

## Waste portable batteries returned via couriers or similar services

This statement describes certain parts of the Duty of Care and the Hazardous Waste Regulations that you do not need to comply with where waste portable batteries are moved by courier services. We will not take enforcement action for not complying with these parts in the circumstances described below.

Compliance with this statement must not be taken to mean that any take-back scheme is compliant with any other legislative requirements. In particular you must be aware of the potential hazards associated with storing and transporting lithium batteries and you must ensure that you are fully compliant with the carriage of dangerous goods legislation.

### 1. Scope of this regulatory position statement

'Returned via couriers or similar services' means the movement of waste portable batteries through a delivery or similar postal service.

Lithium and some other types<sup>1</sup> of batteries, waste or otherwise, are not permitted in air mail and this prohibition will be extended to all types of waste batteries from January 2011. Many courier systems use air transport at some point so all movements of waste batteries must be managed to ensure that the batteries do not travel by air at any stage in their journey and that all other requirements of the carriage of dangerous goods legislation are complied with.

### 2. Applicable battery types

A portable battery is any battery, button cell, battery pack or accumulator that is sealed, can be carried by hand, and is not an industrial or automotive battery or accumulator.

Batteries are legally classified as either hazardous or non-hazardous by the Hazardous Waste Regulations (HWR)<sup>2</sup>. Whenever we use the term 'hazardous' or 'non-hazardous' batteries in this statement we mean as defined by the HWR only and the terms are not relevant to the carriage of dangerous goods legislation.

<sup>1</sup> More information on these can be found at: [www.caa.co.uk/mail](http://www.caa.co.uk/mail).

<sup>2</sup> In England the Hazardous Waste (England and Wales) Regulations 2005 apply and in Wales the Hazardous Waste (Wales) Regulations 2005 apply.

These types of batteries are **hazardous** (appropriate European Waste Catalogue codes included):

Lead batteries - 16 06 01\*

Nickel Cadmium batteries - 16 06 02\*

Mercury-containing batteries -16 06 03\*

Batteries and accumulators included in 16 06 01, 16 06 02 or 16 06 03 and unsorted batteries and accumulators containing these - 20 01 33\*

All other types of batteries are **non-hazardous**. However despite their current classification under the HWR, many batteries, particularly lithium batteries, have some dangerous properties and must be contained and transported in full compliance with the carriage of dangerous goods legislation for road and sea.

### 3. Background

Interest in waste take-back schemes has increased recently. The Batteries Directive, for example, requires the setting up of a system for distributors to provide free take-back of waste portable batteries. Regulations to implement the Directive's requirements in the UK came into force on 5 May 2009.

It is recognised that:

- when handled correctly, portable batteries generally pose a low environmental risk (however take note of the risks associated with lithium batteries, waste or otherwise, when travelling by air as described above).
- take-back schemes will play an important part in the collection, recovery and recycling of waste portable batteries from commercial and domestic premises; and
- current regulations may inhibit these schemes.

### 4. The Environment Agency's position

Where waste portable batteries are moved by a courier system we expect that the relevant objectives of the Waste Framework Directive are met:

‘... ensuring that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment and in particular without –

(i) risk to water, air, soil, plants or animals; or

(ii) causing nuisance through noise or odours; or

(iii) adversely affecting the countryside or places of special interest.’

We also expect that current and well-established arrangements that ensure any package damaged in transit is safely repackaged will continue.

## 5. Requirements when moving batteries via a courier system

### 5.1 Batteries sent from domestic premises by householders

Generally, batteries can only be reliably classified by an expert. Because of this it should be assumed that any batteries sent by householders will be both hazardous and either a lithium battery or a battery with other dangerous properties. In all cases they should be coded as hazardous batteries (20 01 33\*). Wastes from domestic premises do not need to have a hazardous waste consignment note completed for the first movement of the battery. Any batteries sent by a householder must be fully managed by the courier so all the requirements of this statement and the carriage of dangerous good legislation are met.

### 5.2 Batteries sent by businesses

#### Non-hazardous batteries

Where a business is certain that batteries are non-hazardous they may be sent via a courier. We will not enforce the requirement to use a transfer note when these batteries are transferred to the courier service provided:

- the courier is a registered waste carrier;
- the courier complies with the carriage of dangerous goods legislation (if applicable);
- the final destination of the package (the addressee) has an appropriate authorisation for the recovery or disposal of waste.

If a business does not have the expertise to properly classify batteries as hazardous or non-hazardous they should either acquire such expertise or assume they are hazardous.

#### Hazardous batteries

Hazardous portable batteries may be sent via a courier provided they are accompanied by a consignment note and all parties involved must comply with the requirements of the HWR. However we do not expect the courier service to register<sup>3</sup> their premises as a hazardous waste producer provided:

- the courier is a registered waste carrier;
- the courier complies with the carriage of dangerous goods legislation;
- the final destination of the package (the addressee) has an appropriate authorisation for the temporary storage, recovery or disposal of waste.

Where hazardous portable batteries are sent by businesses we will not expect the courier service to complete Part C of the consignment note or for the courier service to be given a copy of the consignment note when the batteries are passed to the addressee.

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<sup>3</sup> Registration as a producer of hazardous waste will be required if hazardous wastes other than portable batteries are produced at or moved from courier premises, unless an exemption from registration applies

The addressee of the portable batteries must have an appropriate authorisation for the temporary storage, recovery or disposal of waste and:

- be registered as a hazardous waste producer (unless exempt) if the waste is to be moved from that site to another destination;
- submit hazardous waste consignee returns containing consignment information;
- supply confirmation back to the producer that all the waste batteries have been received; and
- ensure all hazardous waste moved from the addressee's premises moves with a consignment note.

## 6. Enforcement

If you comply with the requirements of this regulatory position statement, we would not normally take enforcement action unless the activity has caused, or is likely to cause, pollution or harm to health. For a more detailed explanation of this enforcement position, please refer to the public interest factors in *Guidance for the enforcement and prosecution policy*. This document can be found at: <http://www.environment-agency.gov.uk/business/regulation/31851.aspx>

## 7. References

In this regulatory position statement:

**'Addressee'** means the person to whom the package is addressed.

**'consignment note'** means a consignment note required by the Hazardous Waste (England and Wales) Regulations 2005 and the Hazardous Waste (Wales) Regulations 2005. Details on how those notes should be completed can be found on our website at:

(<http://www.environment-agency.gov.uk/business/topics/waste/32196.aspx>).

An advisory note on the storage and transport of waste portable batteries is available at:

<http://www.defra.gov.uk/environment/waste/producer/batteries/documents/0907-advisory-note.pdf>

Further guidance on the carriage of dangerous goods legislation can be found at:

<http://www.dft.gov.uk/pgr/freight/dgt1/>

This regulatory position will be reviewed by 1 December 2012.

MWRP RPS 022  
Version 3.0  
Issued January 2010

customer service line

08708 506 506

[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)

incident hotline

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