



**RESPONSE FROM THE
FEDERATION OF SMALL BUSINESSES (FSB)
TO THE**

**Consultation on the Implementation of the Batteries and
Accumulators Directive (2006/66/EC) - Waste Battery
Collection and Recycling Provisions**

Introduction

The Federation of Small Businesses is the UK's leading non-party political lobbying group for UK small businesses existing to promote and protect the interests of all who own and/or manage their own businesses. With over 210,000 members, the FSB is also the largest organisation representing small and medium sized businesses in the UK. Approximately 25 per cent of our members are self-employed; the remainder employ people on full-time, part-time or casual basis.

While the FSB is supportive of measures to protect human health and the environment, and encourage resource efficiency, we continue to be concerned about the cumulative and indirect affects of waste regulation as rising costs and the future competitiveness of small businesses is a concern.

The FSB has argued for some time against the 'one size fits all' basis of much environmental legislation and has advocated the application of a risk based and proportionate regulatory approach to small businesses, which is in keeping with the goals of the Better Regulation agenda.

The FSB has consistently highlighted through its consultation responses that special consideration must be given to the small business case as small businesses are often disproportionately affected in terms of administration and cost of legislation.

On these grounds and on the basis that there would be an environmental 'cost' involved in including small producers and retailers; the FSB welcomes the provisions laid down in the draft regulations to provide a exemptions for small producers and retailers. However, we are concerned that the exemptions do not go far enough.

The following response relates to the small business aspect of the consultation:

What are your views on the proposed level of the small producer exemption?

The FSB believes the small producer exemption threshold should be calculated by turnover of battery sales/total sales turnover rather than by weight (tonnes). Given that many small retailers sell batteries of all shapes and sizes the FSB believes that a requirement to measure the weight of batteries sold would add a significant administrative burden onto these businesses. The FSB believes that the government should set a threshold according to turnover of battery sales or a total sales turnover of less than 2 million pounds per annum.

The FSB also notes that although the directive provides an exemption for small producers from the requirement to finance the recovery and recycling of waste batteries a requirement remains for small producers to register and report information. The FSB believes these requirements will be a considerable administrative burden to small businesses and we are disappointed that this has not been taken account of in the draft regulations.

What are your views on the proposed exemption for small distributors (portable batteries take-back)?

The FSB is of the view that obligating very small retailers to offer take-back would prove environmentally unsound given the environmental costs that would be involved in transporting small volumes of waste batteries to a disposal site. Small retail outlets should be completely exempted from the requirements of the Directive to take-back.

We note that the draft regulations propose the exemption to be based on small distributors with a floor space of less than 280 square metres and which sell less than 16 kilograms of portable batteries per year. As outlined above we do not believe the weight of batteries sold should form part of the exemption criteria due to the administrative burden this will place on small distributors. We believe the exemption should be based on distributors either with a floor space of less than 560 square metres or a turnover of battery sales or a sales turnover of less than £2 million in order to ensure small businesses are not unduly burdened by these regulations.

Small retailers who wish to offer a take back facility should have the option and necessary assistance to do so.

We trust that you will find our comments helpful and that they will be taken into consideration. The FSB is willing for this submission to be placed in the public domain. We would appreciate a copy of the synopsis of responses and of being kept apprised of further developments on this issue.

If you require further details on any of the issues raised in this submission, please do not hesitate to contact me.

Kind regards
Yours sincerely

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