*Draft Regulations laid before Parliament under paragraph 8F(1) and (2)(d) and (f) of Schedule 7 to the European Union (Withdrawal) Act 2018 (c. 16) for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

# 2026 No.

# ENVIRONMENTAL PROTECTION

# CONSUMER PROTECTION

# The Batteries (Placing on the Market) (Northern Ireland) Regulations 2026

*Made - - - -* ***

*Coming into force in accordance with regulation 1(2) and (3)*

The Secretary of State makes these Regulations in exercise of the powers conferred by section 8C(1) and (3) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**a**).

A draft of this instrument has been approved by a resolution of each house of Parliament, in accordance with paragraph 8F(1) and (2)(d) and (f) of Schedule 7 to that Act(**b**).

## PART 1

## Preliminary

### Citation, commencement and extent

**1.**—(1) These Regulations may be cited as the Batteries (Placing on the Market) (Northern Ireland) Regulations 2026.

(2) Subject to paragraph (3), these Regulations come into force on the 22nd day after the day on which they are made.

(**a**) 2018 c. 16. Section 8C was inserted by section 21 of the European Union (Withdrawal Agreement) Act 2020 (c. 1) ("the 2020 Act") and amended by section 55(3) of the United Kingdom Internal Market Act 2020 (c. 27). Paragraph 21 of Schedule 7 was amended by paragraph 53(2) of Schedule 5 to the 2020 Act and paragraph 8(14)(b) of Schedule 2 to the Retained EU Law (Revocation and Reform) Act 2023 (c. 28).

(**b**) Paragraph 8F was inserted by paragraph 51 of Schedule 5 to the European Union (Withdrawal Agreement) Act 2020. There are amendments to paragraph 8F, but none are relevant.

(3) Regulation 20(4) comes into force on the day from which Article 11 of Regulation (EU) 2023/1542(**a**) applies.

(4) This Part and Parts 3, 4, 6 and 7 extend to England and Wales, Scotland and Northern Ireland.

(5) Parts 2, 5 and 9 extend to Northern Ireland only.

(6) Any amendment made by Part 8 has the same extent as the provision amended.

**Interpretation**

**2.**—(1) In these Regulations—

"Regulation (EU) 2023/1542" means Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC;

"UK notified body" means a conformity assessment body notified by the Secretary of State in accordance with Chapter 5 of Regulation (EU) 2023/1542.

(2) Terms used in Parts 2 to 6 and 9 have the same meaning as in Regulation (EU) 2023/1542, unless otherwise defined in this regulation or those Parts.

# PART 2

## UK(NI) indication

**UK(NI) indication**

**3.**—(1) This regulation applies to a battery in relation to which the CE marking is affixed in accordance with Articles 19 and 20 of Regulation (EU) 2023/1542 on the basis of a certificate of conformity or approval decision issued by a UK notified body.

(2) The CE marking must be accompanied by the UK(NI) indication.

(3) The UK(NI) indication may be less than 5mm high provided that it is the same height as the CE marking that it accompanies.

(4) Subject to paragraph (5), the manufacturer must affix the UK(NI) indication visibly, legibly and indelibly before the battery is placed on the market or put into service.

(5) Where—

(a) the manufacturer has designated an authorised representative by a written mandate which has been accepted by the authorised representative, and

(b) the mandate of the authorised representative includes affixing the UK(NI) indication,

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(**a**) OJ No. L 191, 28.7.2023, pp. 1–117, as amended by Regulation (EU) 2024/1781 of the European Parliament and of the Council of 13 June 2024 establishing a framework for the setting of ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125/EC (OJ No. L 1781, 28.06.2024, p. 1) and Regulation (EU) 2025/1561 of the European Parliament and of the Council of 18 July 2025 amending Regulation (EU) 2023/1542 as regards obligations of economic operators concerning battery due diligence policies (OJ No. L 1561, 30.07.2025, p. 1) and corrected by Corrigendum to Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ No. L 90243, 8.10.2025, p. 1), Corrigendum to Regulation (EU) 2024/1781 of the European Parliament and of the Council of 13 June 2024 establishing a framework for the setting of ecodesign requirements for sustainable products, amending Directive (EU) 2020/1828 and Regulation (EU) 2023/1542 and repealing Directive 2009/125/EC (OJ No. L 90493, 7.8.2024, p. 1) and Corrigendum to Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ No. L 90794, 8.10.2025, p. 1).

the authorised representative (rather than the manufacturer) must affix the UK(NI) indication in accordance with paragraph (4).

(6) A person may only make available on the market a battery to which this regulation applies if the manufacturer or (as the case may be) its authorised representative has affixed the UK(NI) indication in accordance with this regulation.

(7) In this regulation—

"manufacturer" is to be construed in accordance with Articles 38(11) and 44 of Regulation (EU) 2023/1542;

"UK(NI) indication" means the marking in the form set out in Schedule 1 to the Product Safety and Metrology etc. (Amendment etc.) (UK(NI) Indication) (EU Exit) Regulations 2020(**a**).

# PART 3

## Notified bodies

### Designated notifying authority responsible for notified bodies

**4.**—(1) The Secretary of State is the designated notifying authority for the purposes of Article 22 of Regulation (EU) 2023/1542.

(2) In the event of the restriction, suspension or withdrawal of the notification of a UK notified body, or where a UK notified body has ceased its activity, that body must provide the Secretary of State with any documents requested by the Secretary of State for the purposes of enabling the Secretary of State to exercise the functions of the authority responsible for notified bodies under Article 31(2) of Regulation (EU) 2023/1542.

### Decisions of notified bodies

**5.** Where a UK notified body has decided to refuse, restrict, suspend or withdraw a certificate of conformity or approval decision, the UK notified body must give written notice of its decision, together with its reasons, to—

(a) in the case of a decision to refuse a certificate of conformity or approval decision, the person seeking the certificate of conformity or approval decision;

(b) in any other case, the person to whom the certificate of conformity or approval decision was issued.

# PART 4

## Appeals

### Right of appeal against decisions of notified bodies

**6.** A person to whom notice of a decision to refuse, restrict, suspend or withdraw a certificate of conformity or approval decision is given in accordance with regulation 5 may appeal to the Secretary of State against that decision.

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(**a**) S.I. 2020/1460. There are amendments to S.I. 2020/1460, but none are relevant.

**Procedure on appeal**

**7.**—(1) Where an appeal is made to the Secretary of State under regulation 6, the Secretary of State may, with or without payment, do either or both of the following—

(a) appoint a person to determine the appeal;

(b) refer any matter involved in the appeal to such person as the Secretary of State may appoint.

(2) If the appellant so requests, or the Secretary of State so decides, the appeal must include a hearing.

(3) A hearing may, if the person hearing the appeal so decides, be held wholly or partly in private.

(4) Schedule 1 makes further provision about the procedure on an appeal.

**Determination of appeal**

**8.** Where, on an appeal made under regulation 6, the Secretary of State or person appointed to determine the appeal under regulation 7(1)(a) determines that the decision of a UK notified body must be altered, the UK notified body must give effect to the determination.

# PART 5

## Enforcement

**Enforcement**

**9.**—(1) It is the duty of the Secretary of State to enforce these Regulations and Regulation (EU) 2023/1542.

(2) The Secretary of State may appoint a person to act on behalf of the Secretary of State for the purposes of paragraph (1).

**Offence of breaching certain provisions**

**10.** A person commits an offence if the person does anything that the person is prohibited from doing, or fails to do something that the person is required to do, by—

(a) regulation 3(4), (5) or (6) (UK(NI) indication), or

(b) a provision of Regulation 2023/1542 listed in—

(i) Table 1 in Schedule 2 (summary-only offences),

(ii) Table 2 in Schedule 2 (either-way offences), or

(iii) Table 3 in Schedule 2 (indictable-only offences).

**Penalties**

**11.**—(1) A person who is guilty of an offence under regulation 10(a) or (b)(i) is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

(2) A person who is guilty of an offence under regulation 10(b)(ii) is liable—

(a) on summary conviction, to a fine not exceeding the statutory maximum;

(b) on conviction on indictment, to a fine.

(3) A person who is guilty of an offence under regulation 10(b)(iii) is liable, on conviction on indictment, to imprisonment for a term not exceeding 12 months or a fine, or both.

**Power of the court to require matters to be remedied**

**12.**—(1) Where a person is convicted of an offence under regulation 10 in respect of any matters which appear to the court to be matters which it is in that person's power to remedy, the court may, in addition to or instead of imposing any punishment, order that person, within such time as may be fixed by the order, to take such steps as may be specified in the order for remedying those matters.

(2) The time fixed by an order under paragraph (1) may be extended or further extended by order of the court on an application made before the end of the time as originally fixed or (as the case may be) as extended under this paragraph.

(3) Where a person is ordered under paragraph (1) to remedy any matters, that person is not guilty of an offence in respect of those matters insofar as they continue during the time fixed by the order or any further time allowed under paragraph (2).

**Recovery of expenses of enforcement**

**13.** Where a court convicts a person of an offence under regulation 10, the court may (in addition to any other order it may make as to costs or expenses) order the person convicted to reimburse the Secretary of State for any expenditure which the Secretary of State has incurred in investigating the offence, including in having the battery in respect of which the offence was committed tested.

**Commencement of proceedings**

**14.**—(1) Summary proceedings for an offence under regulation 10(a) or (b)(i) or (ii) may be instituted within 12 months after the date on which evidence sufficient in the opinion of the prosecutor to justify proceedings comes to the knowledge of the prosecutor.

(2) But no such proceedings are to be brought more than three years after the commission of the offence.

(3) For the purposes of this regulation, a certificate of the prosecutor as to the date on which such evidence as is referred to in paragraph (1) came to their notice is conclusive evidence of that fact.

**Defence of due diligence**

**15.**—(1) It is a defence for a person ("the defendant") charged with an offence under regulation 10 to which paragraph (2) applies to show that the person took all reasonable steps and exercised all due diligence to avoid commission of the offence.

(2) This paragraph applies to an offence involving failure to comply with the obligation in any of the following provisions of Regulation (EU) 2023/1542—

(a) Article 38(1)(a);

(b) Article 41(1);

(c) Article 42(1);

(d) Article 45(2).

(3) If, in any proceedings for such an offence, the defence provided by paragraph (1) involves an allegation that the commission of the offence was due to—

(a) an act or default of another person, or

(b) reliance on information given by another person,

the defendant is not, without leave of the court, entitled to rely on that defence unless the requirement in paragraph (4) is satisfied.

(4) The requirement is that, at least 7 clear days before the hearing of the proceedings, the defendant has served on the prosecutor a notice giving such information identifying or assisting in the identification of that other person as was then in the defendant's possession.

(5) A defendant is not entitled to rely on the defence provided by paragraph (1) by reason of the defendant's reliance on information supplied by another person unless the defendant shows that it was reasonable in all the circumstances to rely on the information, having regard in particular to—

(a) the steps which the defendant took or might reasonably have taken to verify the information, and

(b) whether the defendant had any reason to disbelieve the information.

**Liability of persons other than the principal offender**

**16.**—(1) Where the commission by a person of an offence under regulation 10 is due to anything which another person did or failed to do in the course of a business, that other person is guilty of the offence and may be proceeded against and punished, whether or not proceedings are taken against the first person.

(2) Where a body corporate commits an offence and it is proved that the offence was committed—

(a) with the consent or connivance of an officer of the body corporate, or

(b) as a result of the negligence of an officer of the body corporate,

the officer, as well as the body corporate, is guilty of the offence.

(3) In paragraph (2), a reference to an officer of a body corporate includes a reference to—

(a) a director, manager, company secretary or other similar officer of the body corporate;

(b) a person purporting to act as a director, manager, company secretary or other similar officer;

(c) if the affairs of a body corporate are managed by its members, a member.

# PART 6

## Service of documents etc.

**Methods of service etc.**

**17.**—(1) Any written notice or other document required to be served on, or given to, a person under these Regulations may be—

(a) delivered by hand to the person,

(b) left at the person's proper address,

(c) sent by post to the person's proper address, or

(d) sent by email to the person at their email address.

(2) The document may—

(a) in the case of a body corporate, be given in accordance with paragraph (1) to any officer of the body;

(b) in the case of a partnership, be given in accordance with paragraph (1) to any partner or a person who has the control or management of the partnership business;

(c) in the case of an unincorporated body, other than a partnership, be given in accordance with paragraph (1) to a person who has the control or management of the body.

(3) A person's "proper address" is—

(a) in a case where the person has specified an address as one at which the person, or someone acting on the person's behalf, will accept service of or receive documents, that address;

(b) in any other case, the address determined in accordance with paragraph (4).

(4) A person's "proper address", if paragraph (3)(a) does not apply, is—

(a) in the case of a body corporate, its registered or principal office;

(b) in the case of a partnership, the principal office of the partnership;

(c) in the case of an unincorporated body other than a partnership, the principal office of the body;

(d) in any other case, the person's last known address.

(5) A person's email address is—

(a) in a case where the person has specified an email address as one at which the person, or someone acting on the person's behalf, will accept service or receive documents, that email address;

(b) in any other case, an address otherwise held out as the email address for that person.

(6) In the case of—

(a) a body corporate registered outside the United Kingdom,

(b) a partnership carrying on business outside the United Kingdom, or

(c) an unincorporated body, other than a partnership, with offices outside the United Kingdom,

references to its principal office include references to its principal office in the United Kingdom or, if it has no principal office in the United Kingdom, any place in the United Kingdom where it carries on business or conducts activities.

(7) In paragraph (2), "officer" is to be construed in accordance with regulation 16(3).

**Date of service etc.**

**18.**—(1) A document left as mentioned in regulation 17(1)(b) is treated as served or given when it was left.

(2) A document sent as mentioned in regulation 17(1)(c) is treated as served or given, unless the contrary is proved—

(a) on the second day after it was posted, provided that day is a working day, or

(b) in any other case, on the next working day after that day.

(3) A document sent as mentioned in regulation 17(1)(d) is treated as served or given, unless the contrary is proved—

(a) if the e-mail is sent before 4.30 p.m. on a working day, on that day, or

(b) in any other case, on the next working day after the day on which it was sent.

(4) In this regulation, "working day" means any day other than—

(a) a Saturday or a Sunday,

(b) Christmas Day or Good Friday, or

(c) a day which is a bank holiday under the Banking and Financial Dealings Act 1971(**a**) in Northern Ireland.

# PART 7

## The Batteries and Accumulators (Placing on the Market) Regulations 2008: revocation, saving and amendment provisions

**Revocation of the Batteries and Accumulators (Placing on the Market) Regulations 2008 in relation to Northern Ireland**

**19.**—(1) The Batteries and Accumulators (Placing on the Market) Regulations 2008(**b**) are revoked in relation to Northern Ireland.

(2) Notwithstanding the revocation of the Batteries and Accumulators (Placing on the Market) Regulations 2008—

(a) regulation 5A of those Regulations (capacity labelling) continues to have effect in relation to Northern Ireland until the day from which Article 13(1) of Regulation (EU) 2023/1542 applies(**c**);

(b) regulation 7 of those Regulations (appliances into which batteries are or may be incorporated) continues to have effect in relation to Northern Ireland until the day from which Article 11 of Regulation (EU) 2023/1542 applies.

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

**20.**—(1) The Batteries and Accumulators (Placing on the Market) Regulations 2008 are amended in accordance with this regulation.

(2) In regulation 2 (interpretation), in paragraph (1), for the definition of "placing on the market" substitute—

> ""placing on the market" means supplying or making available, whether in return for payment or free of charge, to a third party within Great Britain.".

(3) In regulation 3 (application), in paragraph (3), omit sub-paragraph (b).

(4) After regulation 3, insert—

**"Batteries which are qualifying Northern Ireland goods**

**3A.**—(1) Any battery—

(a) in respect of which the requirements of Regulation (EU) 2023/1542 and regulation 3 of the Batteries (Placing on the Market) (Northern Ireland) Regulations 2026 are met, and

(b) which is a qualifying Northern Ireland good,

may be placed on the market as if the requirements of these Regulations are met in respect of the battery.

(2) In this regulation—

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(**a**) 1971 c. 80. There are amendments to the Banking and Financial Dealings Act 1971, but none are relevant.
(**b**) S.I. 2008/2164, as amended by S.I. 2011/226, 998 and 1043, 2012/1139, 2015/63 and 1360, 2018/942, 2019/188, 2020/904 and 1540 and 2025/82.
(**c**) Regulation 5A was inserted by S.I. 2012/1139.

"qualifying Northern Ireland good" has the same meaning that it has in the European Union (Withdrawal) Act 2018 (see section 8C(6) of that Act);

"Regulation (EU) 2023/1542" means Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC.".

(5) In regulation 7 (appliances into which batteries are or may be incorporated), in paragraph (7), in each of the definitions of "appropriate agency" and "appropriate authority", omit paragraph (d).

(6) In regulation 13 (compliance notice)—

(a) in paragraph (1)(b), for "the United Kingdom" substitute "Great Britain";

(b) in paragraph (2)(c)(ii), for "the United Kingdom" substitute "Great Britain".

(7) In regulation 14 (enforcement notice), in paragraph (3)(c), for "the United Kingdom" substitute "Great Britain".

(8) In regulation 19 (commencement of proceedings)—

(a) omit ", and in Northern Ireland a magistrates' court may try a complaint,";

(b) omit "or if the complaint is made".

# PART 8

## Amendment of other secondary legislation

### Amendment of the Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Specification) Order 2004

**21.** In the Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Specification) Order 2004(**a**), in Schedule 1, insert at the end—

"The Batteries (Placing on the Market) (Northern Ireland) Regulations 2026.".

### Amendment of the Market Surveillance (Northern Ireland) Regulations 2021

**22.** In the Market Surveillance (Northern Ireland) Regulations 2021(**b**), in regulation 6 (enforcer's legislation), after paragraph (rr) insert—

"(ss) regulation 9 of the Batteries (Placing on the Market) (Northern Ireland) Regulations 2026.".

### Amendment of Commission Regulation (EU) No 1103/2010

**23.**—(1) Commission Regulation (EU) No 1103/2010 of 29 November 2010 establishing, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, rules as regards capacity labelling of portable secondary (rechargeable) and automative batteries and accumulators(**c**) is amended as follows.

(2) In Annex 1 (exemptions from the capacity labelling requirement)—

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(**a**) S.I. 2004/693. Relevant amending instrument is S.I. 2017/737.
(**b**) S.I. 2021/858. Paragraph (rr) was inserted by S.I. 2021/905.
(**c**) EUR 2010/1103. Relevant amending instrument is S.I. 2019/620 as amended by S.I. 2020/1540.

(a) in point (1), after "the Batteries and Accumulators (Placing on the Market) Regulations 2008" insert "or Article 11 of Regulation (EU) 2023/1542";

(b) after point (1) insert—

"(2) In point (1), "Regulation (EU) 2023/1542" means Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC.".

# PART 9

## Transitional provision

**Transitional provision: Part 5**

**24.**—(1) Part 5 does not apply in relation to a battery which was—

(a) placed on the market,

(b) put into service, or

(c) made available on the market,

before the day on which Part 5 comes into force, unless paragraph (2) applies in relation to the battery.

(2) This paragraph applies in relation to a battery—

(a) which is modified by an importer or distributor in such a way that compliance with the relevant requirements of Regulation (EU) 2023/1542 could be affected,

(b) whose purpose is modified by an importer or distributor, or

(c) which has been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing,

on or after the day on which Part 5 comes into force.

*Name*
Parliamentary Under-Secretary of State
Department for Environment, Food and Rural Affairs

Date

# SCHEDULES

## SCHEDULE 1

Regulation 7(4)

## Procedure on appeal

**Notice of appeal**

**1.**—(1) A person seeking to appeal to the Secretary of State against a decision of a UK notified body under regulation 6 must do so by notice in writing served on the Secretary of State.

(2) The notice of appeal must be accompanied by—

(a) a statement of the grounds of appeal,

(b) a copy of the notification of the decision and any supporting documents,

(c) a copy of any correspondence relevant to the appeal,

(d) a copy of any other document relevant to the appeal, and

(e) a statement indicating whether the person seeking to appeal wishes the appeal to include a hearing or to be determined on the basis of written representations.

(3) The person seeking to appeal must serve a copy of the notice of appeal on the UK notified body with copies of the documents mentioned in sub-paragraph (2).

**Time for bringing the appeal**

**2.**—(1) Subject to sub-paragraph (2), notice of appeal must be given before the expiry of the period of two months beginning with the date that the person seeking to appeal is given notice of the decision that is the subject of the appeal.

(2) The Secretary of State may for good reason at any time allow notice of an appeal to be given after the expiry of the period mentioned in sub-paragraph (1).

**Appeals including a hearing**

**3.** Where the appeal includes a hearing under regulation 7(2), any person appointed to hear the appeal under regulation 7(1)(b) must, unless that person has been appointed to determine the appeal under regulation 7(1)(a), make a written report to the Secretary of State following the hearing which sets out the person's conclusions and recommendations or reasons for not making any recommendations.

**Decisions on appeal**

**4.**—(1) The Secretary of State or person appointed to determine an appeal under regulation 7(1)(a) must notify the appellant in writing of the decision and the reasons for that decision.

(2) Where the appeal is determined after a hearing under regulation 7(2), the Secretary of State must provide the appellant with a copy of any report made to the Secretary of State under paragraph 3.

(3) The Secretary of State or person appointed to determine an appeal under regulation 7(1)(a) must, as soon as reasonably practicable after giving the appellant notice of the decision, give the UK notified body whose decision was appealed a copy of any document sent to the appellant under this paragraph.

# SCHEDULE 2

Regulation 10

## Provisions breach of which is an offence under regulation 10

**Table 1**

Summary-only offences

| Article of Regulation (EU) 2023/1542 | Title of the Article |
|---|---|
| 48(3) | Battery due diligence policies |
| 49(2) | Economic operator's management system |
| 52 | Disclosure of information on battery due diligence policies |

**Table 2**

Either-way offences

| Article of Regulation (EU) 2023/1542 | Title of the Article |
|---|---|
| Article 11(1), (5), (7) and (8) | Removability and replaceability of portable batteries and LMT batteries |
| Article 38(1)(a), insofar as it relates to the obligations in Articles 7(1) to (3), 8(1) to (3), 9(1) and 10(1) to (3) | Obligations of manufacturers |
| Article 38(2) and (4) to (10) | Obligations of manufacturers |
| Article 39 | Obligations of suppliers of battery cells and battery modules |
| Article 40(3) | Obligations of authorised representatives |
| Article 41(1), insofar as it relates to the obligations in Articles 7(1) to (3), 8(1) to (3), 9(1) and 10(1) to (3) | Obligations of importers |
| Article 41(2)(a), (b) and (d), (3), (4), (7) and (8) | Obligations of importers |
| Article 41(2)(c), insofar as it relates to the obligations in Articles 7(1) to (3), 8(1) to (3), 9(1) and 10(1) to (3) | Obligations of importers |
| Article 42(1), insofar as it relates to the obligations in Articles 7(1) to (3), 8(1) to (3), 9(1) and 10(1) to (3) | Obligations of distributors |
| Article 42(2)(a), (b) and (d), (3) and (4) and the first sentence in Article 42(5) | Obligations of distributors |
| Article 42(2)(c), insofar as it relates to the obligations in Articles 7(1) to (3), 8(1) to (3), 9(1) and 10(1) to (3) | Obligations of distributors |
| Article 43, insofar as it relates to the obligations in Articles 7(1) to (3), 8(1) to (3), 9(1) and 10(1) to (3) | Obligations of fulfilment service providers |

| Article of Regulation (EU) 2023/1542 | Title of the Article |
|---|---|
| The second unnumbered paragraph in Article 43 | Obligations of fulfilment service providers |
| Article 46 | Identification of economic operators |
| Article 48(2), excluding the final sentence | Battery due diligence policies |
| Article 49(1) | Economic operator's management system |
| Article 50(2) and (3) | Risk management obligations |

**Table 3**

Indictable-only offences

| Article of Regulation (EU) 2023/1542 | Title of the Article |
|---|---|
| The last sentence of Article 4(2) | Free movement |
| Article 5(2) | Sustainability, safety, labelling and information requirements for batteries |
| Article 38(1)(a), insofar as it relates to the prohibition in Article 6(1) and the obligations in Articles 12(1) and (2), 13(1) to (7) and (9) and 14(1) to (3) | Obligations of manufacturers |
| Article 38(1)(b) | Obligations of manufacturers |
| Article 38(3) | Obligations of manufacturers |
| Article 40(4) | Obligations of authorised representatives |
| Article 41(1), insofar as it relates to the prohibition in Article 6 and the obligations in Articles 12(1) and (2), 13(1) to (7) and (9) and 14(1) to (3) | Obligations of importers |
| Article 41(2)(c), insofar as it relates to the prohibition in Article 6 and the obligations in Articles 12(1) and (2), 13(1) to (7) and (9) and 14(1) to (3) | Obligations of importers |
| The final unnumbered sub-paragraph in Article 41(2) | Obligations of importers |
| Article 41(5) and (6) | Obligations of importers |
| Article 42(1), insofar as it relates to the prohibition in Article 6 and the obligations in Articles 12(1) and (2), 13(1) to (7) and (9) and 14(1) to (3) | Obligations of distributors |
| Article 42(2)(c), insofar as it relates to the prohibition in Article 6 and the obligations in Articles 12(1) and(2), 13(1) to (7) and (9) and 14(1) to (3) | Obligations of distributors |
| The last sentence in Article 42(5) | Obligations of distributors |
| Article 43, insofar as it relates to the prohibition in Article 6(1) and the obligations in Articles 12(1) and (2), 13(1) to (7) and (9) and 14(1) to (3) | Obligations of fulfilment service providers |
| Article 45 | Obligations of economic operators placing on the market or putting into service batteries that have been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing |

| Article of Regulation (EU) 2023/1542 | Title of the Article |
|---|---|
| Article 48(1) | Battery due diligence policies |
| Article 50(1) and (4) | Risk management obligations |

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision for the implementation in Northern Ireland of Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ L 191, pp. 1 - 117) ("Regulation (EU) 2023/1542").

The Windsor Framework provides that the EU law listed in Annex 2 of the Windsor Framework, as amended or replaced, will apply to and in the UK in respect of Northern Ireland. Regulation (EU) 2023/1542 replaced Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ L 266, pp. 1 - 14), which is listed in Annex 2. Regulation (EU) 2023/1542 has applied since 18th February 2024 and is given effect in domestic law by section 7A of the European Union (Withdrawal) Act 2018 (c. 16).

Part 2 makes supplementary provision in relation to placing batteries on the market and putting them into service in Northern Ireland, requiring the CE marking which must be affixed to batteries or their packaging under Regulation (EU) 2023/1542 to be accompanied by the UK(NI) indication.

Part 3 makes provision in relation to notified bodies. It designates the Secretary of State as the notifying authority responsible for UK notified bodies under Article 22 of Regulation (EU) 2023/1542 and requires UK notified bodies whose notification has been restricted or withdrawn to provide the Secretary of State with any necessary documentation (regulation 4). It further requires decisions by UK notified bodies to be notified in writing to the relevant persons (regulation 5).

Part 4, in conjunction with Schedule 1, deals with appeals against decisions of UK notified bodies.

Part 5 makes provision about enforcement. Regulation 9 confers a duty on the Secretary of State to enforce these Regulations and Regulation (EU) 2023/1542. Regulation 10 makes it a criminal offence to breach a prohibition or requirement in a listed provision of these Regulations or Regulation (EU) 2023/1542 (see further Schedule 2). Regulation 11 sets out the penalties that attach to an offence under regulation 10, and regulations 12 to 16 make further provision with respect to criminal proceedings.

Part 6 sets out the methods by which written notices and other documents which are required to be served or given under these Regulations may be delivered, and makes further provision with respect to the date of service and notification.

Part 7 revokes the Batteries and Accumulators (Placing on the Market) Regulations 2008 ("the 2008 Regulations") (S.I. 2008/2164) in relation to Northern Ireland, subject to certain saving provisions, and makes various consequential amendments to those Regulations in light of the revocation. It also includes a deeming provision which ensures that batteries which (i) comply with Regulation (EU) 2023/1542 and regulation 3 of these Regulations and (ii) are qualifying Northern Ireland goods can be placed on the market in Great Britain as if they met the requirements of the 2008 Regulations. Part 8 of these Regulations makes additional consequential amendments to secondary legislation, and Part 9 of these Regulations makes transitional provision.

A full impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sector is foreseen. Instead, a de minimis assessment has been

prepared as this instrument is likely to result in a net cost which is estimated to be below £10 million per year. A copy of the assessment is available from the Batteries Team at the Department for Environment, Food and Rural Affairs, Ground floor, Seacole Building, 2 Marsham Street, London, SW1P 4DF; email: batteries@defra.gov.uk.

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