators (PeVL 37/2021 vp, pp. 7–8).

The Battery Regulation and the complementary national legislation contain several new notification and labeling obligations, as well as bookkeeping and reporting requirements for economic operators, in addition to requirements imposed on the manufacturing of batteries

and accumulators and the treatment and collection of waste batteries and accumulators. The Battery Regulation also includes an obligation for producers or producer responsibility organisations to hand over waste batteries and accumulators, and it extends producer responsibility to industrial batteries, requiring registration in the producer register. The new obligations restrict freedom of enterprise to some extent. The Constitutional Law Committee has in recent opinions allowed more stringent interventions on freedom of enterprise, for example, to implement the environmental fundamental right. However, the Committee has held that even significant restrictions on freedom of enterprise must be proportionate to the objectives deemed significant, such as climate and environmental protection, linked to section 20 of the Constitution. The Committee has also noted that companies and other entrepreneurs cannot reasonably expect legislation regulating their business activities to remain unchanged (see PeVL 55/2018 vp and PeVL 32/2010 vp).

The requirements of the Battery Regulation and complementary national legislation apply to manufacturers, market introducers, and distributors of batteries and accumulators, as well as to collectors and handlers of waste batteries and accumulators. Since the new requirements aim to improve the level of environmental protection, they have, in principle, an acceptable purpose. The requirements are formulated sufficiently precisely and clearly and are not identified as disproportionate. The conditions for acceptance into the producer register and for revocation of acceptance are also regulated sufficiently precisely. Furthermore, many requirements include several years of transition periods, which help operators to prepare for upcoming changes well in advance.

#### Authorities' powers

According to section 2, subsection 3 of the Constitution, the exercise of public powers must be based on an Act. The exercise of public authority by an official must always be based on a statutory authority that can ultimately be traced back to a law enacted by Parliament (PeVL 29/2013 vp). Therefore, no authority may have public power without explicit statutory support. The starting point is that the competent authority must be identifiable from the law in each matter (PeVL 67/2010 vp p. 5). In practice, the Constitutional Law Committee has been cautious about permitting deviation from statutory provisions on competent authorities. The Committee has considered it essential that the competent authority is unambiguously or at least precisely identifiable from the law in regulations related to fundamental rights or that the principles governing the relationships between authorities and the conditions for delegation of authority are sufficiently precisely set out in the law (e.g., PeVL 49/2014 vp p. 4).

According to the proposal, the Finnish Transport and Communications Agency would supervise compliance with the obligations set out in article 62(6) of the Battery Regulation with the powers conferred by the Act on the Supervision of Online Intermediary Services (18/2024) other than those powers stipulated in chapter 3 of that Act. The administrative

sanctions laid down in Chapter 3 of the Act, such as fines on the online platform provider or blocking access to the service, would therefore not fall within the powers of the Finnish Transport and Communications Agency. The Finnish Transport and Communications Agency could use the procedures laid down in Chapter 2 of the Act on the Supervision of Online Intermediary Services when supervising online platforms. This Chapter contains provisions on, among other things, the authority's right to obtain information, exchange of information between authorities, inspections, summons to hearings, and penalty notices. Chapter 3 of the Act on the Supervision of Network Intermediation Services would thus be entirely outside the powers of the Finnish Transport and Communications Agency. The penalty payment for platform providers stipulated in Chapter 3 would not be a possible sanction for violations of the obligations under the Battery Regulation. The penalty payment for breach of investigation procedure rules provided in section 20 of chapter 3 would not be proposed as falling under the powers of the Finnish Transport and Communications Agency either. Sanctioning breach of investigation procedure rules by penalty payments would not be a proportionate sanction, since breach of the obligations imposed on platform providers by the Battery Regulation is not proposed to be sanctioned by penalty payments. The regulation on the powers of the Finnish Transport and Communications Agency is considered sufficiently precise, with no ambiguity regarding the legal basis of the authority's powers or their exact scope.

#### Rights of access to information

In the further preparation of the proposal, it has been added that the Permit and Supervision Authority would have the right, upon request, to obtain necessary information from the producer responsibility organisation, producer, distributor, and others involved in the waste management of end-of-life products as referred to in Section 48, for the supervision and enforcement of compliance with the Battery Regulation, regarding the quantities of products placed on the market and end-of-life products, their collection or export, as well as reuse, preparation for reuse, recycling, recovery, or other waste management, and other comparable matters. The proposal would extend the authority's current right of access to information, allowing the authority to obtain, upon request, the mentioned data also for the supervision and enforcement of compliance with the Battery Regulation. Usually, the Committee has assessed the regulation on access to and disclosure of information regardless of the obligation of professional secrecy by public authorities from the point of view of the right to privacy and the protection of personal data provided for in section 10, subsection 1 of the Constitution, and it has drawn attention to, among other things, the matter of what information and whose information the right to access information concerns and how the right to access information is tied to the requirement for the information to be necessary. According to the Committee, it

has been possible for an authority's right to access to data and the possibility of disclosure to be linked to 'necessary data' for a certain purpose, if the data content in question has been exhaustively specified in law. On the other hand, if the types of information are not specified in this way, the regulation has to include a requirement for the information to be 'necessary information' for a certain purpose (e.g. PeVL 10/2014 vp, p. 6/II and the statements referred to therein). The proposed provision contains an exhaustive list of information content, so providing for the right of access to the necessary information would not be problematic from a constitutional point of view.

## Punishment

### *National margin*

According to Article 93 of the Battery Regulation, Member States must lay down the penalties applicable to infringements of the provisions of the Regulation and must take all necessary measures to ensure their enforcement. The penalties provided for must be effective, proportionate, and dissuasive. According to recital (138) of the regulation's introduction, when imposing sanctions, it is important to duly consider the nature, seriousness, scope, intentionality, and recurrence of the infringement, as well as the willingness of the natural or legal person responsible to cooperate with the competent authority. When imposing sanctions, Union and national law should be followed, including applicable procedural guarantees and the principles of the Charter of Fundamental Rights of the European Union. The Battery Regulation generally leaves Member States with national discretion regarding how sanctions and enforcement measures are implemented. Thus, Member States can, as a general rule, decide whether sanctions are imposed as administrative penalties or criminal sanctions.

### *Penal provision*

According to the established practice of the Constitutional Law Committee, penal provisions must meet the general conditions set for restrictions on fundamental rights. The proportionality requirement demands an assessment of whether criminalization is necessary to protect the legal interest behind it and whether the severity of the criminal sanction is proportionate to the culpability of the act (PeVL 56/2014, p. 3). Due to its interference with fundamental rights, criminal law should be used only as a last resort (*ultima ratio* principle). It must be assessed whether the same objective can be achieved by means that interfere less with fundamental rights than criminalization (see PeVL 48/2017 vp, p. 7; PeVL 23/1997 vp, p. 2/II) and whether there is a compelling social need and an acceptable basis under the fundamental rights system for criminalization (PeVL 9/2016 vp, p. 2; PeVL 23/1997 vp, p. 2/II). Penal provisions must have a compelling social need and be justified within the fundamental rights system. In accordance with the principle of protecting legal interests, it is justifiable to criminalize only such blameworthy conduct that violates or concretely endangers

legal interests protected by the legal order (see, for example, LaVL 17/2017 vp, p. 5). The above considerations have been taken into account in the justification of the proposed penal provision. During preparation, the enactment of criminal sanctions was deemed justified. The purpose of the proposed penal provision is to ensure that batteries placed on the market comply with requirements and that economic operators comply with the obligations set in the Battery Regulation so as to avoid risks to safety, human health, property, or the environment. The aim of sanctions is to prevent harmful activities concerning the protection of the environment or human health and safety. The proposed penal provision secures legal interests protected by the legal order and several fundamental rights, such as the right to life protected in section 7 of the Constitution, the right to personal liberty, integrity, and security, and the right to a healthy environment guaranteed to everyone in section 20 of the Constitution. In addition to protecting the environment and health, it is necessary to protect the legitimate trust of end-users in the conformity of batteries and accumulators as well as reliable commerce and fair competitive conditions. For this reason, criminal sanctions must be imposed for non-compliance with obligations.

According to recital 130 of the Battery Regulation, batteries and accumulators should be placed on the market only if they do not pose a risk to human health, safety, property, or the environment when stored or used for their intended purpose or under reasonably foreseeable conditions of use, i.e., conditions that could result from lawful and easily predictable behavior by people. Users of batteries and accumulators must be able to trust that batteries and accumulators placed on the market comply with durability, safety, marking, and information requirements, do not contain hazardous substances, and are safe when used according to instructions and recommendations. Market surveillance authorities monitor compliance with the product and economic operator requirements set in the Battery Regulation. The Market Surveillance Regulation and the Act on Market Surveillance<sup>45</sup> of Certain Products 1137/2016 (hereinafter Market Surveillance Act) also apply to the market surveillance of batteries and accumulators, external border control, and appeals concerning market surveillance authority decisions according to section 24 a(2) of the Waste Act. However, the administrative enforcement measures available to market surveillance authorities cannot always be considered sufficient and effective sanctions.

In cases where an economic operator places on the market or puts into service batteries or accumulators that do not comply with durability, safety, marking, information requirements or substance restrictions set in the regulation or fails to meet notification and action obligations, and information about the hazardous product does not reach consumers and market surveillance authorities, non-compliant batteries and accumulators can cause risks or endanger

---

<sup>45</sup> Regulation (EU) 2019/1020 of the European Parliament and of the Council on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011

end-user safety. Therefore, it is necessary to ensure the most effective possible compliance with obligations by imposing criminal sanctions for non-compliance.

Similarly, violations of product requirements or obligations of economic operators are sanctioned with criminal penalties in other laws generally concerning hazardous products. Examples of such laws include the Act on the Restriction of the Use of Certain Hazardous Substances in Electrical and Electronic Equipment (387/2013), the Elevator Safety Act (1134/2016), and the Electrical Safety Act (1135/2016). These laws also fall within the scope of the Market Surveillance Act. The degree of culpability prescribed in the proposed law would also be consistent with the penal provisions of the aforementioned laws. Common to the products within the scope of these laws is the emphasis on identifying and assessing risks during their design and manufacture, which requires a higher than usual degree of care. The Legal Affairs Committee has noted in its report (LaVM 6/2018 vp, p. 5), among other things, that internal consistency within the penalty system requires that the penalty scales for acts generally comparable in culpability correspond to each other as closely as possible. In the now proposed penal provision, acts that are comparable in general culpability are consistently criminalized, as in the sector-specific laws falling under the scope of the Market Surveillance Act mentioned above.

Section 8 of the Constitution stipulates the principle of legality in criminal matters. According to the provision, no one may be considered guilty of a crime or sentenced for an act that was not defined as punishable by law at the time the act was committed. No one may be sentenced to a harsher punishment than what was provided by law at the time of the act. The principle of legality in criminal law includes a special requirement for the precision of the law. The principle of legality in criminal law contains a specific requirement of the precision of law. According to this, the elements of each crime must be expressed in the law with sufficient precision so that, based on the wording of the law, it is foreseeable whether an act or omission is punishable (see PeVL 20/2018 vp, PeVL 37/2016 vp).

The proposed penal provision involves so-called “blanket penal technique,” where the elements of the punishable act are partially determined by substantive legislation outside the Criminal Code. The Constitutional Law Committee has not regarded blanket penal regulation as a regulatory technique prohibited by the Constitution (PeVL 10/2016 vp, p. 8 with references). For reasons related to the principle of legality, a restrictive attitude toward blanket penal regulation has been appropriate (e.g. [PeVL 10/2016 vp](#), p. 8, [PeVL 31/2002 vp](#), p. 3, [PeVL 15/1996 vp](#), p. 2/II and [PeVL 20/1997 vp](#) p. 3/II). In connection with the reform of fundamental rights, the Committee emphasized that for blanket regulations the objective must be that the required authorization chains are precise, the substantive provisions defining punishability are drafted with the precision required of criminal provisions, and the body of law encompassing these provisions also makes clear the punishability of violations, and that the provision containing the criminalization includes some substantive characterization of the

conduct intended to be criminalized ([PeVM 25/1994 vp](#), p. 8/I). In its more recent practice, the Constitutional Law Committee has regarded the clarification of blanket criminal provisions as a prerequisite for processing a legislative proposal under the ordinary legislative procedure ([PeVL 10/2016 vp](#), pp. 8-9). Even in a situation where the provision lists the forms of conduct that may become punishable, according to the practice of the Constitutional Law Committee, the regulation has to be specified by further specifying the reference provisions and the constituent elements of the offence ([PeVL 53/2018 vp](#), p. 3, [PeVL 14/2018 vp](#), p. 21–22).

The conduct punishable by the provision on penalties proposed derives its actual content from the directly applicable Union regulation, the content of which, in principle, may not be repeated in national law. However, the Battery Regulation contains an obligation for Member States to provide for penalties by means of either criminal or administrative regulation. The conditions for the blank penalty regulation of the Constitutional Law Committee call for the completeness of the chains of references to punishable conduct. If the content of the criminal conduct derives from an EU regulation, the national penal provision must make explicit reference to this EU regulation. In accordance with the practice of Parliament’s Legal Affairs Committee, the best way to implement the requirements of the principle of legality in criminal matters in such a situation is to regulate where the national penal provision refers to EU acts on an article-by-article basis ([LaVL 34/2018 vp](#), pp. 8-9 and [LaVL 7/2020 vp](#), p. 6). In addition, it has been required that national criminal law rules include classifications of offences, that is to say, a more detailed description of the methods and constituent elements of the offence ([PeVL 53/2018 vp](#), [LaVL 34/2018 vp](#), pp. 8-9, and [LaVL 7/2020 vp](#), pp. 6-7). In that case, it is a question of including a sufficiently objective characterisation in national criminal law.

The proposed provisions on criminal sanctions identify infringements by making a precise reference to the articles of the Battery Regulation and by describing the acts for which a criminal sanction could be imposed. The proposed provision would indicate whose obligations are being breached and would identify the specific conduct in breach of certain prohibitions or obligations. The proposed provision would lay down the constituent elements, the culpability, the title of the offence and the penalty. In the light of the wording of the proposed provisions, it is therefore foreseeable which act or omission is punishable. The regulation would not be problematic from the point of view of Article 8 of the Constitution and would meet the criteria for blanket regulation.

#### *Neglect fee*

The proposal provides for penalties for failure to comply with certain obligations imposed on producers or producer organisations under the Battery Regulation by means of the non-compliance fee provided for in Section 131 of the Waste Act. The negligence fee would only apply to failure to comply with the separately specified obligations imposed on the producer

and would therefore not fall within the competence of the authorities other than the Supervisory Agency supervising producer responsibility.

The non-compliance fee for the Waste Act is an administrative penalty of a punitive nature. Fundamental rights and the general conditions for their restriction shall also be taken into account in the regulation of administrative penalties. These include requirements for regulatory acceptability and proportionality. In accordance with the requirement of acceptability of a restriction on fundamental rights, administrative sanctions must be justified by a pressing social need and a justification acceptable from the point of view of the fundamental rights system (PeVL 23/1997 vp, p. 2/II). In practice, the Constitutional Law Committee's financial penalties have been considered to be administrative sanctions for unlawful acts or negligence. The Committee has essentially equated a financial penalty of a punitive nature with a criminal penalty (PeVL 12/2019 vp, pp. 7-8, PeVL 9/2018 vp, p. 2). In practice, the Constitutional Law Committee has been of the opinion that even if the regulatory accuracy requirements laid down in section 8 of the Constitution do not as such apply to the regulation of administrative penalties, the general requirement for accuracy cannot be ignored in connection with such regulation (e.g. PeVL 9/2018 vp, s. 3, PeVL 39/2017 vp, s. 3, PeVL 2/2017 vp, s. 5, PeVL 15/2016 vp, s. 5, PeVL 10/2016 vp, s. 7 ja PeVL 57/2010 vp, s. 2/II). In addition, the acts and omissions subject to sanctions must be characterised by their identification in legislation (PeVL 60/2010 vp, PeVL 57/2010 vp, PeVL 11/2009 vp, PeVL 12/2006 vp). The penalty system as a whole must meet the requirements of proportionality (PeVL 56/2014 vp, PeVL 16/2013 vp, PeVL 23/1997 vp). When imposing sanctions, special attention must be paid not only to the strictness of regulation, but also to the legal protection of those subject to sanctions (PeVL 49/2017 vp).

No non-compliance fee is proposed for breaches of the provisions of the Battery Regulation that involve transparent or qualitative criteria. For this reason, infringements of obligations that are not sufficiently regulated by the Battery Regulation or national law, for example, are not yet included in the scope of the negligence fee. In addition, a number of articles of the Battery Regulation include powers for the adoption of implementing or delegated acts, the adoption of which will clarify and specify the obligations under the Battery Regulation.

The proposed amendment to Section 131 would provide, in accordance with the principle of legality, for acts and omissions which could give rise to the imposition of a default fee. The purpose of the default fee would be to ensure that producers and producer organisations comply with the provisions of the Battery Regulation. The regulation on payments has an overall deterrent effect. The proposed non-compliance fee could be imposed on a producer or a producer organisation that violates the registration or notification to the authority provided for in the Battery Regulation. These articles of the Battery Regulation correspond in substance to the provisions of the Waste Act, which lay down the obligation for producer organisations to submit an application for recognition in the register of producers and to keep records and

submit information to the competent authority. Infringements of the corresponding obligations of the Battery Regulation are therefore justified to be added to the scope of the negligence fee. The penalty for non-compliance should be acceptable and proportionate, taking into account the legal interest to be protected. Infringements of those provisions do not directly pose a risk to life and health, so that the nature of the infringements does not necessarily require a criminal penalty. The purpose of the penalty payment is to ensure that the provisions on which it is based are complied with and that the obligations imposed on the pursuit of the activity are fulfilled. The proposed negligence fees can be considered necessary and proportionate.

The proposed provisions on the default fee identify infringements by referring to the articles of the Battery Regulation and by describing the acts for which a default fee could be imposed. The proposed provisions would indicate which obligations have been breached and the nature of the obligation. In the light of the wording of the proposed provisions, it is therefore foreseeable which act or omission is punishable and the regulation would not be problematic under Section 8 of the Constitution.

#### Jurisdiction of Åland

According to Section 18(10) of the Act on the Autonomy of Åland (1144/1991), matters relating to the protection of nature and the environment fall within the legislative competence of the Province of Åland. This also includes, for example, regulation on waste management and producer responsibility for batteries and accumulators.

For the reasons set out, the proposal must be considered to be in conformity with the principles of legal certainty of the Constitution and with the requirements of sound administration. The proposal may be dealt with under the ordinary legislative procedure.

#### *Resolution*

Due to the fact that Regulation (EU) 2023/1542 of the European Parliament and of the Council on batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC and Directive (EU) 2024/884 of the European Parliament and of the Council amending Directive 2012/19/EU on waste electrical and electronic equipment contain provisions that are proposed to be supplemented by law, the following legislative proposals are submitted to Parliament for approval:



**1.**

**Act**

**amending the Waste Act**

In accordance with the decision of Parliament  
Section 2(5) of the Waste Act (646/2011), as amended by Act 1068/2024, shall be *repealed*.

Section 22(4), Section 47(2), Section 48(1)(4), Section 48b(4), Section 49(1), Section 51(1), Section 52(2), Section 53, Section 53a(1), Section 54(1), Sections 55–57, Section 61, Section 63(1), Section 63a(2), Section 64(1), Section 66, Section 66b(1), Section 101(2), Section 102(3), Section 103, Section 107(1), Section 117a, Section 119(1), Section 122(3), Section 126(1)(1), Section 128(1), Section 131(1), Section 131(2)(1), Annex shall be *amended*

as they appear in Act 714/2014: Section 47(2), Section 54(1), Section 63(1), Section 63a(2), Section 64(1), Section 66, Section 66b(1), Section 119(1), and Section 131(1), in Act 1096/2022: Section 48(1)(4), Section 48b(4), Section 51(1), Section 53a(1), Section 55, Section 128(1), and the Annex, in part in Act 410/2014: Sections 53, 56, 61, and 103, in Act 494/2022: Section 101(2), in Act 410/2014: Section 102(3), in Acts 410/2014 and 1518/2015: Section 117a, in Act 757/2018: Section 126(1)(1),

New Section 16b shall be *added* to the Act; to Section 25, as it appears in Acts 917/2021 and 1096/2022, a new subsection 4; to Section 46, as it appears in Act 714/2021, a new subsection 3; to Section 66a, as it appears in Acts 714/2021 and 1096/2022, a new subsection 3, whereby the current subsection 3 shall become subsection 4; and to Section 147(1), as it appears in Acts 714/2021 and 1120/2024, a new paragraph 26, as well as Annexes 2 and 3, as follows:

#### Section 16b

*Language requirements for battery and accumulator labelling, instructions, safety data and documentation.*

The instructions, safety information and documentation referred to in Article 38(1)(a) and (7), Article 41(2)(c) and (3) and Article 42(2)(c) and Article 74(1) of the Battery Regulation shall be provided at least in Finnish and Swedish. The information and documents referred to in Articles 18(2), 38(10), 41(8) and 42(6) of the above regulation must be in Finnish or Swedish or in any other language accepted by the Market Surveillance Authority.

#### Section 22

*State authorities*

---

The Supervisory Agency (Lupa- ja valvontavirasto) shall, as a national authority, guide and promote the performance of producer responsibility tasks referred to in this Act and its provisions, as well as in the Battery Regulation.

---

#### Section 25

*Other supervisory authorities*

---

As the national authority responsible for producer responsibility, the Supervisory Agency supervises compliance with the provisions on producer responsibility and return systems for beverage packaging. The Transport and Communications Agency shall supervise compliance with the obligations laid down in Article 62(6) of the Battery Regulation through the Act on the Supervision of Online Intermediary Services (18/2024), exercising powers other than those provided for in Chapter 3 of that Act.

Section 46

*Producer responsibility for waste management and its costs*

---

The producer's responsibility for the costs of waste management for batteries and accumulators is also laid down in Article 56(4) and (5) of the Battery Regulation.

Section 47

*The producer's primary right to arrange waste management*

---

Notwithstanding subsection 1, an operator other than the producer may provide services relating to reuse or preparation for reuse. In the case of batteries, an operator other than the producer shall only provide services related to the re-use of the product.

---

Section 48

*Products and producers within the scope of producer responsibility*

Irrespective of the mode of sale, producer responsibility applies to the following products and the producers that professionally place them on the market or sell them directly to users through distance selling:

---

4) batteries and accumulators, including those contained in electrical and electronic equipment, vehicles, or other products, where the producer is the producer referred to in Article 3(1)(47) or Article 56(2) of the Battery Regulation;

---

## Article 48b

### *Reception and transport of end-of-life products*

---

The producer of packaging classified as single-use plastic products referred to in Annex 1, as well as the producer of single-use plastic beverage cups sold empty to end-users, shall, in addition to the producer responsibility set out in Section 46(1), be liable for the costs incurred by the municipality due to littering caused by these products:

- 1) the collection, transport and treatment of waste arranged for prevention;
- 2) cleaning, transportation and handling of garbage.

## Section 49

### *Reception and transport of end-of-life products*

The producer must arrange collection points for end-of-life products so that the product can be handed over to such a collection point free of charge and without undue inconvenience. When determining the required number of collection points by area, consideration shall be given to the type, quality, and anticipated quantity of the end-of-life products to be delivered to them, as well as the environmental impacts and costs arising from collection and transportation. The number may vary by product category and region. The collection of batteries is governed by Articles 59 to 61 of the Battery Regulation. The Government may issue more detailed regulations on the number of collection points by decree.

---

## Section 51

### *Information and guidance obligation of the producer*

The producer shall inform about the location and opening times of receiving stations for discarded products, the waste received at the stations, and other matters necessary for the smooth functioning of the reception. In addition, the producer shall inform and advise on measures to reduce the quantity and harmfulness of waste, on reuse and preparation for re-use, on the effects and prevention of littering and, where appropriate, on available reusable alternatives to the product. The information and advice can be different for different product groups. Where necessary, the producer shall arrange information and guidance together with the municipality and other waste management actors. The producer's obligation to provide information and advice shall not apply to the producer referred to in section 48(1)(10). The provision of information on the prevention and management of waste from batteries and accumulators is also provided for in Article 74 of the Battery Regulation.

---

## Section 52

### *Measures to promote reuse*

---

In order to promote reuse, the producer shall, where possible, ensure that holders of the product and other operators responsible for the management of the end-of-life product are provided with the necessary information on the possibilities for reuse and dismantling of the product and its components, as well as on the location of hazardous substances and components in the product. The provision of information on the performance and expected lifetime of batteries and accumulators is also governed by Article 14 of the Battery Regulation, and that information on the prevention and management of battery and accumulator waste is governed by point (a) of Article 74(1).

## Section 53

### *Exceptions to producer cost responsibility for certain products*

By way of derogation from Section 46, the producer of electrical and electronic equipment shall not be responsible for:

- 1) the waste management costs of non-household electrical and electronic equipment, placed on the market before 14 August 2005 and belonging to the equipment categories referred to in Annex 2, unless the equipment is replaced by new equivalent equipment or new equipment serving the same purpose;
- 2) the waste management costs of photovoltaic panels placed on the market before 13 August 2012; and
- 3) the waste management costs of electrical and electronic equipment placed on the market before 15 August 2018 and belonging to the equipment categories referred to in Annex 3, which are not included in Annex 2.

The producer shall receive all the equipment referred to in subsection 1 which falls within their field of activity at their reception points. In such cases, the producer may charge the last holder of the discarded device a reasonable fee for organising its waste management.

The producer and the holder of an electrical or electronic device other than household devices may agree on a different division of waste management costs, than those provided in this section, regardless of when the device was placed on the market.

## Section 53a

### *Self-monitoring by the producer*

The producer shall regularly and systematically monitor the implementation of the obligations laid down in this chapter and develop the reliability of information based on this (*self-monitoring*). Where necessary, self-monitoring shall be supported by a regular inspection by an independent and competent party. The producer shall prepare a written self-monitoring plan that shall be attached to the application for approval in the producer register referred to in Section 101. Producer self-monitoring related of batteries and accumulators is also regulated in Article 58(5) of the Battery Regulation.

---

#### Section 54

##### *The producer's record-keeping and notification obligation*

The producer shall keep records on the type, nature and amount of the products they have placed on the market, of the discarded products they have received, and of the waste thus generated, as well as on other comparable factors necessary for the control of compliance with this Act and the provisions issued pursuant to it. Furthermore, record-keeping shall, where necessary, specify the products and waste delivered for reuse, preparation prior to re-use, recycling, other recovery and for disposal by sites of delivery. The records shall contain the equivalent information also for components of vehicles referred to in section 48, subsection 1, paragraph 2 and for the electrical and electronic equipment referred to in paragraph 3, and the waste generated from them, as well as discarded products and waste exported to another country. The obligation for producers of batteries to keep records and information is laid down in Article 75 and Article 76(1) and (2) of the Batteries Regulation.

---

#### Section 55

##### *Ensuring the registration of the producer*

When delivering a product to a distributor, the producer referred to in Section 48(1) shall inform the distributor of his membership of the register of producers referred to in Section 142. The distributor and other undertaking, as well as the public contracting entity which purchases the products referred to in section 48, shall ensure, as far as possible, that the producer of the product supplied to it is entered in the register of producers. The obligations of distributors of batteries and accumulators referred to in this paragraph are laid down in Article 42(2) of the Battery Regulation and those of network platform providers in Article 62(6) of the Battery Regulation.

#### Section 56

### *The take-back obligation of the distributor of the product*

At its point of sale, the product distributor shall receive from the holder, free of charge, the following discarded products:

- 1) household electrical and electronic equipment, none of the external dimensions of which exceeds 25 cm, without requiring the purchase of a new equipment as a condition of receipt;
- 2) household electrical and electronic equipment other than those referred to in paragraph 1 which is replaced by a new equivalent device;
- 3) tires for motor vehicles and other vehicles or equipment, provided that the type and quantity correspond to the new tires being purchased.

The distributor's obligation to accept end-of-life batteries and accumulators shall be governed by Article 62 of the Battery Regulation.

However, the take-back obligation under point 1a of subsection 1 does not apply to grocery stores with a sales area smaller than 1 000 square meters, nor to other stores with a sales area smaller than 200 square meters. The distributor of the product may also organise the reception referred to in subsection 1(1) and (2) in the immediate vicinity of the point of sale.

The product distributor shall assemble end-of-life products into batches appropriate for organising transport. The distributor shall only deliver the end-of-life products to the transporter or processor acting on behalf of the producer. The costs of the reception organised by the distributor of the product shall be borne by the distributor. The distributor of batteries and accumulators shall bear the costs of the take-back they organize, which are not the responsibility of the producer pursuant to Articles 59(1), 60(4) and 61(3) of the Battery Regulation.

### Section 57

#### *Distributor's obligation to provide information*

At its point of sale and other marketing, the product distributor shall provide information on the possibility of handing over the discarded product to the distributor's reception point, and shall bear the costs thereof. The distributor's obligation to provide information on the prevention and management of waste from batteries and accumulators is regulated in Article 74(4) of the Batteries Regulation.

### Section 61

#### *Guarantee required from producers and producer organisations of certain products*

The producer of the electrical and electronic equipment shall provide a guarantee for the benefit of the Supervisory Agency to cover the costs of reception, transport, other waste management and related information and the promotion of reuse of household EEE that the

producer places on the market. A producer belonging to a producer responsibility organisation referred to in Section 62 shall not be required to lodge a separate guarantee.

A producer or a producer responsibility organisation (PRO) for batteries and accumulators must provide a guarantee in favour of the Supervisory Agency to cover the costs arising from the take-back, transport, other waste management, related communication, and reuse promotion of the batteries and accumulators placed on the market by the producer or the producers affiliated with the PRO.

Eligible collateral is a guarantee, an insurance policy and a pledged deposit. The issuer of the guarantee shall be a credit, insurance, or other professional financial institution domiciled in a State belonging to the European Economic Area. A further condition is that the Supervisory Agency has access to the guarantee by virtue of the requirement.

The guarantee shall be sufficient to cover the costs of the management of waste management operations, taking into account the scope, nature and provisions governing the operations. The guarantee provided by the producer shall cover the average cost of the waste management of products made available by the producer on the market in the year preceding the provision of the guarantee, and the guarantee provided by the producer responsibility organisation shall cover the average cost of the waste management activities for which it is responsible for over a period of six months. The amount of the guarantee shall be at least EUR 10 000.

The Supervisory Agency shall have the right to have the guarantee available if the producer has been declared insolvent or has failed to organise waste management despite being instructed to do so, or has complied with other producer responsibility obligations.

Before the realisation of the guarantee, the supervisory authority shall order the operator to fulfil its obligations in accordance with the provisions of section 128 and, in order to enforce the order, shall impose a threat of commissioning. The guarantee may be used to cover the costs of the commissioning activities. The Supervisory Agency may distribute the amount received on the basis of the guarantee to the producers and producer associations in proportion to their market shares for the purpose of acquiring waste management services, or procure the waste management services themselves.

More detailed provisions on the calculation of the amount of the guarantee and on the establishment of a guarantee may be laid down by Government decree.

## Section 63

### *Operation of the producer responsibility organisation*

The producer responsibility organisation shall be a non-profit organisation whose purpose is to perform the producer responsibility obligations of its member producers. In the producer responsibility organisation, obligations shall be divided fairly among the producers, taking into account the nature and scope of their operation, in such a way that barriers to trade and distortion of competition are avoided. The obligations concerning the producer's record keeping and notification obligation shall be assigned in a lighter form to a producer that places

only small amounts of products on the market, if the obligations would otherwise be disproportionate for such a producer. The obligations concerning the activities of battery producer organisations are laid down in Article 57(2) to (5) of the Battery Regulation.

---

#### Section 63a

##### *The producers' payment contributions and adjustments to them*

---

When determining payment contributions, the producer responsibility organisation shall, where possible, particularly consider the durability, reparability, re-usability, recyclability, and the presence of hazardous substances of individual products or mutually equivalent products or product groups. The adjustment of the contribution of producers of batteries and accumulators is provided for in Articles 56(5) and 57(2) of the Battery Regulation.

---

#### Section 64

##### *Safeguarding the operation of producers approved for the producer register and the producer responsibility organisation*

The producer responsibility organisation shall have sufficient financial resources for the appropriate organisation of its operation and so that it can be responsible for the producer responsible obligations it has assumed continuously for at least six months. To demonstrate this, the producer responsibility organisation shall present to the Supervisory Agency a report on the required financial arrangements and an action plan for arranging reuse and waste management. The report and the plan shall be submitted annually or when there are essential changes to the operation, within three months of such changes. The producer responsibility organisation of batteries and accumulators must include in the report the audited financial statements of the last accounting period and the budget for the current accounting period.

---

#### Section 66

##### *Service procurement by the producer responsibility organisation*

When procuring services related to the reuse of products and waste management, the producers' association shall take into consideration other economic operators and their ability to operate in the market concerned in a fair manner, so as to avoid barriers to trade and distribution of competition. The producer responsibility organisation shall publish information

on the general principles and procedures to be followed in their service procurement on a public information network. Provisions on the obligations of producer organisations of batteries when purchasing the services referred to in this subsection are also laid down in Article 57(6) and (8) of the Battery Regulation.

#### Section 66a

##### *Authorised representative of a producer or other operator*

---

The obligation of the battery producer and other operator to appoint an authorised representative for the extended producer responsibility is laid down in Article 56(3) of the Batteries Regulation.

---

#### Section 66b

##### *Operating as an authorised representative in Finland*

An authorised representative operating in Finland shall be appointed by a written authorisation. For products other than those sold directly through distance selling, the party appointed as an authorised representative shall inform the producers or producer responsibility organisations, who would otherwise assume producer responsibility obligations in respect of the products concerned, on the authorisation granted to it, its modification and withdrawal. In addition, the obligations of the authorised representative of batteries and accumulators are laid down in Article 55(7) and (12) of the Batteries Regulation.

---

#### Section 101

##### *Application for approval in the producer register*

---

The application must specify the applicant and describe the activities carried out by them. The application must include the information necessary for its processing and for assessing the appropriateness of the operations, particularly regarding the take-back of end-of-life products, related communication, reuse, recovery, and other waste management activities. In addition, a producer of household electrical and electronic equipment and batteries and accumulators shall provide a statement regarding the guarantee referred to in section 61. An application by a producer responsibility organisation or an operator of a return system for beverage packaging must include the necessary information on contracts, rules, and other relevant documents to

assess whether the activities comply with the requirements laid down in this Act. An authorised representative referred to in section 66 b must, in addition, include in their application information about the person granting the authorisation and the producers who would otherwise be responsible for fulfilling producer responsibility obligations for the products covered by the authorisation. The obligation of a battery and accumulator producer to register in the producer register is laid down in Article 55(2) of the Batteries Regulation, and the content requirements of the registration application are set out in Article 55(3).

---

## Section 102

### *Prerequisites for approval for the producer register*

---

As an additional condition for the approval of a producer of household electrical and electronic equipment and batteries and accumulators, the guarantee referred to in section 61 must be provided. The conditions for the approval of a battery and accumulator producer are also laid down in Article 58(2) of the Batteries Regulation.

## Section 103

### *Decision on the approval to the producer register*

The Supervisory Agency shall, without undue delay, make a decision on an application for approval for the producer register. Depending on the nature of the case, the decision on the recognition of the producer responsibility organisation and the operator of the return system for beverage packaging in the producer register shall be valid for an indefinite period or for a fixed period. The decision to approve a producer shall be valid until further notice. The recognition of a producer of batteries in the register of producers is also provided for in Article 55(9) of the Battery Regulation.

The decision may include necessary provisions to ensure compliance with the approval conditions set out in section 102 and other requirements in this law or in the Battery Regulation, as well as provisions for supervision of operations. They may also impose progressively tighter start-up obligations on new producers, producer organisations and operators of beverage packaging return systems, taking into account the nature and scope of their activities, and targets for the reception, reuse and recovery of end-of-life products and for the functioning of the beverage packaging return system until they are fully covered by the obligations and targets laid down in the Government Decree or the Battery Regulation. They may also impose progressively tighter start-up obligations on new producers, producer organisations and operators of beverage packaging return systems, taking into account the nature and scope of their activities, and targets for the reception, reuse and recovery of end-of-

life products and for the functioning of the beverage packaging return system until they are fully covered by the obligations and targets laid down in the Government Decree or the Battery Regulation.

The decision may lay down the necessary provisions on the guarantee referred to in section 61 and its provision. The decision may require the producer or producer organisation to regularly assess the adequacy of the financial guarantee and to submit a report on its sufficiency annually or within three months of any significant change in operations to the Supervisory Agency. Supervisory Agency must take action, if necessary, to review the amount of the guarantee. The guarantee shall remain valid continuously or be renewed periodically until at least six months have passed since the termination of the producer's or producer organisation's registration in the producer register. If the guarantee is extended, renewal must take place before the guarantee expires. The guarantee must be provided in favour of the Supervisory Agency before the producer or producer responsibility organisation can be registered in the producer register.

The Supervisory Agency shall enter the essential information on the application and the decision in the waste management register.

A Government Decree may lay down further provisions on the content of the decision.

#### Section 107

##### *Cancellation and expiration of the approval for the waste management register*

The Supervisory Agency may revoke the approval in the producer register if a producer, producer organisation, or beverage container return system operator, despite a written warning from the Centre for Economic Development, Transport and the Environment, repeatedly neglects to comply with this Act and its regulations and provisions issued under it, or with the obligations based on producer responsibility under the Battery Regulation to arrange the collection, reuse, recovery, and other waste management of end-of-life products, or if any other approval condition set out in section 102 cannot be fulfilled despite a written warning from the authority.

---

The Supervisory Agency may revoke the approval in the producer register if a producer, producer organisation, or beverage container return system operator, despite a written warning from the Centre for Economic Development, Transport and the Environment, repeatedly neglects to comply with this Act and its regulations and provisions issued under it, or with the obligations based on producer responsibility under the Battery Regulation to arrange the collection, reuse, recovery, and other waste management of end-of-life products, or if any other approval condition set out in section 102 cannot be fulfilled despite a written warning from the authority.

*Special provisions concerning used electrical and electronic equipment as well as batteries and accumulators*

Where a used EEE is to be shipped to another country as a product and not as waste, the holder of the EEE shall demonstrate the correctness of the classification by means of an invoice or contract for the sale or transfer of ownership of the EEE, a functional test certificate, a transport document or any other equivalent proof, statement or document concerning the condition or quality of the EEE and by providing evidence that the EEE is adequately protected against damage during the shipment. A Government Decree may lay down further provisions on the evidence, test methods, test results, reports and other information necessary to classify a used electrical and electronic equipment as a product, as well as on sufficient measures necessary to protect the equipment from damage. The information and actions required may vary by type of device, by category of user or by area of use.

If evidence of the classification of a used electrical and electronic equipment as a product cannot be demonstrated in accordance with subparagraph 1, the equipment shall be regarded as waste and its shipment to another country shall be regarded as an illegal shipment within the meaning of the Waste Shipment Regulation.

The demonstration of the necessary evidence that a used EEE is not waste is also provided for in Article 50(4a)-(4d) of the Waste Shipment Regulation.

The international transfer of waste batteries and accumulators is governed by Article 72 of the Battery Regulation and by Article 73 of the Regulation on preparing for re-use or change of use of waste batteries, waste industrial batteries and electric vehicle waste traction batteries.

Section 119

*Data included in record-keeping and their processing*

Based on the nature of the operation, the records referred to in section 118, subsection 1 above shall include data on the type, nature, amount, origin, and site of delivery of the waste generated, collected, transported, brokered or processed, as well as on the transport and processing of the waste. The records shall also include information of the amount of waste generated in activities referred to in (1) of the above paragraph in relation to the scope of the activities expressed in terms of turnover, amount of personnel, or another equivalent manner (*specific waste amount*). The record-keeping for activities referred to in paragraph 3 of the above-specified subsection shall include data on the amount of products and materials generated in the preparation prior to reuse, recycling or other recovery of the waste, as well as on their intended use, specified by product and material groups. Information on batteries and accumulators and their handling shall also be governed by Articles 65(2), 75, and 76(1) and (2) of the Battery Regulation.

---

Section 122

*Right of access to information*

---

Supervisory Agency or an official designated by it shall have the right, upon request, to obtain from the producer responsibility organisation, producer, distributor, and other operators engaged in the waste management of products discarded from use as referred to in Section 48, the information necessary for monitoring and enforcing compliance with this Act, the provisions and regulations issued under it, and the Battery Regulation. This includes information on the quantity of products placed on the market and discarded, as well as on collection or export, reuse, preparation for reuse, recycling, recovery, or other forms of waste management, and other comparable matters.

Section 126

*Rectification of an offence or negligence*

The supervisory authority may:

1) prohibit anyone who infringes this Act or a regulation or regulation issued pursuant to it, or the Waste Shipment Regulation, the Mercury Regulation or the Batteries Regulation or any provisions adopted pursuant thereto, from continuing or repeating an infringement or otherwise instructing the person concerned to fulfil his obligations;

---

Section 128

*Correction of an infringement or neglect concerning producer responsibility*

If the producer or producer responsibility organisation referred to in Chapter 6 or the operator of the beverage packaging return system referred to in section 68 has not organised re-use, recycling, other recovery or other waste management on the basis of the producer responsibility provided for in section 46(1), or has failed to comply with the obligation to pay compensation under the decision referred to in section 48e or the obligation to carry out a compositional report in accordance with this Act or with the provisions or regulations adopted pursuant to this Act, as provided for in Section 48f, the Supervisory Agency may, in addition to the provisions of section 126:

1) require the producer, the producer responsibility organisation or the operator of the beverage packaging return system to bring its activities into conformity with this Act and with

the provisions and regulations adopted pursuant to it or with the Battery Regulation and to demonstrate that the changes have been made;

---

#### Section 131

##### *Neglect fee*

A producer referred to in Chapter 6 is liable to pay a negligence fee if they fail to comply with the obligation to join a producer responsibility organization as set out in Section 62, the obligation to apply for approval in the producer register as laid down in Section 101, or the obligation to register in the producer register as provided in Article 55(2) of the Battery Regulation. A producer responsibility organisation shall be liable to pay a neglect fee if it fails to comply with the obligation laid down in section 101 to submit an application to be included in the producer register.

The following parties shall also be obliged to pay a neglect fee:

a) a producer or producer responsibility organization that fails to comply with the obligation laid down in Section 54 to keep records and submit a summary of the recorded information, or with the obligation to report information to the competent authority as set out in Article 75(1) (a–g) or (2)(a–d) of the Battery Regulation;

---

#### Section 147

##### *Penal provisions*

Anyone who intentionally or through negligence and in a manner not referred to in subsection 1

---

26) violates the Battery Regulation

a) the prohibition in Article 5 on placing on the market or putting into service batteries and accumulators that do not comply with the durability, safety, labelling, and information requirements set out in paragraph 1 of that article, or with the substance restriction in Article 6(1);

b) the manufacturer's obligation in Article 38(1)–(3) to ensure that the battery or accumulator is designed, manufactured, and labelled in accordance with the requirements laid down in the Regulation, includes the required documentation, and has undergone the conformity assessment procedure;

c) the obligation in Article 38(9) to take corrective action in cases of non-compliance;

d) the importer's obligation in Article 41(1) or (2) to ensure that only batteries and accumulators meeting the requirements of the Regulation, with the required documentation and labelling, and that have undergone the conformity assessment procedure, are placed on the market;

e) the obligation in Article 41(6) to take corrective action in cases of non-compliance;

f) the distributor's obligation in Article 42(2)(b) to ensure that, before making a battery or accumulator available on the market, it bears the labelling required by the Regulation;

g) the obligation in Article 42(3) to notify the manufacturer or importer and the market surveillance authority of a battery or accumulator that poses a risk;

h) the obligation laid down in Article 42(5) to take corrective action in cases of non-compliance,

-----  
shall be sentenced to pay a fine for an infringement of *the Waste Act*, unless a more severe punishment for the act is prescribed elsewhere in the law.  
-----

-----  
This Act enters into force on [day] [month] 20[year].  
-----

#### *Annex 1*

The following packages are single-use plastic products referred to in Article 48b(4):

1) food containers, i.e., containers such as boxes, with or without lids, for foodstuffs that are

a) are intended for immediate consumption, either on-the-spot or take-away;

b) is usually consumed in the container, and

c) are ready to be consumed without cooking, boiling or heating, or any other further preparation;

2) packets and wrappers made from flexible material containing food that is intended for immediate consumption from the packet or wrapper without any further preparation;

3) beverage containers with a capacity of up to three litres, i.e., receptacles used to contain liquid such as beverage bottles including their caps and lids and composite beverage packaging including their caps and lids, but not glass or metal beverage containers that have plastic caps and lids;

4) cups for beverages other than those sold empty to end users, including their caps and lids;

5) lightweight plastic carrier bags.

Plates, beverage containers referred to in paragraph 3 and flexible material packaging and wrappings referred to in paragraph 2 shall not be regarded as food packaging within the meaning of paragraph 1.

## *Annex 2*

Categories of electrical and electronic equipment until 14 August 2018 (53(1)(1) and (3))

For each of the categories of equipment listed below, there is an indicative list of EEE falling within that category.

### **1. Large household appliances**

Large refrigeration equipment

Refrigerators

Freezers

Other large appliances used for refrigeration, conservation and storage of food

Washing machines

Appliances for drying clothes

Dishwashers

Equipment used for cooking

Electric stoves

Electric hotplates

Microwave oven

Other large machines used for food preparation and other food processing

Electric heating appliances

Electrical radiators

Other large appliances used for heating rooms, beds and seats

Electric fans

Air-conditioning units

Other ventilation, exhaust ventilation and ventilation equipment

### **2. Small household appliances**

Vacuum cleaners

Carpet brushes

Other cleaning machines

Sewing, knitting and weaving machines and other machinery for working textiles

Flat-irons and other machinery for ironing, pressing and other maintenance of textiles  
Toasters  
Table barbecues  
Coffee grinders, coffee machines and apparatus for opening or closing jars or packages  
Electric knives  
Hair clippers, hair dryers, electric toothbrushes, shavers, electric massagers and other body care products  
Clocks, watches and equipment for the purpose of measuring, indicating or registering time  
Scales

### **3. IT and telecommunications equipment;**

Centralised Data Processing:

Mainframe computers

Minicomputers

Printers

Personal data processing:

Personal computers (CPU, mouse, screen and keyboard included)

Laptop computers (CPU, mouse, screen and keyboard included)

Laptop computer

Hand-held computer

Printers

Copying machines

Electrical and electronic typewriters

Pocket and desk calculators

Other products and equipment for the electronic collection, storage, processing, presentation or transmission of data

Terminal equipment and systems

Telefax devices

Telex machines

Telephones

Payphones

Cordless telephones

Mobile phones

Telephone answering machines

Other products or apparatus for the transmission of sound, images or other information by means of telecommunications equipment

### **4. Consumer electronics and photovoltaic panels**

Radios

Televisions

Video cameras

Video recorders  
Hi-fi recorders  
Audio equipment  
Music players  
Other products or equipment for recording and reproducing sound or images, including signals and other technologies intended for the distribution of sound and images, excluding telecommunications  
Photovoltaic panels

#### **5. Lighting equipment**

Fluorescent lamps, excluding household lamps  
Fluorescent tubes  
Compact fluorescent lamps  
High intensity discharge lamps, including pressure sodium lamps and metal halide lamps  
Low pressure sodium lamps  
Other lighting equipment or devices for directing and controlling light, excluding incandescent lamps

#### **6. Electrical and electronic tools, excluding large stationary industrial tools**

Drills  
Saws  
Sewing machines  
Devices used for turning, milling, grinding, sawing, cutting, drilling, punching, piercing, folding, bending or similarly processing wood, metal and other materials.  
Nailing, stapling, or screwing machines, as well as machines used for removing nails, staples, or screws, or other similar devices  
Welding, soldering, or similar equipment  
Appliances for spraying, spreading, and dispersing liquid or gaseous substances, and other treatment equipment  
Lawnmowers and other gardening tools

#### **7. Toys and leisure and sports equipment**

Electric trains or car racing sets  
Hand-held video game control terminals  
Video games  
Computers for cycling, diving, running, rowing, etc.  
Sporting articles incorporating electrical or electronic components  
Slot machines

#### **8. Health care devices, with the exception of all transplants and infected products**

Radiation therapy equipment

Cardiological equipment  
Dialysis equipment  
Breathing apparatus  
Nuclear medicine equipment  
Laboratory equipment for in vitro diagnostics  
Analysers  
Freezers  
Fertility tests  
Other apparatus for detecting, preventing, monitoring, treating and alleviating illness, injury or invalidity

#### **9. Monitoring and control instruments**

Smoke detector  
Heating regulators  
Thermostats  
Measuring, weighing and regulating equipment for household or laboratory use  
Other monitoring and control instruments used in industrial installations (e.g. control panels)

#### **10. Automatic dispensers**

Hot drink machines  
Bottle and can machines for hot and cold beverages  
Machines for stationary products  
Slot machines  
Different types of product machines

### *Annex 3*

Categories of electrical and electronic equipment from 15 August 2018 onwards (Article 53(1) (3))

For each of the categories of equipment listed below, there is an indicative list of the categories of equipment falling within these categories:  
electric and electronic equipment.

#### **1. Large household appliances**

Large refrigeration equipment  
Refrigerators  
Freezers  
Other large appliances used for refrigeration, conservation and storage of food  
Washing machines

Appliances for drying clothes  
Dishwashers  
Equipment used for cooking  
Electric stoves  
Electric hotplates  
Microwave oven  
Other large machines used for food preparation and other food processing  
Electric heating appliances  
Electrical radiators  
Other large appliances used for heating rooms, beds and seats  
Electric fans  
Air-conditioning units  
Other ventilation, exhaust ventilation and ventilation equipment

## **2. Small household appliances**

Vacuum cleaners  
Carpet brushes  
Other cleaning machines  
Sewing, knitting and weaving machines and other machinery for working textiles  
Flat-irons and other machinery for ironing, pressing and other maintenance of textiles  
Toasters  
Table barbecues  
Coffee grinders, coffee machines and apparatus for opening or closing jars or packages  
Electric knives  
Hair clippers, hair dryers, electric toothbrushes, shavers, electric massagers and other body care articles  
Clocks, watches and equipment for the purpose of measuring, indicating or registering time  
Scales

## **3. IT and telecommunications equipment**

Centralised Data Processing:  
Mainframe computers  
Minicomputers  
Printers  
Personal data processing:  
Personal computers (CPU, mouse, screen and keyboard included)  
Laptop computers (CPU, mouse, screen and keyboard included)  
Laptop computer  
Hand-held computer

Printers  
Copying machines  
Electrical and electronic typewriters  
Pocket and desk calculators  
Other products and devices for the electronic collection, storage, processing, presentation of data or of data  
Terminal equipment and systems  
Telefax devices  
Telex machines  
Telephones  
Payphones  
Cordless telephones  
Mobile phones  
Telephone answering machines  
Other products or apparatus for the transmission of sound, images or other information by means of telecommunications equipment

#### **4. Consumer electronics and photovoltaic panels**

Radios  
Televisions  
Video cameras  
Video recorders  
Hi-fi recorders  
Audio equipment  
Music players  
Other products or devices for the recording and reproducing of sound or images, including:  
signals and other technologies for the dissemination of sound and images other than telecommunications  
Photovoltaic panels

#### **5. Lighting equipment**

Fluorescent lamps, excluding household lamps  
Fluorescent tubes  
Compact fluorescent lamps  
High intensity discharge lamps, including pressure sodium lamps and metal halide lamps  
Low pressure sodium lamps  
Other lighting equipment or devices for directing and controlling light, excluding incandescent lamps

**6. Electrical and electronic tools, excluding large stationary industrial tools**

Drills

Saws

Sewing machines

Devices used for turning, milling, grinding, sawing, cutting, drilling, punching, piercing, folding, bending or similarly processing wood, metal and other materials.

2.

**Act**

**amending the Environmental Protection Act**

In accordance with the decision of Parliament  
a new section 221g is *added* to the Environmental Protection Act (527/2014) as follows:

Section 221g

*Provisions concerning batteries and accumulators*

The management of batteries and accumulators is regulated in Article 70(1–3) of Regulation (EU) 2023/1542 of the European Parliament and of the Council on batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020, and repealing Directive 2006/66/EC. Obligations regarding recycling efficiency and material recovery for authorised facilities are laid down in Article 71(1–3), and the obligations of waste management operators carrying out treatment to report information to the competent authority are set out in Article 75(5).

This Act enters into force on [day] [month] 20[year].

### 3.

## **Act**

### **amending section 5 of the Electrical Safety Act**

In accordance with the decision of Parliament  
a new subsection 10 is *added* to Section 5 of the Electricity Safety Act (1135/2016), as  
amended by Act 250/2022, as follows:

#### Section 5

#### *Relationship with other legislation*

---

Batteries and accumulators are regulated by Regulation (EU) 2023/1542 of the European  
Parliament and of the Council on batteries and waste batteries, amending Directive  
2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC.

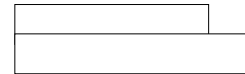
This Act enters into force on [day] [month] 20[year].

Helsinki, [date] [month] 20

**Prime Minister**

**Petteri Orpo**

Sari Multala, Minister for the Environment and Climate



**1.**

## **Act**

### **amending the Waste Act**

In accordance with the decision of Parliament

Section 2(5) of the Waste Act (646/2011), as amended by Act 1068/2024, shall be *repealed*.

Section 22(4), Section 47(2), Section 48(1)(4), Section 48b(4), Section 49(1), Section 51(1), Section 52(2), Section 53, Section 53a(1), Section 54(1), Sections 55–57, Section 61, Section 63(1), Section 63a(2), Section 64(1), Section 66, Section 66b(1), Section 101(2), Section 102(3), Section 103, Section 107(1), Section 117a, Section 119(1), Section 122(3), Section 126(1)(1), Section 128(1), Section 131(1), Section 131(2)(1), Annex shall be *amended*

as they appear in Act 714/2014: Section 47(2), Section 54(1), Section 63(1), Section 63a(2), Section 64(1), Section 66, Section 66b(1), Section 119(1), and Section 131(1), in Act 1096/2022: Section 48(1)(4), Section 48b(4), Section 51(1), Section 53a(1), Section 55, Section 128(1), and the Annex, in part in Act 410/2014: Sections 53, 56, 61, and 103, in Act

494/2022: Section 101(2), in Act 410/2014: Section 102(3), in Acts 410/2014 and 1518/2015: Section 117a, in Act 757/2018: Section 126(1)(1),

New Section 16b shall be *added* to the Act; to Section 25, as it appears in Acts 917/2021 and 1096/2022, a new subsection 4; to Section 46, as it appears in Act 714/2021, a new subsection 3; to Section 66a, as it appears in Acts 714/2021 and 1096/2022, a new subsection 3, whereby the current subsection 3 shall become subsection 4; and to Section 147(1), as it appears in Acts 714/2021 and 1120/2024, a new paragraph 26, as well as Annexes 2 and 3, as follows:

*Existing Act*

*Proposal*

Section 2

Section 2

Scope

Scope

-----  
*This Act also lays down provisions concerning batteries and accumulators, as well as waste batteries and accumulators, within the scope of Regulation (EU) 2023/1542 of the European Parliament and of the Council on batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020, and repealing Directive 2006/66/EC (hereinafter referred to as the Battery Regulation). The Act further provides for the market surveillance authority for batteries and accumulators covered by the Battery Regulation, and for the approval and notification of conformity assessment bodies as notified bodies.*

-----  
*subsection 5 is repealed*

*Section 16b*

*Language requirements for battery and accumulator labelling, instructions, safety data and documentation.*

*Existing Act*

*Proposal*

*The instructions, safety information and documentation referred to in Article 38(1)(a) and (7), Article 41(2)(c) and (3) and Article 42(2)(c) and Article 74(1) of the Battery Regulation shall be provided at least in Finnish and Swedish. The information and documents referred to in Articles 18(2), 38(10), 41(8) and 42(6) of the above regulation must be in Finnish or Swedish or in any other language accepted by the Market Surveillance Authority.*

Section 22

Section 22

*State authorities*

*State authorities*

-----  
The Pirkanmaa Centre for Economic Development, Transport and the Environment, serving as the national authority, guides and promotes the performance of duties concerning producer responsibility referred to in this Act and in provisions issued pursuant to it.  
-----

-----  
The Supervisory Agency (Lupa- ja valvontavirasto) shall, as a national authority, guide and promote the performance of producer responsibility tasks referred to in this Act and its provisions, *as well as in the Battery Regulation.*  
-----

Section 25

Section 25

*Other supervisory authorities*

*Other supervisory authorities*

-----  
*As the national authority responsible for producer responsibility, the Supervisory Agency supervises compliance with the provisions on producer responsibility and*  
-----

*Existing Act*

*Proposal*

*return systems for beverage packaging. The Transport and Communications Agency shall supervise compliance with the obligations laid down in Article 62(6) of the Battery Regulation through the Act on the Supervision of Online Intermediary Services (18/2024), exercising powers other than those provided for in Chapter 3 of that Act.*

Section 46

Section 46

*Producer responsibility for waste management and its costs*

*Producer responsibility for waste management and its costs*

*The producer's responsibility for the costs of waste management for batteries and accumulators is also laid down in Article 56(4) and (5) of the Battery Regulation.*

Section 47

Section 47

*The producer's primary right to arrange waste management*

*The producer's primary right to arrange waste management*

*Notwithstanding subsection 1, an operator other than the producer may provide services relating to reuse or preparation for reuse.*

*Notwithstanding subsection 1, an operator other than the producer may provide services relating to reuse or preparation for reuse. In the case of batteries, an operator other than the producer shall only provide services related to the re-use of the product.*

Section 48

Section 48

*Products and producers within the scope of*

*Products and producers within the scope of*

*Existing Act*

*Proposal*

*producer responsibility*

*producer responsibility*

Irrespective of the mode of sale, producer responsibility applies to the following products and the producers that professionally place them on the market or sell them directly to users through distance selling:

Irrespective of the mode of sale, producer responsibility applies to the following products and the producers that professionally place them on the market or sell them directly to users through distance selling:

4) batteries and accumulators, as well as batteries and accumulators included in electrical and electronic equipment, vehicles or other products; the party placing the battery or accumulator on the market is regarded as the producer;

batteries and accumulators, including those contained in electrical and electronic equipment, vehicles, or other products, where *the producer is the producer referred to in Article 3(1)(47) or Article 56(2) of the Battery Regulation*;

Article 48b

Article 48b

*Reception and transport of end-of-life products*

*Reception and transport of end-of-life products*

In addition to the producer responsibility laid down in Section 46(1), the producer of packaging that is a part of single-use plastic products referred to in the Annex and the producer of beverage cups sold empty to end-users that are a part of single-use plastic products shall cover the costs that a municipality incurs as a result of littering from those products:

The producer of packaging classified as single-use plastic products referred to in Annex 1, as well as the producer of single-use plastic beverage cups sold empty to end-users, shall, in addition to the producer responsibility set out in Section 46(1), be liable for the costs incurred by the municipality due to littering caused by these products:

- 1) the collection, transport and treatment of waste arranged for prevention;
- 2) cleaning, transportation and handling of garbage.

- 1) the collection, transport and treatment of waste arranged for prevention;
- 2) cleaning, transportation and handling of garbage.

*Existing Act*

*Proposal*

Section 49

Section 49

*Reception and transport of end-of-life products*

*Reception and transport of end-of-life products*

The producer must arrange collection points for end-of-life products so that the product can be handed over to such a collection point free of charge and without undue inconvenience. When determining the required number of collection points by area, consideration shall be given to the type, quality, and anticipated quantity of the end-of-life products to be delivered to them, as well as the environmental impacts and costs arising from collection and transportation. The number may vary by product category and region. The Government may issue more detailed regulations on the number of collection points by decree.

The producer must arrange collection points for end-of-life products so that the product can be handed over to such a collection point free of charge and without undue inconvenience. When determining the required number of collection points by area, consideration shall be given to the type, quality, and anticipated quantity of the end-of-life products to be delivered to them, as well as the environmental impacts and costs arising from collection and transportation. The quantity may be different by product group and region. *The collection of batteries is governed by Articles 59 to 61 of the Battery Regulation.* A Government decree may issue more detailed regulations on the number of collection points.

Section 51

Section 51

*Information and guidance obligation of the producer*

*Information and guidance obligation of the producer*

The producer shall inform about the location and opening times of receiving stations for discarded products, the waste received at the stations, and other matters necessary for the smooth functioning of the reception. In addition, the producer shall inform and advise on measures to reduce the quantity and harmfulness of waste, on reuse

The producer shall inform about the location and opening times of receiving stations for discarded products, the waste received at the stations, and other matters necessary for the smooth functioning of the reception. In addition, the producer shall inform and advise on measures to reduce the quantity and harmfulness of waste, on reuse

*Existing Act*

and preparation for re-use, on the effects and prevention of littering and, where appropriate, on available reusable alternatives to the product. The information and advice can be different for different product groups. Where necessary, the producer shall arrange information and guidance together with the municipality and other waste management actors. The producer's obligation to provide information and advice shall not apply to the producer referred to in section 48(1)(10).

*Proposal*

and preparation for re-use, on the effects and prevention of littering and, where appropriate, on available reusable alternatives to the product. The information and advice can be different for different product groups. Where necessary, the producer shall arrange information and guidance together with the municipality and other waste management actors. The producer's obligation to provide information and advice shall not apply to the producer referred to in section 48(1)(10). *The provision of information on the prevention and management of waste from batteries and accumulators is also provided for in Article 74 of the Battery Regulation.*

Section 52

*Measures to promote reuse*

In order to promote reuse, the producer shall, where possible, ensure that holders of the product and other operators responsible for the management of the end-of-life product are provided with the necessary information on the possibilities for reuse and dismantling of the product and its components, as well as on the location of hazardous substances and components in the product.

Section 52

*Measures to promote reuse*

In order to promote reuse, the producer shall, where possible, ensure that holders of the product and other operators responsible for the management of the end-of-life product are provided with the necessary information on the possibilities for reuse and dismantling of the product and its components, as well as on the location of hazardous substances and components in the product. *The provision of information on the performance and expected lifetime of batteries and accumulators is also governed by Article 14 of the Battery Regulation, and that information on the prevention and management of battery and accumulator*

*Existing Act*

*Proposal*

waste is governed by point (a) of Article 74(1).

Section 53

Section 53

*Exceptions to the cost responsibility of producers of certain products **not used in households***

*Exceptions to producer cost responsibility for certain products*

Thus, the producer would only be responsible for the waste management costs of non-household electrical and electronic equipment placed on the market before 14 August 2005 if the decommissioned equipment is replaced by equivalent or similarly purposed new equipment. Otherwise, the holder of the device is responsible for the waste management costs of equipment placed on the market before that date. The producer and the holder of the equipment may agree on a different allocation of waste management costs, regardless of the date the equipment was placed on the market.

The producer of industrial batteries and accumulators as well as vehicle batteries and accumulators not intended for private use, and the holder of such a battery or accumulator, to agree on a different division of waste management costs than specified in section 46(1).

*By way of derogation from Section 46, the producer of electrical and electronic equipment shall not be responsible for:*

*1) the waste management costs of non-household electrical and electronic equipment, placed on the market before 14 August 2005 and belonging to the equipment categories referred to in Annex 2, unless the equipment is replaced by new equivalent equipment or new equipment serving the same purpose;*

*2) the waste management costs of photovoltaic panels placed on the market before 13 August 2012; and*

*3) the waste management costs of electrical and electronic equipment placed on the market before 15 August 2018 and belonging to the equipment categories referred to in Annex 3, which are not included in Annex 2.*

*The producer shall receive all the equipment referred to in subsection 1 which falls within their field of activity at their reception points. In such cases, the producer may charge the last holder of the discarded device a reasonable fee for organising its waste management.*

*The producer and the holder of an electrical or electronic device other than household devices may agree on a different division of*

*Existing Act*

*Proposal*

*waste management costs, than those provided in this section, regardless of when the device was placed on the market.*

Section 53a

Section 53a

*Self-monitoring by the producer*

*Self-monitoring by the producer*

The producer shall regularly and systematically monitor the implementation of the obligations laid down in this chapter and develop the reliability of information based on this (*self-monitoring*). Where necessary, self-monitoring shall be supported by a regular inspection by an independent and competent party. The producer shall prepare a written self-monitoring plan that shall be attached to the application for approval in the producer register referred to in Section 101.

The producer shall regularly and systematically monitor the implementation of the obligations laid down in this chapter and develop the reliability of information based on this (*self-monitoring*). Where necessary, self-monitoring shall be supported by a regular inspection by an independent and competent party. The producer shall prepare a written self-monitoring plan that shall be attached to the application for approval in the producer register referred to in Section 101. *Producer self-monitoring related of batteries and accumulators is also regulated in Article 58(5) of the Battery Regulation.*

Section 54

Section 54

*The producer's record-keeping and notification obligation*

*The producer's record-keeping and notification obligation*

The producer shall keep records on the type, nature and amount of the products they have placed on the market, of the discarded products they have received, and of the waste thus generated, as well as on other comparable factors necessary for the control of compliance with this Act and the provisions issued pursuant to it. Furthermore, record-keeping shall, where necessary, specify the products and waste delivered for

The producer shall keep records on the type, nature and amount of the products they have placed on the market, of the discarded products they have received, and of the waste thus generated, as well as on other comparable factors necessary for the control of compliance with this Act and the provisions issued pursuant to it. Furthermore, record-keeping shall, where necessary, specify the products and waste delivered for

*Existing Act*

reuse, preparation prior to re-use, recycling, other recovery and for disposal by sites of delivery. The records shall contain the equivalent information also for components of vehicles referred to in section 48, subsection 1, paragraph 2 and for the electrical and electronic equipment referred to in paragraph 3, and the waste generated from them, as well as discarded products and waste exported to another country.

*Proposal*

reuse, preparation prior to re-use, recycling, other recovery and for disposal by sites of delivery. The records shall contain the equivalent information also for components of vehicles referred to in section 48, subsection 1, paragraph 2 and for the electrical and electronic equipment referred to in paragraph 3, and the waste generated from them, as well as discarded products and waste exported to another country. *The obligation for producers of batteries to keep records and information is laid down in Article 75 and Article 76(1) and (2) of the Batteries Regulation.*

Section 55

*Ensuring the registration of the producer*

When delivering a product to a distributor, the producer referred to in Section 48(1) shall inform the distributor of his membership of the register of producers referred to in Section 142. The distributor and other undertaking, as well as the public contracting entity which purchases the products referred to in section 48, shall ensure, as far as possible, that the producer of the product supplied to it is entered in the register of producers.

Section 55

*Ensuring the registration of the producer*

When delivering a product to a distributor, the producer referred to in Section 48(1) shall inform the distributor of his membership of the register of producers referred to in Section 142. The distributor and other undertaking, as well as the public contracting entity which purchases the products referred to in section 48, shall ensure, as far as possible, that the producer of the product supplied to it is entered in the register of producers. *The obligations of distributors of batteries and accumulators referred to in this paragraph are laid down in Article 42(2) of the Battery Regulation and those of network platform providers in Article 62(6) of the Battery Regulation.*

Section 56

Section 56

*Existing Act*

*Proposal*

*The take-back obligation of the distributor of the product*

*The take-back obligation of the distributor of the product*

At its point of sale, the product distributor shall receive from the holder, free of charge, the following discarded products:

1) *portable batteries and accumulators without the requirement to purchase a new product as a condition for reception;*

1a household electrical and electronic equipment, none of the external dimensions of which exceeds 25 cm, without requiring the purchase of a new equipment as a condition of receipt;

2) household electrical and electronic equipment other than those referred to in point 1a, when replacing the same type of equipment;

3) tires for motor vehicles and other vehicles or equipment, provided that the type and quantity correspond to the new tires being purchased.

However, the take-back obligation under point 1a of subsection 1 does not apply to grocery stores with a sales area smaller than 1 000 square meters, nor to other stores with a sales area smaller than 200 square meters. The distributor of the product may also organise the reception referred to in subsection 1(1)(a) and (2) in the immediate vicinity of the point of sale.

*If a distributor of automotive batteries and accumulators for private use receives similar discarded batteries and accumulators, these*

At its point of sale, the product distributor shall receive from the holder, free of charge, the following discarded products:

*point 1 shall be repealed,*

1) household electrical and electronic equipment, none of the external dimensions of which exceeds 25 cm, without requiring the purchase of a new equipment as a condition of receipt;

2) household electrical and electronic equipment other than those referred to in point 1a, when replacing the same type of equipment;

3) tires for motor vehicles and other vehicles or equipment, provided that the type and quantity correspond to the new tires being purchased.

*The distributor's obligation to accept end-of-life batteries and accumulators shall be governed by Article 62 of the Battery Regulation.*

However, the take-back obligation under point 1a of subsection 1 does not apply to grocery stores with a sales area smaller than 1 000 square meters, nor to other stores with a sales area smaller than 200 square meters. The distributor of the product may also organise the reception referred to in subsection 1(1) and (2) in the immediate vicinity of the point of sale.

*subsection 3 is repealed*

*Existing Act*

*must be received free of charge without being required to purchase a new product.*

The product distributor shall assemble end-of-life products into batches appropriate for organising transport. The distributor shall only deliver the end-of-life products to the transporter or processor acting on behalf of the producer. The costs of the reception organised by the distributor of the product shall be borne by the distributor.

Section 57

*Distributor's obligation to provide information*

At its point of sale and other marketing, the product distributor shall provide information on the possibility of handing over the discarded product to the distributor's reception point, and shall bear the costs thereof.

Section 61

*Guarantee required from the producer of the*

*Proposal*

The product distributor shall assemble end-of-life products into batches appropriate for organising transport. The distributor shall only deliver the end-of-life products to the transporter or processor acting on behalf of the producer. The costs of the reception organised by the distributor of the product shall be borne by the distributor. *The distributor of batteries and accumulators shall bear the costs of the take-back they organize, which are not the responsibility of the producer pursuant to Articles 59(1), 60(4) and 61(3) of the Battery Regulation.*

Section 57

*Distributor's obligation to provide information*

At its point of sale and other marketing, the product distributor shall provide information on the possibility of handing over the discarded product to the distributor's reception point, and shall bear the costs thereof. *The obligation of the distributor to provide information on the prevention of battery and accumulator waste and on waste management, as laid down in Article 74(4) of the Battery Regulation.*

Section 61

*Guarantee required from producers and*

*Existing Act*

*electrical and electronic equipment*

The producer of the electrical and electronic equipment shall provide a guarantee for the benefit of the Pirkanmaa Centre for Economic Development, Transport and the Environment to cover the costs of reception, transport, other waste management and related information and the promotion of reuse of household EEE that the producer places on the market. A producer belonging to a producer organisation referred to in section 62 shall not be required to lodge a separate guarantee.

Eligible collateral is a guarantee, an insurance policy and a pledged deposit. The issuer of the guarantee shall be a credit, insurance, or other professional financial institution domiciled in a State belonging to the European Economic Area. A further condition is that the Pirkanmaa Centre for Economic Development, Transport and the Environment has access to the guarantee in accordance with the requirement.

*Proposal*

*producer organisations of certain products*

The producer of the electrical and electronic equipment shall provide a guarantee for the benefit of the Supervisory Agency to cover the costs of reception, transport, other waste management and related information and the promotion of reuse of household EEE that the producer places on the market. A producer belonging to a producer responsibility organisation referred to in Section 62 shall not be required to lodge a separate guarantee.

*A producer or a producer responsibility organisation (PRO) for batteries and accumulators must provide a guarantee in favour of the Supervisory Agency to cover the costs arising from the take-back, transport, other waste management, related communication, and reuse promotion of the batteries and accumulators placed on the market by the producer or the producers affiliated with the PRO.*

Eligible collateral is a guarantee, an insurance policy and a pledged deposit. The issuer of the guarantee shall be a credit, insurance, or other professional financial institution domiciled in a State belonging to the European Economic Area. A further condition is that the Supervisory Agency has access to the guarantee by virtue of the requirement.

*The guarantee shall be sufficient to cover the costs of the management of waste management operations, taking into account the scope, nature and provisions governing the operations. The guarantee provided by*

## Existing Act

The Pirkanmaa Centre for Economic Development, Transport and the Environment shall have the right to obtain the guarantee when a producer has been found to be insolvent or *when* the producer has failed to arrange waste management despite being requested to do so. The Pirkanmaa Centre for Economic Development, Transport and the Environment shall distribute the guarantee, in proportion to the market share, to the producers and producer organisations admitted to the register of producers referred to in section 142 who organise the waste management of the equipment placed on the market by the guarantor.

More detailed provisions on the calculation of the amount of the guarantee and on the establishment of a guarantee may be laid

## Proposal

*the producer shall cover the average cost of the waste management of products made available by the producer on the market in the year preceding the provision of the guarantee, and the guarantee provided by the producer responsibility organisation shall cover the average cost of the waste management activities for which it is responsible for over a period of six months. The amount of the guarantee shall be at least EUR 10 000.*

The Supervisory Agency shall have the right to have the guarantee available if the producer has been declared insolvent or has failed to organise waste management despite being instructed to do so, or has complied with other producer responsibility obligations.

*Before the realisation of the guarantee, the supervisory authority shall order the operator to fulfil its obligations in accordance with the provisions of section 128 and, in order to enforce the order, shall impose a threat of commissioning. The guarantee may be used to cover the costs of the commissioning activities. The Supervisory Agency may distribute the amount received on the basis of the guarantee to the producers and producer associations in proportion to their market shares for the purpose of acquiring waste management services, or procure the waste management services themselves.*

More detailed provisions on the calculation of the amount of the guarantee and on the establishment of a guarantee may be laid down by Government decree.

*Existing Act*

*Proposal*

down by Government decree.  
Section 63

Section 63

*Operation of the producer responsibility organisation*

*Operation of the producer responsibility organisation*

The producer responsibility organisation shall be a non-profit organisation whose purpose is to perform the producer responsibility obligations of its member producers. In the producer responsibility organisation, obligations shall be divided fairly among the producers, taking into account the nature and scope of their operation, in such a way that barriers to trade and distortion of competition are avoided. The obligations concerning the producer's record keeping and notification obligation shall be assigned in a lighter form to a producer that places only small amounts of products on the market, if the obligations would otherwise be disproportionate for such a producer.

The producer responsibility organisation shall be a non-profit organisation whose purpose is to perform the producer responsibility obligations of its member producers. In the producer responsibility organisation, obligations shall be divided fairly among the producers, taking into account the nature and scope of their operation, in such a way that barriers to trade and distortion of competition are avoided. The obligations concerning the producer's record keeping and notification obligation shall be assigned in a lighter form to a producer that places only small amounts of products on the market, if the obligations would otherwise be disproportionate for such a producer. *The obligations concerning the activities of battery producer organisations are laid down in Article 57(2) to (5) of the Battery Regulation.*

Section 63a

Section 63 a

*The producers' payment contributions and adjustments to them*

*The producers' payment contributions and adjustments to them*

When determining payment contributions, the producer responsibility organisation shall, where possible, particularly consider

When determining payment contributions, the producer responsibility organisation shall, where possible, particularly consider

*Existing Act*

the durability, reparability, re-usability, recyclability, and the presence of hazardous substances of individual products or mutually equivalent products or product groups.

---

Section 64

*Safeguarding the operation of producers approved for the producer register and the producer responsibility organisation*

The producers' association shall have sufficient financial resources for the appropriate organisation of its operation and so that it can be responsible for the producer responsible obligations it has assumed continuously for at least six months. To demonstrate this, the producers' association shall present to the Pirkanmaa Centre for Economic Development, Transport and the Environment a report on the required financial arrangements and an action plan for arranging reuse and waste management. The report and the plan shall be submitted annually or when there are essential changes to the operation, within three months of such changes.

---

*Proposal*

the durability, reparability, re-usability, recyclability, and the presence of hazardous substances of individual products or mutually equivalent products or product groups. *The adjustment of the contribution of producers of batteries and accumulators is provided for in Articles 56(5) and 57(2) of the Battery Regulation.*

---

Section 64

*Safeguarding the operation of producers approved for the producer register and the producer responsibility organisation*

The producers' association shall have sufficient financial resources for the appropriate organisation of its operation and so that it can be responsible for the producer responsible obligations it has assumed continuously for at least six months. To demonstrate this, the producers' responsibility organisation shall present to the Supervisory Agency a report on the required financial arrangements and an action plan for arranging reuse and waste management. The report and the plan shall be submitted annually or when there are essential changes to the operation, within three months of such changes. *The producers' responsibility organisation of batteries and accumulators must include in the report the audited financial statements of the last accounting period and the budget for the current accounting period.*

---

*Existing Act*

*Proposal*

Section 66

Section 66

*Procurement of services by a producer responsibility organisation*

*Procurement of services by a producer responsibility organisation*

When procuring services related to the reuse of products and waste management, the producers' association shall take into consideration other economic operators and their ability to operate in the market concerned in a fair manner, so as to avoid barriers to trade and distribution of competition. The producers' association shall publish information on the general principles and procedures to be followed in their service procurement on a public information network.

When procuring services related to the reuse of products and waste management, the producers' association shall take into consideration other economic operators and their ability to operate in the market concerned in a fair manner, so as to avoid barriers to trade and distribution of competition. The producers' responsibility organisation shall publish information on the general principles and procedures to be followed in their service procurement on a public information network. *Provisions on the obligations of producer organisations of batteries when purchasing the services referred to in this subsection are also laid down in Article 57(6) and (8) of the Battery Regulation.*

Section 66a

Section 66a

*Authorised representative of a producer or other operator*

*Authorised representative of a producer or other operator*

-----

-----  
*The obligation of the battery producer and other operator to appoint an authorised representative for the extended producer responsibility is laid down in Article 56(3) of the Battery Regulation.*

Other operators established in another state and equivalent to a producer that deliver

Other operators established in another state and equivalent to a producer that deliver products to the Finnish market by other

*Existing Act*

products to the Finnish market by other means than distance selling may appoint an authorised representative established in Finland to ensure the fulfilment of their obligations in their stead. An operators equivalent to a producer may, to an equivalent end, conclude an agreement with an approved producers' responsibility organisation instead of appointing a representative. The operators equivalent to a producer shall inform the producers and producers' responsibility organisation, who would otherwise assume producer responsibility obligations in respect of the products concerned, of the performance, modification or withdrawal of the obligations. The operator of an e-commerce platform may appoint an authorised representative established in Finland to be responsible for the producer responsibility obligations of a distance seller operating on its platform in Finland or to an equivalent end, conclude an agreement with an approved producers' responsibility organisation instead of appointing a representative. The operator of the e-commerce platform shall have written authorisation to do so from a distance seller operating on its platform.

Section 66b

*Operating as an authorised representative in Finland*

An authorised representative operating in Finland shall be appointed by a written authorisation. For products other than those sold directly through distance selling, the

*Proposal*

means than distance selling may appoint an authorised representative established in Finland to ensure the fulfilment of their obligations in their stead. An operators equivalent to a producer may, to an equivalent end, conclude an agreement with an approved producers' responsibility organisation instead of appointing a representative. The operators equivalent to a producer shall inform the producers and producers' responsibility organisation, who would otherwise assume producer responsibility obligations in respect of the products concerned, of the performance, modification or withdrawal of the obligations. The operator of an e-commerce platform may appoint an authorised representative established in Finland to be responsible for the producer responsibility obligations of a distance seller operating on its platform in Finland or to an equivalent end, conclude an agreement with an approved producers' responsibility organisation instead of appointing a representative. The operator of the e-commerce platform shall have written authorisation to do so from a distance seller operating on its platform.

Section 66b

*Operating as an authorised representative in Finland*

An authorised representative operating in Finland shall be appointed by a written authorisation. For products other than those sold directly through distance selling, the

*Existing Act*

party appointed as an authorised representative shall inform the producers or producer responsibility organisations, who would otherwise assume producer responsibility obligations in respect of the products concerned, on the authorisation granted to it, its modification and withdrawal.

*Proposal*

party appointed as an authorised representative shall inform the producers or producers' associations, who would otherwise assume producer responsibility obligations in respect of the products concerned, on the authorisation granted to it, its modification and withdrawal. *In addition, the obligations of the authorised representative of batteries and accumulators are laid down in Article 55(7) and (12) of the Batteries Regulation.*

Section 101

*Application for approval in the producer register*

The application must specify the applicant and describe the activities carried out by them. The application must include the information necessary for its processing and for assessing the appropriateness of the operations, particularly regarding the take-back of end-of-life products, related communication, reuse, recovery, and other waste management activities. In addition, a producer of household electrical and electronic equipment shall provide a statement regarding the guarantee referred to in section 61. An application by a producer responsibility organisation or an operator of a return system for beverage packaging must include the necessary information on contracts, rules, and other relevant documents to assess whether the activities

Section 101

*Application for approval in the producer register*

The application must specify the applicant and describe the activities carried out by them. The application must include the information necessary for its processing and for assessing the appropriateness of the operations, particularly regarding the take-back of end-of-life products, related communication, reuse, recovery, and other waste management activities. In addition, a producer of household electrical and electronic equipment *and batteries and accumulators* shall provide a statement regarding the guarantee referred to in section 61. An application by a producer responsibility organisation or an operator of a return system for beverage packaging must include the necessary information on contracts, rules, and other relevant

*Existing Act*

*Proposal*

comply with the requirements laid down in this Act. An authorised representative referred to in section 66 b must, in addition, include in their application information about the person granting the authorisation and the producers who would otherwise be responsible for fulfilling producer responsibility obligations for the products covered by the authorisation.

documents to assess whether the activities comply with the requirements laid down in this Act. An authorised representative referred to in section 66 b must, in addition, include in their application information about the person granting the authorisation and the producers who would otherwise be responsible for fulfilling producer responsibility obligations for the products covered by the authorisation. *The obligation of a battery and accumulator producer to register in the producer register is laid down in Article 55(2) of the Batteries Regulation, and the content requirements of the registration application are set out in Article 55(3).*

Section 102

Section 102

*Prerequisites for approval for the producer register*

*Prerequisites for approval for the producer register*

As an additional condition for the approval of a producer of household electrical and electronic equipment, the guarantee referred to in section 61 must be provided.

As an additional condition for the approval of a producer of household electrical and electronic equipment and batteries and accumulators, the guarantee referred to in section 61 must be provided. *The conditions for the approval of a battery and accumulator producer are also laid down in Article 58(2) of the Batteries Regulation.*

Section 103

Section 103

*Decision on the approval to the producer register*

*Decision on the approval to the producer register*

### *Existing Act*

The Pirkanmaa Centre for Economic Development, Transport and the Environment shall, without undue delay, make a decision on an application for approval for the producer register. Depending on the nature of the case, the decision on the recognition of the producer responsibility organisation and the operator of the return system for beverage packaging in the producer register shall be valid for an indefinite period or for a fixed period. The decision to approve a producer shall be valid until further notice.

The decision may include necessary provisions to fulfil the approval criteria set out in Section 102 and to meet other requirements prescribed by this Act and its regulations, as well as to supervise the operations. These provisions may also impose gradually tightening obligations and targets during the startup phase of operations on new producers, producer organisations, and operators of beverage container return systems, taking into account the quality and scale of their activities, concerning the reception, reuse, and recovery of end-of-life products, as well as the functionality of the beverage container return system, until the obligations and targets set by government decree fully apply to them. Such provisions may only be issued if the producer, producer responsibility organisation, or operator of the beverage container return system can reliably demonstrate, through letters of intent or equivalent agreements with the relevant

### *Proposal*

The Supervisory Agency shall, without undue delay, make a decision on an application for approval for the producer register. Depending on the nature of the case, the decision on the recognition of the producer responsibility organisation and the operator of the return system for beverage packaging in the producer register shall be valid for an indefinite period or for a fixed period. The decision to approve a producer shall be valid until further notice. *The recognition of a producer of batteries in the register of producers is also provided for in Article 55(9) of the Battery Regulation.*

The decision may include necessary provisions to fulfil the approval criteria set out in Section 102 and to meet other requirements prescribed by this Act *or by the Battery Regulation* and its regulations, as well as to supervise the operations. They may also impose progressively tighter start-up obligations on new producers, producer organisations and operators of beverage packaging return systems, taking into account the nature and scope of their activities, and targets for the reception, reuse and recovery of end-of-life products and for the functioning of the beverage packaging return system until they are fully covered by the obligations and targets laid down in the Government Decree or the Battery Regulation. Such orders may only be issued if the producer, producer organisation or operator of the return system for beverage packaging reliably demonstrates, by means of letters of intent or similar documents concluded with the relevant parties concerning the reception, transport and

### *Existing Act*

parties involved in the reception, transportation, and handling of end-of-life products, that the operations will be brought into compliance within the deadline set in the decision in accordance with the government decree.

The Pirkanmaa Centre for Economic Development, Transport and the Environment shall enter the essential information on the application and the decision in the producer register.

A Government Decree may lay down further provisions on the content of the

### *Proposal*

handling of end-of-life products, that the operations will be restored *to the condition required by the Government Decree or the Batteries Decree* within a period to be set in the decision.

*The decision may lay down the necessary provisions on the guarantee referred to in section 61 and its provision. The decision may require the producer or producer organisation to regularly assess the adequacy of the financial guarantee and to submit a report on its sufficiency annually or within three months of any significant change in operations to the Supervisory Agency. Supervisory Agency must take action, if necessary, to review the amount of the guarantee. The guarantee shall remain valid continuously or be renewed periodically until at least six months have passed since the termination of the producer's or producer organisation's registration in the producer register. If the guarantee is extended, renewal must take place before the guarantee expires. The guarantee must be provided in favour of the Supervisory Agency before the producer or producer responsibility organisation can be registered in the producer register.*

The Supervisory Agency shall enter the essential information on the application and the decision in the waste management register.

A Government Decree may lay down further provisions on the content of the decision.

*Existing Act*

*Proposal*

decision.

Section 107

Section 107

*Cancellation and expiration of the approval for the waste management register*

*Cancellation and expiration of the approval for the waste management register*

The Pirkanmaa Centre for Economic Development, Transport and the Environment may revoke the approval in the producer register if a producer, producer organisation, or beverage container return system operator, despite a written warning from the Centre for Economic Development, Transport and the Environment, repeatedly neglects to comply with this Act and its regulations and provisions issued under it, or with the obligations based on producer responsibility to arrange the collection, reuse, recovery, and other waste management of end-of-life products, or if any other approval condition set out in section 102 cannot be fulfilled despite a written warning from the authority.

-----

The Supervisory Agency may withdraw recognition in the producer register if the producer, the producer organisation or the operator of the return system for beverage packaging, despite a written notice from the Centre for Economic Development, Transport and the Environment, repeatedly fails to comply with the obligation to organise the reception, reuse, recovery and other waste management of a product that has been discarded in accordance with this Act and the provisions and regulations issued pursuant to it *or the Batteries Decree*, or if, despite a written notice from the authority, one of the other conditions for recognition laid down in section 102 cannot be fulfilled.

-----

The Supervisory Agency may revoke the approval in the producer register if a producer, producer organisation, or beverage container return system operator, despite a written warning from the Centre for Economic Development, Transport and the Environment, repeatedly neglects to comply with this Act and its regulations and provisions issued under it, or with the obligations based on producer responsibility under the Battery Regulation to arrange the collection, reuse, recovery, and other waste management of end-of-life products, or if any

The Supervisory Agency may revoke the approval in the producer register if a producer, producer organisation, or beverage container return system operator, despite a written warning from the Centre for Economic Development, Transport and the Environment, repeatedly neglects to comply with this Act and its regulations and provisions issued under it, or with the obligations based on producer responsibility under the Battery Regulation to arrange the collection, reuse, recovery, and other waste management of end-of-life products, or if any

*Existing Act*

other approval condition set out in section 102 cannot be fulfilled despite a written warning from the authority.

*Special provisions for used electrical and electronic equipment*

Where a used EEE is to be shipped to another country as a product and not as waste, the holder of the EEE shall demonstrate the correctness of the classification by means of an invoice or contract for the sale or transfer of ownership of the EEE, a functional test certificate, a transport document or any other equivalent proof, statement or document concerning the condition or quality of the EEE and by providing evidence that the EEE is adequately protected against damage during the shipment. A Government Decree may lay down further provisions on the evidence, test methods, test results, reports and other information necessary to classify a used electrical and electronic equipment as a product, as well as on sufficient measures necessary to protect the equipment from damage. The information and actions required may vary by type of device, by category of user or by area of use.

If evidence of the classification of a used electrical and electronic equipment as a product cannot be demonstrated in accordance with subparagraph 1, the equipment shall be regarded as waste and its shipment to another country shall be regarded as an illegal shipment within the meaning of the Waste Shipment Regulation.

*Proposal*

other approval condition set out in section 102 cannot be fulfilled despite a written warning from the authority.

*Special provisions concerning used electrical and electronic equipment as well as **batteries and accumulators***

Where a used EEE is to be shipped to another country as a product and not as waste, the holder of the EEE shall demonstrate the correctness of the classification by means of an invoice or contract for the sale or transfer of ownership of the EEE, a functional test certificate, a transport document or any other equivalent proof, statement or document concerning the condition or quality of the EEE and by providing evidence that the EEE is adequately protected against damage during the shipment. A Government Decree may lay down further provisions on the evidence, test methods, test results, reports and other information necessary to classify a used electrical and electronic equipment as a product, as well as on sufficient measures necessary to protect the equipment from damage. The information and actions required may vary by type of device, by category of user or by area of use.

If evidence of the classification of a used electrical and electronic equipment as a product cannot be demonstrated in accordance with subparagraph 1, the equipment shall be regarded as waste and its shipment to another country shall be regarded as an illegal shipment within the meaning of the Waste Shipment Regulation.

*Existing Act*

The demonstration of the necessary evidence that a used EEE is not waste is also provided for in Article 50(4a)-(4d) of the Waste Shipment Regulation.

*Proposal*

The demonstration of the necessary evidence that a used EEE is not waste is also provided for in Article 50(4a)-(4d) of the Waste Shipment Regulation.

*The international transfer of waste batteries and accumulators is governed by Article 72 of the Battery Regulation and by Article 73 of the Regulation on preparing for re-use or change of use of waste batteries, waste industrial batteries and electric vehicle waste traction batteries.*

Section 119

*Data included in record-keeping and their processing*

Based on the nature of the operation, the records referred to in section 118, subsection 1 above shall include data on the type, nature, amount, origin, and site of delivery of the waste generated, collected, transported, brokered or processed, as well as on the transport and processing of the waste. The records shall also include information of the amount of waste generated in activities referred to in (1) of the above paragraph in relation to the scope of the activities expressed in terms of turnover, amount of personnel, or another equivalent manner (*specific waste amount*). The record-keeping for activities referred to in paragraph 3 of the above-specified subsection shall include data on the amount of products and materials generated in the preparation prior to reuse, recycling or other recovery of the waste, as well as on their intended use, specified by product and material groups.

Section 119

*Data included in record-keeping and their processing*

Based on the nature of the operation, the records referred to in section 118, subsection 1 above shall include data on the type, nature, amount, origin, and site of delivery of the waste generated, collected, transported, brokered or processed, as well as on the transport and processing of the waste. The records shall also include information of the amount of waste generated in activities referred to in (1) of the above paragraph in relation to the scope of the activities expressed in terms of turnover, amount of personnel, or another equivalent manner (*specific waste amount*). The record-keeping for activities referred to in paragraph 3 of the above-specified subsection shall include data on the amount of products and materials generated in the preparation prior to reuse, recycling or other recovery of the waste, as well as on their intended use, specified by product and material groups. *Provisions on*

*Existing Act*

*Proposal*

*the information and handling of batteries and accumulators are also laid down in Articles 65(2), 75 and 76(1) and (2) of the Batteries Regulation.*

Section 122

Section 122

*Right of access to information*

*Right of access to information*

The Pirkanmaa Centre for Economic Development, Transport and the Environment or an official appointed by it shall *also* be entitled, on request, to obtain from the producer organisation, the producer, the distributor and any other person engaged in the waste management of the end-of-life product referred to in Article 48 the information necessary for the purposes of monitoring compliance with this Law and the provisions and regulations adopted pursuant to it, and for the implementation of this Law, as regards the quantity, collection or export of products placed on the market and discarded, or re-use, preparation for re-use, recycling, recovery or other waste management and any other comparable matters.

The Supervisory Agency or the official appointed by it shall be entitled, upon request, to obtain from the producer organisation, the producer, the distributor and any other person engaged in the waste management of the end-of-life product referred to in section 48 the information necessary for the monitoring and enforcement of compliance with this Act and the provisions and regulations issued pursuant to this Act and the *Battery Regulation*, on the quantity, collection or export of products placed on the market and discarded, or on re-use, preparing for re-use, recycling, recovery or other waste management, and on any other comparable matters.

Section 126

Section 126

*Rectification of an offence or negligence*

*Rectification of an offence or negligence*

The supervisory authority may:  
1) prohibit anyone who infringes this Act or a regulation or regulation issued pursuant to it, or the Waste Shipment Regulation, the Mercury Regulation or any provisions

The supervisory authority may:  
1) prohibit anyone who infringes this Act or a regulation or regulation issued pursuant to it, or the Waste Shipment Regulation, the Mercury Regulation or *the Battery*

*Existing Act*

adopted pursuant thereto, from continuing or repeating an infringement or otherwise instructing the person concerned to fulfil his obligations;

-----

Section 128

*Correction of an infringement or neglect concerning producer responsibility*

If the producer or producer responsibility organisation referred to in Chapter 6 or the operator of the beverage packaging return system referred to in section 68 has not organised re-use, recycling, other recovery or other waste management on the basis of the producer responsibility provided for in section 46(1), or has failed to comply with the obligation to pay compensation under the decision referred to in section 48e or the obligation to carry out a compositional report in accordance with this Act or with the provisions or regulations adopted pursuant to this Act, as provided for in Section 48f, the Supervisory Agency may, in addition to the provisions of section 126:

1) require the producer, the producer responsibility organisation or the operator of the beverage packaging return system to bring its activities into conformity with this Act and with the provisions and regulations adopted pursuant to it or to demonstrate that the changes have been made;

-----

*Proposal*

*Regulation* or any provisions adopted pursuant thereto, from continuing or repeating an infringement or otherwise instructing the person concerned to fulfil his obligations;

-----

Section 128

*Correction of an infringement or neglect concerning producer responsibility*

If the producer or producer responsibility organisation referred to in Chapter 6 or the operator of the beverage packaging return system referred to in section 68 has not organised re-use, recycling, other recovery or other waste management on the basis of the producer responsibility provided for in section 46(1), or has failed to comply with the obligation to pay compensation under the decision referred to in section 48e or the obligation to carry out a compositional report in accordance with this Act or with the provisions or regulations adopted pursuant to this Act, as provided for in Section 48f, the Supervisory Agency may, in addition to the provisions of section 126:

1) require the producer, the producer responsibility organisation or the operator of the beverage packaging return system to bring its activities into conformity with this Act and with the provisions and regulations adopted pursuant to it or with *the Battery Regulation* and to demonstrate that the changes have been made;

-----

*Existing Act*

*Proposal*

Section 131

Section 131

*Neglect fee*

*Neglect fee*

A producer referred to in chapter 6 above shall be liable to pay a neglect fee if the producer fails to comply with the obligation to join the producer responsibility organisation laid down in section 62 or the obligation laid down in section 101 to submit an application to be included in the producer register. A producer responsibility organisation shall be liable to pay a neglect fee if it fails to comply with the obligation laid down in section 101 to submit an application to be included in the producer register.

A producer referred to in chapter 6 above shall be liable to pay a neglect fee if the producer fails to comply with the obligation to join the producer responsibility organisation laid down in section 62 or the obligation laid down in section 101 to submit an application to be included in the producer register. A producer responsibility organisation shall be liable to pay a neglect fee if it fails to comply with the obligation laid down in section 101 to submit an application to be included in the producer register.

The following parties shall also be obliged to pay a neglect fee:

The following parties shall also be obliged to pay a neglect fee:

1) a producer who fails to comply with the obligation laid down in section 54 to keep records and submit a summary of the information concerning the records;

a producer or *producer responsibility organisation* that fails to comply with the obligation laid down in Section 54 to keep records and submit a summary of the recorded information, *or with the obligation to report information to the competent authority as set out in Article 75(1)(a–g) or (2)(a–d) of the Battery Regulation;*

Section 147

Section 147

*Penal provisions*

*Penal provisions*

Anyone who intentionally or through

Anyone who intentionally or through

*Existing Act*

*Proposal*

negligence and in a manner not referred to in subsection 1

---

negligence and in a manner not referred to in subsection 1

---

*26) violates the Battery Regulation*

*a) the prohibition in Article 5 on placing on the market or putting into service batteries and accumulators that do not comply with the durability, safety, labelling, and information requirements set out in paragraph 1 of that article, or with the substance restriction in Article 6(1);*

*b) the manufacturer's obligation in Article 38(1)–(3) to ensure that the battery or accumulator is designed, manufactured, and labelled in accordance with the requirements laid down in the Regulation, includes the required documentation, and has undergone the conformity assessment procedure;*

*c) the obligation in Article 38(9) to take corrective action in cases of non-compliance;*

*d) the importer's obligation in Article 41(1) or (2) to ensure that only batteries and accumulators meeting the requirements of the Regulation, with the required documentation and labelling, and that have undergone the conformity assessment procedure, are placed on the market;*

*e) the obligation in Article 41(6) to take corrective action in cases of non-compliance;*

*f) the distributor's obligation in Article 42(2)(b) to ensure that, before making a battery or accumulator available on the market, it bears the labelling required by the Regulation;*

*g) the obligation in Article 42(3) to notify the manufacturer or importer and the market surveillance authority of a battery or accumulator that poses a risk;*

*Existing Act*

*Proposal*

*h) the obligation laid down in Article 42(5) to take corrective action in cases of non-compliance,*

-----  
shall be sentenced to pay a fine for an *infringement of the Waste Act*, unless a more severe punishment for the act is prescribed elsewhere in the law.  
-----

-----  
shall be sentenced to pay a fine for an *infringement of the Waste Act*, unless a more severe punishment for the act is prescribed elsewhere in the law.  
-----

-----  
*This Act enters into force on [day] [month] 20[year].*  
-----

*Annex  
1*

*An-*

The following packages are single-use plastic products referred to in Article 48b(4):

- 1) food containers, i.e., containers such as boxes, with or without lids, for foodstuffs that are
  - a) are intended for immediate consumption, either on-the-spot or take-away;
  - b) is usually consumed in the container, and
  - c) are ready to be consumed without cooking, boiling or heating, or any other further preparation;

The following packages are single-use plastic products referred to in Article 48b(4):

- 1) food containers, i.e., containers such as boxes, with or without lids, for foodstuffs that are
  - a) are intended for immediate consumption, either on-the-spot or take-away;
  - b) is usually consumed in the container, and
  - c) are ready to be consumed without cooking, boiling or heating, or any other further preparation;

*Existing Act*

2) packets and wrappers made from flexible material containing food that is intended for immediate consumption from the packet or wrapper without any further preparation;

3) beverage containers with a capacity of up to three litres, i.e., receptacles used to contain liquid such as beverage bottles including their caps and lids and composite beverage packaging including their caps and lids, but not glass or metal beverage containers that have plastic caps and lids;

4) cups for beverages other than those sold empty to end users, including their caps and lids;

5) lightweight plastic carrier bags.

Plates, beverage containers referred to in paragraph 3 and flexible material packaging and wrappings referred to in paragraph 2 shall not be regarded as food packaging within the meaning of paragraph 1.

*Proposal*

2) packets and wrappers made from flexible material containing food that is intended for immediate consumption from the packet or wrapper without any further preparation;

3) beverage containers with a capacity of up to three litres, i.e., receptacles used to contain liquid such as beverage bottles including their caps and lids and composite beverage packaging including their caps and lids, but not glass or metal beverage containers that have plastic caps and lids;

4) cups for beverages other than those sold empty to end users, including their caps and lids;

5) lightweight plastic carrier bags.

Plates, beverage containers referred to in paragraph 3 and flexible material packaging and wrappings referred to in paragraph 2 shall not be regarded as food packaging within the meaning of paragraph 1.

*Annex 2*

*Categories of electrical and electronic equipment until 14 August 2018 (53(1)(1) and (3))*

*For each of the categories of equipment listed below, there is an indicative list of EEE falling within that category.*

**1. Large household appliances**  
*Large refrigeration equipment*  
*Refrigerators*

*Existing Act*

*Proposal*

*Freezers*  
*Other large appliances used for refrigeration, conservation and storage of food*  
*Washing machines*  
*Appliances for drying clothes*  
*Dishwashers*  
*Equipment used for cooking*  
*Electric stoves*  
*Electric hotplates*  
*Microwave oven*  
*Other large machines used for food preparation and other food processing*  
*Electric heating appliances*  
*Electrical radiators*  
*Other large appliances used for heating rooms, beds and seats*  
*Electric fans*  
*Air-conditioning units*  
*Other ventilation, exhaust ventilation and ventilation equipment*

***2. Small household appliances***

*Vacuum cleaners*  
*Carpet brushes*  
*Other cleaning machines*  
*Sewing, knitting and weaving machines and other machinery for working textiles*  
*Flat-irons and other machinery for ironing, pressing and other maintenance of textiles*  
*Toasters*  
*Table barbecues*  
*Coffee grinders, coffee machines and apparatus for opening or closing jars or packages*  
*Electric knives*  
*Hair clippers, hair dryers, electric toothbrushes, shavers, electric massagers and other body care products*  
*Clocks, watches and equipment for the pur-*

*Existing Act*

*Proposal*

*pose of measuring, indicating or registering time*

*Scales*

***3. IT and telecommunications equipment***

*Centralised Data Processing:*

*Mainframe computers*

*Minicomputers*

*Printers*

*Personal data processing:*

*Personal computers (CPU, mouse, screen and keyboard included)*

*Laptop computers (CPU, mouse, screen and keyboard included)*

*Laptop computer*

*Hand-held computer*

*Printers*

*Copying machines*

*Electrical and electronic typewriters*

*Pocket and desk calculators*

*Other products and equipment for the electronic collection, storage, processing, presentation or transmission of data*

*Terminal equipment and systems*

*Telefax devices*

*Telex machines*

*Telephones*

*Payphones*

*Cordless telephones*

*Mobile phones*

*Telephone answering machines*

*Other products or apparatus for the transmission of sound, images or other information by means of telecommunications equipment*

***4. Consumer electronics and photovoltaic panels***

*Existing Act*

*Proposal*

*Radios  
Televisions  
Video cameras  
Video recorders  
Hi-fi recorders  
Audio equipment  
Music players  
Other products or equipment for recording and reproducing sound or images, including signals and other technologies intended for the distribution of sound and images, excluding telecommunications  
Photovoltaic panels*

***5. Lighting equipment***

*Fluorescent lamps, excluding household lamps  
Fluorescent tubes  
Compact fluorescent lamps  
High intensity discharge lamps, including pressure sodium lamps and metal halide lamps  
Low pressure sodium lamps  
Other lighting equipment or devices for directing and controlling light, excluding incandescent lamps*

***6. Electrical and electronic tools, excluding large stationary industrial tools***

*Drills  
Saws  
Sewing machines  
Devices used for turning, milling, grinding, sawing, cutting, drilling, punching, piercing, folding, bending or similarly processing wood, metal and other materials.  
Nailing, stapling, or screwing machines, as well as machines used for removing nails,*

*Existing Act*

*Proposal*

*staples, or screws, or other similar devices*  
*Welding, soldering, or similar equipment*  
*Appliances for spraying, spreading, and dispersing liquid or gaseous substances, and other treatment equipment*  
*Lawnmowers and other gardening tools*

***7. Toys and leisure and sports equipment***

*Electric trains or car racing sets*  
*Hand-held video game control terminals*  
*Video games*  
*Computers for cycling, diving, running, rowing, etc.*  
*Sporting articles incorporating electrical or electronic components*  
*Slot machines*

***8. Health care devices, with the exception of all transplants and infected products***

*Radiation therapy equipment*  
*Cardiological equipment*  
*Dialysis equipment*  
*Breathing apparatus*  
*Nuclear medicine equipment*  
*Laboratory equipment for in vitro diagnostics*  
*Analysers*  
*Freezers*  
*Fertility tests*  
*Other apparatus for detecting, preventing, monitoring, treating and alleviating illness, injury or invalidity*

***9. Monitoring and control instruments***

*Smoke detector*  
*Heating regulators*  
*Thermostats*  
*Measuring, weighing and regulating equip-*

*Existing Act*

*Proposal*

*ment for household or laboratory use  
Other monitoring and control instruments  
used in industrial installations (e.g. control  
panels)*

**10. Automatic dispensers**

*Hot drink machines  
Bottle and can machines for hot and cold  
beverages  
Machines for stationary products  
Slot machines  
Different types of product machines*

*Annex*

3

*Categories of electrical and electronic equip-  
ment from 15 August 2018 onwards (Article  
53(1)(3))*

*For each of the categories of equipment  
listed below, there is an indicative list of  
EEE falling within that category.*

**1. Large household appliances**

*Large refrigeration equipment  
Refrigerators  
Freezers  
Other large appliances used for refrigera-  
tion, conservation and storage of food  
Washing machines  
Appliances for drying clothes  
Dishwashers  
Equipment used for cooking  
Electric stoves  
Electric hotplates  
Microwave oven  
Other large machines used for food prepara-*

*Existing Act*

*Proposal*

*tion and other food processing*  
*Electric heating appliances*  
*Electrical radiators*  
*Other large appliances used for heating rooms, beds and seats*  
*Electric fans*  
*Air-conditioning units*  
*Other ventilation, exhaust ventilation and ventilation equipment*

**2. Small household appliances**

*Vacuum cleaners*  
*Carpet brushes*  
*Other cleaning machines*  
*Sewing, knitting and weaving machines and other machinery for working textiles*  
*Flat-irons and other machinery for ironing, pressing and other maintenance of textiles*  
*Toasters*  
*Table barbecues*  
*Coffee grinders, coffee machines and apparatus for opening or closing jars or packages*  
*Electric knives*  
*Hair clippers, hair dryers, electric tooth-brushes, shavers, electric massagers and other body care articles*  
*Clocks, watches and equipment for the purpose of measuring, indicating or registering time*  
*Scales*

**3. IT and telecommunications equipment;**

*Centralised Data Processing:*  
*Mainframe computers*  
*Minicomputers*  
*Printers*

*Existing Act*

*Proposal*

*Personal data processing:  
Personal computers (CPU, mouse,  
screen and keyboard included)  
Laptop computers (CPU, mouse,  
screen and keyboard included)  
Laptop computer  
Hand-held computer  
Printers  
Copying machines  
Electrical and electronic typewriters  
Pocket and desk calculators  
Other products and equipment for  
the electronic collection, storage,  
processing, presentation or trans-  
mission  
of data  
Terminal equipment and systems  
Telefax devices  
Telex machines  
Telephones  
Payphones  
Cordless telephones  
Mobile phones  
Telephone answering machines  
Other products or apparatus for the  
transmission of sound, images or  
other information by means of  
telecommunications equipment*

***4. Consumer electronics and  
photovoltaic panels***

*Radios  
Televisions  
Video cameras  
Video recorders  
Hi-fi recorders  
Audio equipment  
Music players*

*Existing Act*

*Proposal*

*Other products or equipment for recording and reproducing sound or images, including signals and other technologies intended for the distribution of sound and images, excluding telecommunications*  
*Photovoltaic panels*

**5. Lighting equipment**

*Fluorescent lamps, excluding household lamps*  
*Fluorescent tubes*  
*Compact fluorescent lamps*  
*High intensity discharge lamps, including pressure sodium lamps and metal halide lamps*  
*Low pressure sodium lamps*  
*Other lighting equipment or devices for directing and controlling light, excluding incandescent lamps*

**6. Electrical and electronic tools, excluding large stationary industrial tools**

*Drills*  
*Saws*  
*Sewing machines*  
*Devices used for turning, milling, grinding, sawing, cutting, drilling, punching, piercing, folding, bending or similarly processing wood, metal and other materials.*

2.

## **Act**

### **amending the Environmental Protection Act**

In accordance with the decision of Parliament  
a new section 221g is *added* to the Environmental Protection Act (527/2014) as follows:

*Existing Act*

*Proposal*

*Section 221g*

*Provisions concerning batteries and  
accumulators*

*The management of batteries and accumulators is regulated in Article 70(1–3) of Regulation (EU) 2023/1542 of the European Parliament and of the Council on batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020, and repealing Directive 2006/66/EC. Obligations regarding recycling efficiency and material recovery for authorised facilities are laid down in Article 71(1–3), and the obligations of waste management operators carrying out treatment to report information to the competent authority are set out in Article 75(5).*

*Existing Act*

*Proposal*

\_\_\_\_\_

*This Act enters into force on [day] [month]  
20[year].*

\_\_\_\_\_

**3.**

## **Act**

### **amending section 5 of the Electrical Safety Act**

In accordance with the decision of Parliament  
a new subsection 10 is *added* to Section 5 of the Electricity Safety Act (1135/2016), as  
amended by Act 250/2022, as follows:

*Existing Act*

*Proposal*

Section 5

Section 5

*Relationship with other legislation*

*Relationship with other legislation*

-----

*Batteries and accumulators are regulated  
by Regulation (EU) 2023/1542 of the  
European Parliament and of the Council on  
batteries and waste batteries, amending  
Directive 2008/98/EC and Regulation (EU)  
2019/1020 and repealing Directive  
2006/66/EC.*

*Existing Act*

*Proposal*

*This Act enters into force on [day] [month]  
20[year].*