

**COMMITTEE OF EXPERTS ON THE TRANSPORT OF  
DANGEROUS GOODS AND ON THE GLOBALLY  
HARMONIZED SYSTEM OF CLASSIFICATION  
AND LABELLING OF CHEMICALS**

Sub-Committee of Experts on the  
Transport of Dangerous Goods

Twenty-eighth session  
Geneva, 28 November – 7 December 2005  
Item 11 (b) of the provisional agenda

OTHER BUSINESS

Application for consultative status by RECHARGE aisbl

1. The secretariat reproduces below information received from RECHARGE aisbl requesting consultative status as a non-governmental organization for participation in the work of the Sub-Committee of Experts on the Transport of Dangerous Goods.
2. The Sub-Committee is invited to decide whether RECHARGE may participate in its work with a consultative status.



**Mr. Olivier Kervella**

Secretariat, Dangerous Goods and Special Cargoes Section  
UNECE Transport Division  
Palais des Nations  
CH-1211 Genève 10  
Switzerland

Re: Request for Consultative Status.

Brussels, September 10th, 2005.

Dear Mr. Kervella,

I am writing to submit the candidature of RECHARGE aisbl to the consultative status of the United Nations Sub-Committee of Experts on the Transportation of Dangerous Goods.

The information on RECHARGE aisbl to be taken into consideration by the Sub-committee (28 November – 7 December 2005) is provided in this letter and accompanying document.

RECHARGE aisbl is active on the promotion of the value of rechargeable batteries and for its Members is developing work on the classification of chemicals contained in batteries and accumulators, on Risk Assessment Reports and on transportation issues. The battery chemistries that are of main concerns for RECHARGE are lithium batteries, nickel based batteries, lead batteries and other portable and industrial rechargeable and fuel cells systems.

Complementary to other Battery and Battery Recycling Associations we offer expertise from the leading companies in manufacturing portable rechargeable batteries and industrial rechargeable batteries as well as from Original Equipment Manufacturers using and shipping these batteries into equipment on a worldwide basis. Our members include also raw materials suppliers to the battery manufacturing industries.

Information on RECHARGE activities, its mission, objectives and members is attached for the Sub-Committee's review. More information is available on RECHARGE's web site ([www.rechargebatteries.org](http://www.rechargebatteries.org)).

Thank you for considering RECHARGE's application for consultative status. If you have questions regarding this application, I will be pleased to answer them.

Sincerely

Wiaux Jean-Pol  
General manager

## **RECHARGE's representation.**

If RECHARGE's application for consultative status is approved, the following individuals would be entitled to represent RECHARGE before the Sub-Committee.

### **1. Jean-Pol Wiaux**

General manager

#### **RECHARGE aisbl**

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[www.rechargebatteries.org](http://www.rechargebatteries.org)

### **2. Ralf zur Steege**

Manager Corporate Affairs

#### **SANYO Component (Europe) GmbH**

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### **3. Patrick de Metz**

Environmental Affairs Manager

#### **SAFT SA**

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## **Annexed information and documents.**

- 1. Annex 1. Annex to the introductory letter. Information on RECHARGE**
- 2. Annex 2. Copy of Statutes**
- 3. Annex 3. Short Financial Status (confidential). [*Not reproduced in this INF. paper*]**
- 4. Annex 4. Location of RECHARGE's members facilities in EU.**
- 5. Annex 5. Example of Safety Data Sheet prepared by RECHARGE for its Members**
- 6. Annex 6. Example of Summary Table on IATA, AMDG and ADR transportation regulation of batteries.**

**Annex 1. Annex to the introductory letter.  
Information on RECHARGE**

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## **1. Introduction**

RECHARGE aisbl was founded in 1998 to respond to the development of the legislative and regulatory context for rechargeable batteries in general and portable rechargeable batteries in particular. Between 1998 and 2004, the Association was named “CollectNiCad” as further detailed in § 5.

RECHARGE has been particularly active on the environmental field by developing a new methodology for the evaluation of collection efficiency of spent portable rechargeable batteries based on a waste to waste approach. RECHARGE has performed consumer survey on the collection of spent batteries in four European countries (Germany, Belgium, The Netherlands and France).

It has performed with the assistance of National Collection Organisations, the evaluation of the quantity of spent batteries in Municipal Solid Waste streams in order to quantify the level of spent batteries entering non-recycled waste streams.

RECHARGE is also working on the evaluation of the quantity of portable rechargeable batteries in stock in the economy in EU Member States in order to anticipate the future quantities of spent batteries arising and their potential for collection..

RECHARGE consolidates data on the collection of spent portable and industrial rechargeable batteries and publishes these data on a yearly basis on its web site.

RECHARGE is following closely the interface between new pieces of EU legislation such as the Chemicals Policy (REACH), the Transportation of Waste, The Integrated product Policy, the Thematic Strategy on Waste.

In addition the implementation of the Directive on Restriction of Hazardous Substances and on Waste Electrical and Electronic Equipment in 25 Member States is of concern for RECHARGE’s members.

Finally for the last five years, RECHARGE has followed the development of the new Battery Directive currently under discussion of the European Parliament.

A particularity of RECHARGE is to integrate among its Members all partners of the Life Cycle of the Battery: from battery Manufacturers to Original Equipment Manufacturers (incorporating batteries in equipment) and to Recyclers (recovering raw materials to be re-used). This gives to RECHARGE a unique possibility to handle issues of concern with all concerned stakeholders of the commercial and materials chain.

## **2. Objectives of RECHARGE.**

RECHARGE is founded to promote the value of rechargeable batteries and represent the interests of all its members in the chain of battery life.

RECHARGE’s activities focus on the achievement of four major tasks or objectives: they are summarised by the following headlines:

- Rechargeable and recyclable
- Registration and collection
- Regulation and legislation

- Information and communication

RECHARGE activities in the area of regulatory and legislative issues are briefly detailed below.

The development of the EU chemicals and EU Environmental policies requires a higher administrative burden from companies. The follow-up of the development of EU legislation and the transposition of EU legislation of the WEEE Directive and of the future Battery Directive in 25 MS will be the major task of RECHARGE.

In addition to this basic activity, RECHARGE will concentrate on the following important issues.

- 2.1.1. **Classification of Metals and Chemicals used in batteries.** Liaise with Associations such as ENiA, ICdA, WMF and Eurometaux which are active in this field.
- 2.1.2. **Harmonization of Safety Data Sheet (SDS)** supplied for rechargeable batteries in order to deliver to Portable Rechargeable Battery users the highest level of technical and scientific information. SDS standard models are prepared by RECHARGE in agreement with cell producers and for OEMs delivering battery powered equipment and to supply to Recyclers appropriate information related to the chemicals content of batteries.
- 2.1.3. **Follow-up of the regulation for transportation of batteries and waste batteries.** RECHARGE has experience in following the development of the IATA, AMDG and ADR regulations. It has prepared short Reports on this Regulation. This work will be extended to the development of this regulation on waste batteries in cooperation with other Battery, National Collection and Recyclers Associations.
- 2.1.4. **The Integrated Product Policy EU Directive** will require the performance of Life Cycle Analysis (LCA) on parts of equipment such as PRB and according to specific applications. Such LCA should be performed at the initiative and under the supervision of RECHARGE as a representative body of the PRB Industry.  
**The Eco-Design and/or Energy Using Products Directive** will require setting standards for evaluation of battery performance. RECHARGE will be involved in setting these standards.
- 2.1.5. **The future REACH Chemicals Policy Directive** will require performing Risk Assessments on classified substances used in articles such as PRB. As all of them contain classified chemicals this should be better performed anticipatively and supervised by a group of economic interests such as RECHARGE on behalf of its Members.
- 2.1.6. **Voluntary Agreements** are becoming a part of the EU legislative process. The more an Association is representing its global economic sector the highest its credibility as a signatory of a Voluntary Agreement. It should be RECHARGE's objective to extend its representation by counting on an extended number of Members as a key part of its credibility build-up process.

### 3. Extract from RECHARGE's Statutes.

#### ARTICLE 4. Objects.

- 4.1. The Association, which is a non-profit organization, has as its objectives, the promotion of the collection and recycling of Batteries throughout the EU territory and in EU Member States as well as in other European countries.**
- 4.2. To this end, the Association may engage in activities which include, but are not limited to, the following functions:**
- Promote, in the general interest, the use, collection and recycling of rechargeable batteries in applications and products requiring a source of electrical power;
  - **Follow and participate to the development of regulatory and legislative issues related to electrical power sources;**
  - Support continuous market access and sustainable development of portable rechargeable batteries, in general;
  - **Support the management of portable rechargeable batteries through their life cycle at the technical, economic and environmental levels;**
  - **Assist the Members of the Association in receiving information regarding regulatory and legislative matters on their interests fields;**
  - **Promote cooperation between Members of the Association on regulatory and legislative affairs related to the manufacture, design and end of life of their products;**
  - Provide documentation, support and advice in relation to the activities of CROs;
  - Ensure liaison with rechargeable battery manufacturers and OEMs;
  - Inform its Members about all trends and developments in the field of Spent Battery recycling;
  - Maintain contacts with other European associations and institutions representing interests relevant to the objectives of the Association;
  - Provide a forum for discussion of issues and dissemination of information of common interest to Members.

A copy of the Statutes is supplied in Annex 2 of this application.



#### **4. List of Members.**

##### ***Battery Manufacturers, Producers and Distributors***

##### ***Geographic area.***

Sanyo Component Europe GmbH	Germany, Hungary, Japan, China
Saft SA	France, Sweden, USA
Panasonic Battery Europe	Belgium, Germany, Japan, China
Uniross SA	France, UK, China
BYD (China)	China, The Netherlands

##### ***Original Equipment Manufacturers (OEMs)***

Black and Decker	USA, China, Czech Rep.
Robert Bosch GmbH	Germany, Switzerland, China, Hungary
Thomas & Betts	Benelux
Cooper Menvier	UK, Benelux

##### ***Battery and Metals Industry - Recyclers***

SNAM SA	France
INCO Spec. Products EU Ltd. ,	UK
Accurec GmbH FM	Germany

##### ***Associate Members***

La Floridienne Chimie	Belgium, France
Int. Cadmium Association	Belgium

##### ***Sponsors***

Inmetco (USA)	USA
Nickel Institute Europe	Belgium
Falconbridge Europe	Belgium, Scandinavia
Metabo	Germany
C&E Fein Tools	Germany
Kress Elektrik	Germany
Festool	Germany

#### **5. Members of the Board.**

The President of the Association is Yuji Fujiwara san, from Sanyo Component Europe GmbH.

The Chair of the Board of Directors is Mrs. Jill Ledger (SAFT SA) , the Vice-Chair is Mrs. Linda Biagioni (Black & Decker).

A list of Board Members is supplied in the Table below.

A map with the various locations of members facilities in EU Member States is supplied as Annex 4 of this application.

<p><b>SAFT SA</b></p> <p>Represented by</p> <p>Jill Ledger, Corporate Communication and Institutional Relations Director Rue Sadi Carnot, 12 F- 93170 Bagnolet FRANCE</p>	<p><b>BLACK &amp; DECKER BATTERIES MANAGEMENT LIMITED</b></p> <p>Represented by</p> <p>Linda Biagioni, President Green Lane, Spennymoor County Durham DL 16 6JG UNITED KINGDOM</p>
<p><b>SANYO COMPONENT (Europe) GmbH</b></p> <p>Represented by</p> <p>Yuji Fujiwara, President and Mike Takao, Principal Coordinator Stahlgruberring, 4 D-81829 München GERMANY</p>	<p><b>THOMAS &amp; BETTS Ltd</b></p> <p>Represented by</p> <p>Johan van Bruggen, European technical Coordinator Oosteinde 3, 2991 LG Barendrecht PO Box 32 NL 2990 AA Barendrecht THE NETHERLANDS</p>
<p><b>COOPER MENVIER B.V.</b></p> <p>Represented by</p> <p>Edwin de Graaf, Senior Manager PO Box 3397 4800 DJ Breda, THE NETHERLANDS</p>	<p><b>UNIROSS</b></p> <p>Represented by</p> <p>Christophe Gurtner President 27 Rue de la Maison Rouge 77185 Lognes FRANCE</p>
<p><b>SNAM SA</b></p> <p>Represented by</p> <p>Jacques David, General Director Avenue Jean Jaurès, BP 4 F – 12110 Viviez FRANCE</p>	<p><b>INCO Speciality Products c/o INMETCO Inc.</b></p> <p>Represented by</p> <p>Ken Money, President One Inmetco Drive, P.O. Box 720 Ellwood City, PA 16117 USA</p>
<p><b>ACCUREC GmbH</b></p> <p>Represented by</p> <p>Reiner Weyhe Managing Director Wiehagen, 12-14 D 45472 Mülheim Ruhr Germany</p>	<p><b>ROBERT BOSCH GmbH</b></p> <p>Represented by</p> <p>Uwe Raschke – Egebert Schneider, President – Executive Vice President Engineering Geschäftsbereich Elektrowerkzeuge D – 70745 Leinfelden GERMANY</p>
<p><b>PANASONIC Industrial Europe GmbH</b></p> <p>Represented by</p> <p><b>Enomoto Yutaka</b> Industrial Battery Marketing Group Sales &amp; Marketing Director Panasonic Industrial Europe GmbH Winsbergring D 22525 Hamburg, Germany</p>	

## 6. Type of work, projects or dockets prepared by RECHARGE for its Members.

All documents listed below can be obtained from the Secretariat or by addressing an e-mail to J-P Wiaux : [jpwiaux@rechargebatteries.org](mailto:jpwiaux@rechargebatteries.org)

### 1. Safety Data Sheet on portable battery systems (Annex 5 as an example).

Nickel-Cadmium,  
Nickel-Metal Hydride,  
Lithium-Ion,  
Lead acid,  
In preparation: Other lithium battery chemistries.

### 2. Summary Tables of regulation on transportation of (dangerous) goods according to IATA, AMDG and ADR. (Annex 6 as an example).

### 3. Participation to Risk Assessment Reports.

Four years of active involvement in the preparation of the Targeted Risk Assessment on the use of Metals in Batteries. First case study : cadmium. Last draft report: July 2005.

**RISK ASSESSMENT Targeted Report : Cadmium (oxide) as used in batteries.** CAS-No.: 7440-43-9 CAS-No.: 1306-19-0 EINECS-No.: 231-152-8 EINECS-No.: 215-146-2.

Final Draft July 2005. **BE Rapporteur :**

Federal Public Service: Public Health, Safety of the Food Chain and Environment

DG Public Health: Environment

Roland Moreau, general director

Service of Risk Management

R.A.C. Vesalius

Pachecolaan 19 box 5

B-1010 Brussels

Belgium

E-mail: [linda.debacker@health.fgov.be](mailto:linda.debacker@health.fgov.be)

T: 32 2 210 48 47

F: 32 2 210 47 04

#### **4. Publication of a report on the metals flow in Solid Waste.**

Report presented to the Board of Directors in August 2005.

**Contribution of Spent Batteries to the Metal Flows of Municipal Solid Waste. Report prepared for RECHARGE by:**

##### **EURAS**

Rijvisschestraat 118, box 3

B-9052 Gent

Belgium

E-mail: [marnix.vangheluwe@euras.be](mailto:marnix.vangheluwe@euras.be)

T: 32 9 257 13 99

F: 32 9 257 13 98

[www.euras.be](http://www.euras.be)

#### **5. Consumer surveys.**

Etude quantitative de la détention par les ménages français d'équipements électriques et électroniques portables, d'accumulateurs et de piles. August 2001.

CETTE ETUDE A REÇU L'AIDE FINANCIERE DE L'ADEME, L'AGENCE FRANÇAISE DE L'ENVIRONNEMENT ET DE LA MAITRISE DE L'ENERGIE.

L'étude a été réalisée par le groupe d'étude de marché CSA-TMO avec l'assistance de SCRELEC la Société française de collecte et de recyclage des équipements électriques et électroniques.

#### **6. Review of the legislation on lithium batteries.**

Lithium Batteries in Europe. Technology, Market, Collection and Recycling

Dr. J-P Wiaux. International Congress for Battery Recycling

July 3 – 5, 2002. ICM – Vienna. Austria.

#### **7. Management of the recycling program on lithium-polymer batteries. BRITE-EURAM.**

Recovery of valuable compounds from lithium-polymer batteries.

RECYCLIB, final meeting 29 november 2001, Quimper

BRITE EURAM III CT98 – 0778 Recyclib.

#### **8. Co-Editor of a Book on spent batteries.**

Used Batteries Collection and Recycling

Ed. G.Pistoia, J-P Wiaux & S.P.Wolsky.

Industrial Chemistry Library Volume 10.

Elsevier 2001. ISDN 0-444-50562-8.

**ANNEX II**

**RECHARGE**

**THE INTERNATIONAL ASSOCIATION FOR THE PROMOTION  
AND MANAGEMENT OF PORTABLE RECHARGEABLE BATTERIES  
THROUGH THEIR LIFE CYCLE**

**ARTICLES OF ASSOCIATION**

**Adopted 24 August 2004**

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**THE INTERNATIONAL ASSOCIATION FOR THE PROMOTION  
AND MANAGEMENT OF PORTABLE RECHARGEABLE BATTERIES  
THROUGH THEIR LIFE CYCLE**

<b>ARTICLES OF ASSOCIATION</b>
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**CHAPTER I: DEFINITIONS – NAME – REGISTERED OFFICE – OBJECT – DURATION**

**ARTICLE 1: DEFINITIONS AND INTERPRETATION**

1.1. The following words and expressions shall have the following meanings:

- "Articles" means the Articles of the Association;
- "Association" means the International Association for the Promotion and Management of Portable Rechargeable Batteries through their Life Cycle, with the trade name "Recharge";
- "Batteries" means portable rechargeable batteries;
- "Auditor" means the auditor of the Association from time to time;
- "Board" means the board of directors of the Association;
- "Chairman" means the person named as such in article 16;
- "Constitution" means the constitution of the Association as set out herein;
- "CRO" means a private, collective or public collection and recycling organization;
- "Days" means calendar days;
- "Director" means a member of the Board;
- "EU" means the European Union;
- "Founding Members" means those Members listed in Annex 1;
- "General Assembly" means any Annual General Assembly or Extraordinary General Assembly of the Members;
- "Manager" means the person(s) named as such in article 19.6.;

- "Members" means members of the Association;
- "Notice" means the notice as defined in article 25;
- "Notice period" means the period of a notice excluding the day when the notice is given or deemed to be given and the day for which it is given or on which it is to take effect;
- "OEM" means Original Equipment Manufacturer;
- "Secretary" means the person named as such in article 15 (d);
- "Spent Batteries" means Batteries that have been used and the ownership of which is transferred from the final end user to a CRO;
- "Sponsor" means a company, association or other group that provides financial support to the Association on a temporary or permanent basis, in return for the right to be named as a supporter on official documents published by the Association;
- "Treasurer" means the person named as such in article 15 (d);
- "Vice-Chairman" means the person named as such in article 16.

1.2. Except as otherwise provided herein and unless the context otherwise admits, words and expressions used herein shall have the same meaning as defined in article 1.1.

1.3. Words importing the singular only also include the plural and *vice versa* where the context requires. Words importing the masculine only also include the feminine. Words denoting natural persons shall include corporations and vice versa.

## **ARTICLE 2: FORM AND NAME**

2.1. An international association is hereby formed under the name of "INTERNATIONAL ASSOCIATION FOR THE PROMOTION AND MANAGEMENT OF PORTABLE RECHARGEABLE BATTERIES THROUGH THEIR LIFE CYCLE", with the trade name "Recharge".

The Association and its Articles shall be governed by title III of the Belgian law dated 27 June 1921.

2.2. The Association is a legal entity with limited liability (to the amount of the individual contribution of Members).



**ARTICLE 3: REGISTERED OFFICE**

- 3.1. The registered office of the Association is located in Belgium at Avenue de Tervueren, 168 (Box 3), 1150 Brussels.
- 3.2. The registered office may be transferred, by decision of the Board, to any other location in Belgium.

Each change of the registered office will be published in the Annexes to the Belgian Official Journal within the month of the Board's decision.

**ARTICLE 4: OBJECTS**

- 4.1. The Association, which is a non-profit organization, has as its objectives, the promotion of the collection and recycling of Batteries throughout the EU territory and in EU Member States as well as in other European countries.
- 4.2. To this end, the Association may engage in activities which include, but are not limited to, the following functions:
  - Promote, in the general interest, the use, collection and recycling of rechargeable batteries in applications and products requiring a source of electrical power;
  - Follow and participate to the development of regulatory and legislative issues related to electrical power sources;
  - Support continuous market access and sustainable development of portable rechargeable batteries, in general;
  - Support the management of portable rechargeable batteries through their life cycle at the technical, economic and environmental levels;
  - Assist the Members of the Association in receiving information regarding regulatory and legislative matters on their interests fields;
  - Promote cooperation between Members of the Association on regulatory and legislative affairs related to the manufacture, design and end of life of their products;
  - Ensure liaison with and support actions of existing CROs;
  - Support the setting up of new CROs where needed;
  - Provide documentation, support and advice in relation to the activities of CROs;
  - Ensure liaison with rechargeable battery manufacturers and OEMs;

- Initiate, financially support and monitor scientific, technical and legal studies where needed;
- Support awareness-raising campaigns at the EU level and in EU Member States where needed;
- Inform its Members about all trends and developments in the field of Spent Battery recycling;
- Collect and consolidate relevant Battery collection data from CROs and issue reports on such data to its Members;
- Support collection and recycling initiatives of, and provide information and/or reports to, EU, national or regional authorities and others;
- Collect and manage the financial resources necessary for its activities through ordinary or extraordinary contributions from its Members or from other sources, such as sponsorship or funding;
- Cooperate with other associations and companies and/or organizations whose objectives are similar and/or complementary to those of the Association;
- Maintain contacts with other European associations and institutions representing interests relevant to the objectives of the Association;
- Promote the most efficient Spent Battery collection and recycling schemes in EU Member States taking into account sound environmental practice;
- Propose and negotiate voluntary agreements with authorities of the EU and individual Member States;
- Advocate worldwide adoption of rechargeable battery labeling standards;
- Provide a forum for discussion of issues and dissemination of information of common interest to Members.

4.3. The Association also may engage in other activities directly relating to its objectives.

#### **ARTICLE 5: DURATION**

The Association is established for an indefinite period.

## **CHAPTER II: MEMBERSHIP**

### **ARTICLE 6: MEMBERS CATEGORIES**

- 6.1. The Association will have a minimum of 3 Members. The number of Members is not otherwise limited.
- 6.2. The Members of the Association are natural persons or legal entities duly and validly incorporated according to the laws and practices of their country of origin.
- 6.3. The Association has three categories of Members:

**(a) Regular Members:**

Rechargeable battery manufacturers and rechargeable battery powered original equipment manufacturers that sell products in Europe and other companies active in related business area. They are members of the Association with full rights and obligations. Regular Members may be Founding Members.

**(b) Associate Members:**

Companies and associations involved in the economic cycle of rechargeable batteries as suppliers, assemblers, traders, collectors, recyclers, re-users of materials, being at legal, commercial, technical and/or advisory levels with a European-based activity. Associate Members have limited rights and obligations. Associate Members may be Founding Members.

**(c) Honorary Members:**

Individuals that support the objectives of the Association and/or have performed exceptional services in the promotion of the Association. Honorary Members have limited rights and obligations.

### **ARTICLE 7: RIGHTS AND OBLIGATIONS**

**(a) Regular Members**

- 7.1. Regular Members have voting rights. They may attend General Assemblies and have the right to be represented at the Board.
- 7.2. Their liability is limited to the amount of their financial contribution to the Association.

**(b) Associate Members**

- 7.3. Associate Members have the right to attend General Assemblies, but do not have voting rights.
- 7.4. They may be invited to attend Board meetings in accordance with article 18.4. of these Articles.

**(c) Honorary Members**

- 7.5. Honorary Members have the right to attend General Assemblies, but do not have any voting rights.
- 7.6. They may be invited to attend Board meetings in accordance with article 18.4. of these Articles.

**ARTICLE 8: ADMISSION**

- 8.1. The admission of a new Member to the Association requires a resolution passed by the Members in General Assembly, according to Article 15.

The rejection of such application for admission does not require a justification from the General Assembly.

- 8.2. The membership acceptance will be confirmed to the applicant by the Chairman. Such Membership or any rights attached thereto are not transferable.

**ARTICLE 9: RESIGNATION**

- 9.1. A Member may resign from the Association at any time by giving ninety days prior notice addressed to the Chairman of the Board.
- 9.2. The financial obligations of the resigning Member towards the Association shall, however, continue until the end of the then current accounting year. No reimbursement, total or partial, of any fees paid in relation to the accounting year in which the resignation of such Member is to take effect will be made.

**ARTICLE 10: EXPULSION**

- 10.1. A Member can be expelled from the Association by a resolution taken by secret ballot at the General Assembly.
- 10.2. A Member is excluded from voting on its own expulsion and on resolutions concerning a legal dispute between such Member and the Association.

- 10.3. In the event of a demand for expulsion of a Member, a period of four weeks shall be granted to such Member to provide the General Assembly with its observations.
- 10.4. Such a demand for expulsion must be motivated as to allow the Member to prepare its defense properly.
- 10.5. However, the General Assembly is not required to provide reasons for its decision to expel a Member. Such expulsion shall become effective immediately unless it is resolved otherwise.
- 10.6. A Member who acts against the interests and objectives of the Association can be expelled from the Association.
- 10.7. Any Member shall automatically cease to be a Member if
- being a company it enters into compulsory or voluntarily liquidation; however, this will not apply to companies which enter into liquidation for the purpose of amalgamation or reconstruction in such manner that the company resulting from such amalgamation or reconstruction shall (if a different legal entity) effectively agree to be bound by and assume the obligations of the Member contained in these Articles; or
  - being a partnership, sole trader or other form of business entity, it is declared bankrupt, dissolved or is the subject of an application or petition for bankruptcy or dissolution, has a receiver or manager appointed in respect of all or any significant part of its assets or it undergoes any analogous act or proceeding.

Moreover, any Member shall automatically cease to be a Member if it no longer complies with the requirements provided by article 6.3.

- 10.8. The obligations of the excluded Member towards the Association shall continue from the time of the exclusion until the end of the then current accounting year.

#### **ARTICLE 11: FINANCIAL CONTRIBUTION**

- 11.1. All Members other than Honorary Members will pay a financial contribution to the Association.

**(a) Regular Members**

Regular Members will pay a membership fee proportional to their economic activity in the field of Batteries in Europe which shall be determined by the Board for each accounting year. The maximum contribution for a Regular Member will be 49 % of the total contributions made by Regular Members for one year. The criteria for calculation will also be fixed by the Board of Directors.

**(b) Associate Members**

Associate Members will pay an annual membership fee, determined by the Board for each accounting year, which shall not exceed the sum of EUR 10.000 per year.

**(c) Honorary Members**

Honorary Members will not pay a membership fee.

11.2. The Board may accept Sponsors.

The Sponsors will be charged a fee to advertise their company name on the official documents or publications issued by the Association.

The amount of the financial contribution is decided on a case by case basis at the sole discretion of the Board of Directors, and neither obligates nor requires justification from the Board or the Association.

Sponsor's right to have its name printed on official documents of the Association is limited.

11.3. If a Member is in arrears with the payment of any money due to the Association for more than three calendar months after having been given notice of payment due, the General Assembly shall be entitled to pass a resolution expelling such Member from the Association.

11.4. The annual fee payable by the Regular and Associate Members shall be invoiced to Members by the Association on a quarterly or on an annual basis according to Board decision.

11.5. All contributions to the Association are payable in EURO.

## **CHAPTER III: GENERAL ASSEMBLY**

### **ARTICLE 12: COMPOSITION**

12.1. The General Assembly is the supreme authority of the Association.

12.2. The General Assembly is composed of all Members. Only Regular Members have full voting rights. Associate and Honorary Members are members of the General Assembly without voting rights.

**ARTICLE 13: MEETINGS – CONVENING AND NOTICE**

- 13.1. The Board of Directors shall convene the General Assembly as often as required, but no less than once per year.
- 13.2. The General Assembly may also be convened upon request of one fifth of the Regular Members, stating the reasons for the meeting. Such a request shall be notified to the Chairman, for the attention of the Board. The General Assembly meeting must be held within four weeks of receipt by the Chairman of such request.
- 13.3. Ten Days' in advance of every General Assembly meeting, the Board shall distribute notice of such meeting to all the Members according to article 25.1. Such notice shall specify the place, date and time of the meeting and the precise and complete agenda for such meeting.

The fact that any Member has not received such notice shall not invalidate the proceedings at any General Assembly, it being the responsibility of each Member to provide to the secretariat of the Association the precise address the Member chooses for receipt of such notification.

- 13.4. Each Member shall notify the Board of its intention to attend a General Assembly at least three Days prior to the date of the meeting.
- 13.5. The Members convened to the General Assembly may request copies of any documents relating to the agenda of such Assembly prior to the commencement of the General Assembly.

**ARTICLE 14: MEETINGS – ATTENDANCE**

- 14.1. A Member is validly represented at the General Assembly by its legal representative(s) or by a special proxyholder.

A Member which wants to be represented at the General Assembly may only assign such proxy to another Member or to its legal representative.

A proxy may not represent more than five Members. The Member duly represented by a proxy shall be considered present at such General Assembly.

- 14.2. The form appointing the proxy must be in writing, given by letter or by fax or any other written form.

The Board when convening a General Assembly may fix the form of the proxies and require that these should be deposited at the registered office of the Association at least three Days before the date of the General Assembly.

- 14.3. When the Board does not require that forms of proxies be deposited prior to the General Assembly pursuant to article 14.2, forms of proxies must be handed to the Chairman at the

General Assembly. All forms of proxies, including those deposited prior to the General Assembly pursuant to article 14.2, shall be attached to the minutes of the meeting.

- 14.4. Before entering the meeting, all Members or their proxies must sign the attendance list, indicating the last name, the first name, the domicile or name and registered office of the Members present or represented.

#### **ARTICLE 15: MEETINGS – ORGANISATION AND CONDUCT**

##### **(a) Chairman – Vice-Chairman**

- 15.1. The General Assembly is chaired by the Chairman of the Board, or in his (her) absence, the Vice-Chairman of the Board.

##### **(b) Majority – voting rights**

- 15.2. A General Assembly shall be validly held if two thirds of the Regular Members are present or represented by proxy. Once it is established that the quorum is present, the meeting shall be considered to be validly held, even if the quorum ceases to be present at any time later in the meeting.

- 15.3. Each Regular Member shall have one vote at the General Assembly. Members representing other Members(s) have in addition the vote of the represented Member.

Associate and Honorary Members shall be entitled to propose a motion at General Assemblies, but shall not to be entitled to vote.

- 15.4. Voting shall take place by show of hands unless a secret ballot is requested by 25% of the Regular Members present or represented by proxy.

- 15.5. Except as otherwise provided in these Articles, for decisions of the General Assembly to be considered approved, both of the following conditions must be met :

- a. a vote in favour of the resolution by more than 50 % of the votes of the Regular Members present or represented by proxy; and
- b. total votes in favour of the resolution must represent at least 50 % of the financial contribution to the annual budget of the Association for the accounting year in which the relevant General Assembly takes place.

- 15.6. In the event of an equality of votes, the Chairman shall cast the deciding vote.

- 15.7. Resolutions voted upon favourably will be binding on all Members of the Association.



**(c) Powers**

15.8. The General Assembly shall decide on all matters concerning the internal organisation of the Association, financial obligations of the Members towards the Association and liabilities incurred towards third parties.

15.9. The General Assembly has authority to:

- (i) Elect, remove and discharge the Board as a body or the individual members thereof and delegate to the Board authority for day-to-day activities of the Association ;
- (ii) approve the Association's annual accounts and budget;
- (iii) fix and alter the membership contribution or fee of Regular and Associate Members;
- (iv) approve an extraordinary membership fee for Regular and/or Associate Members;
- (v) approve internal rules proposed by the Board;
- (vi) amend the Articles;
- (vii) wind up the Association;
- (viii) admit and expel Members.

**(d) Secretary - Treasurer**

15.10. The Board may appoint at any Board meeting or General Assembly a Secretary to prepare the minutes of General Assemblies.

15.11. The Board may also appoint a Treasurer.

15.12. The Secretary and the Treasurer will have such specific powers as may be defined and granted by the Board.

**(e) Minutes**

15.13. All minutes of Assemblies shall be kept in a register and shall be signed by the Chairman or the Vice-Chairman and the Secretary, within one month after the meeting. The proxies will be attached to such minutes together with an attendance list of Members present.

15.14. A copy of meeting minutes shall be sent to all Members.

## **CHAPTER IV: THE BOARD OF DIRECTORS**

### **ARTICLE 16: COMPOSITION**

- 16.1. The Board is composed of a minimum of 3 Directors and of a maximum of 12 Directors, which includes a Chairman and a Vice-Chairman, appointed by the Regular Members. Associate and Honorary Members may not be appointed as Directors. The Members of the Board are individuals who represent Regular Members and hold positions equivalent to director or officer or another executive office with such Regular Member.
- 16.2. Members of the Board shall be elected by the General Assembly.
- 16.3. The term of office of a Director shall be six years. Re-election is permitted. The Chairman and Vice-Chairman shall be elected for a three year term, with one renewal allowed.
- 16.4. A Director who is to be replaced shall continue to carry out his duties until a new Director has been elected and has taken over his functions.

### **ARTICLE 17: MEETINGS – CONVOCAION AND NOTICE**

- 17.1. Board meetings shall be convened by the Chairman or the Vice-Chairman whenever the affairs of the Association require, but not less than twice per year.
- 17.2. A Board meeting shall be convened if at least two or more Directors so request by notice addressed to the Chairman or the Vice-Chairman of the Board setting out the proposed agenda. Such Board meeting shall take place within four weeks of receipt by the Chairman or Vice-Chairman of such notice.
- 17.3. The notice of each meeting shall contain the place, date and time of such meeting and the agenda for the meeting.

The notice shall be sent to the Directors at least ten Days prior to the meeting, in the form and manner requested by each Board Member.

All Directors can propose any item to be added to the agenda.

### **ARTICLE 18: MEETINGS – ATTENDANCE**

- 18.1. Any Director may be represented at the Board meeting by a proxy assigned to another Director, or to an employee, officer or director of the Regular Member. A Director may only be assigned one proxy.

- 18.2. Proxy forms must be in writing, granted by letter or by fax or any other written form.
- 18.3. Forms of proxies must be handed to the Chairman of the Board in order to be attached to the minutes of the meeting.
- 18.4. One or more Associate and/or Honorary Members may be invited to attend Board meetings by the Chairman or the Vice-Chairman or two Directors. They may issue proposals and be requested to give advice, but they are not entitled to vote.

#### **ARTICLE 19: MEETINGS – ORGANISATION AND CONDUCT**

##### **(a) Majority – voting rights**

- 19.1. To be valid and regular, a meeting of the Board requires two thirds of the Directors to be present or represented by proxy. Once it is established that the quorum is present, the meeting shall be considered to be validly held, even if the quorum ceases to be present at any time later in the meeting.

Each Director has one voting right at the Board meeting.

- 19.2. Board decisions shall be valid if approved by a majority of the votes of the Directors present or represented by proxy that also accounts for more than 50 % of the financial contribution to the annual budget of the Association for the accounting year in which the relevant meeting takes place.

- 19.3. The Chairman may decide either to organise a Board meeting with the presence of the Directors or by requesting a vote by letter or by fax.

In the latter case, Directors may vote by letter or by fax addressed to the Chairman.

The agenda and the proposal of resolutions will have to be sent to all Directors by the Chairman. The Directors will send their vote on each resolution by fax to the Chairman.

The Directors who send their vote will be presumed present for the calculation of quorum and vote according to articles 19.1. and 19.2.

If a Director does not send his vote within a period of seven Days after receiving such request by the Chairman, he will be considered as absent from the vote.

The Chairman will verify the number of received vote: if the threshold required by art 19.1 and 19.2 are met, the decisions on the resolutions are perfectly valid and enforceable.

The Chairman will act in minutes of the Board the various decisions, records the results of the vote for each resolution mentioned in the agenda and send a copy of the minutes to each and all Directors.

The original shall be kept as minutes of the Board.

**(b) Powers**

- 19.4. The Board shall implement the resolutions of the General Assembly and manage the activities of the Association. It shall decide on the convening of the General Assembly. The Board represents the Association towards third parties in accordance with the resolutions passed by the General Assembly.
- 19.5. The Board may decide to appoint committees to study particular issues. These committees shall report on their activities and findings to the Board and to the General Assembly.
- 19.6. The Board may decide to delegate certain of its powers to an appointed Manager; such delegation may be revoked at any time.

**(c) Minutes**

- 19.7. Decisions of the Board shall be recorded in minutes signed by the Chairman and all Directors who attended the meeting in person or by proxy.

**CHAPTER V: REPRESENTATION OF THE ASSOCIATION****ARTICLE 20: REPRESENTATION**

- 20.1. The Association will be validly represented by two Directors acting jointly in Court and in all its deeds, including those for which the intervention of a public officer or a notary is required.
- 20.2. Within the limits of the day-to-day management, the Association will be validly represented by a person to whom such management has been delegated.
- 20.3. Furthermore, the Association may be validly represented by attorneys, acting within the limits of their mandates.
- 20.4. The Association may be represented outside Belgium by any person appointed specifically for this purpose by the Board.

**ARTICLE 21: SIGNING AUTHORITIES**

- 21.1. Any commitment, contract, investment, bank transfer or payment or any other obligation of the Association will require the joint signature of the Chairman and another Director. They, as well as the Board, may delegate their signing powers to one Manager acting jointly with a Director.
- 21.2. The Board may set any limitation of amount regarding banking powers or other undertakings of the Association.

**CHAPTER VI: ACCOUNTS****ARTICLE 22: ANNUAL ACCOUNTS**

- 22.1. The fiscal year will start on January 1st and will end on December 31st of each year.
- 22.2. At the end of each fiscal year, the Board shall draw up an inventory, as well as the annual accounts consisting of a balance sheet, a profit and loss account and annexes.
- The annual accounts will be validly signed by two Directors or by any person specially empowered to this effect by the Board.
- 22.3. The annual accounts will have to be approved by a resolution of the General Assembly. Each Member has a right to receive a copy of the annual accounts of the Association.

**ARTICLE 23: AUDITOR**

- 23.1. The General Assembly shall have power to appoint and dismiss an Auditor who is registered with the official Auditors Association (*Institut des Reviseurs d'Entreprises*).
- 23.2. The Auditor shall:
- (i) have a right of access at all times to the accounting records of the Association, and to all other documents relating to its financial affairs;
  - (ii) be entitled to require from the Members and Directors such information and explanations as are necessary for the proper performance of the duties of Auditor.
- 23.3. The Auditor shall be entitled:
- (i) to attend any General Assembly and to receive all notices of and relating to any General Assembly which any Member is entitled to receive;

- (ii) to speak at any meeting on any part of the business of the meeting which concerns the Auditor.

23.4. Within two months of the end of each financial year, the accounts of the Association shall be reviewed by the Auditor who shall report annually to the Members in respect thereof.

## **CHAPTER VII: DISSOLUTION**

### **ARTICLE 24: DISSOLUTION – LIQUIDATION**

24.1. Except in the event of a judicial liquidation, the Association can only be dissolved by resolution of the General Assembly adopted by a majority of 50 % of the votes of the Regular Members present or represented by proxy that also accounts for more than 50 % of the financial contribution to the annual budget of the Association for the accounting year in which the relevant General Assembly takes place.

The quorum requirements of article 15.2 of these Articles shall not apply to a General Assembly convened to consider the dissolution of the Association.

A resolution must be passed at the same time on the distribution of the assets of the Association.

24.2. If upon liquidation or dissolution of the Association, there remains, after the payment of all its debts and liabilities, any property whatsoever, it shall be distributed amongst the Members of the Association *pro rata* and maximum up to their subscription in the year of liquidation or dissolution.

The possible assets remaining after the liquidation or dissolution and the distribution amongst the Members of the Association *pro rata* to their subscription shall be granted to a non profit legal entity with a similar object as the object of the Association.

24.3. The General Assembly has authority to appoint the liquidator. If nothing is decided in this respect, the Chairman will automatically be appointed as the liquidator.

24.4. The liquidator shall:

- (i) establish the list of assets and liabilities of the Association;
- (ii) recover debts owed by third parties;
- (iii) pay the debts of the Association;
- (iv) dispose of the assets of the Association according to the resolution of the General Assembly;
- (v) close the liquidation.

## **CHAPTER VIII: NOTICES**

### **ARTICLE 25: NOTICES**

- 25.1. All notices to Members may be served by sending them by fax or written document with acknowledgement of receipt and every such notice shall be deemed to have been received by the addressee not later than three days after the day on which it was posted.
- 25.2. Any information or notice required by these Articles of Association shall be addressed to the Association at its registered office, to the attention of the Chairman.

## **CHAPTER IX: LITIGATION**

### **ARTICLE 26: LITIGATION**

- 26.1. All disputes between Members arising out of or in relation with these Articles of Association shall be finally settled under the Rules of Arbitration of the Belgian Center for Arbitration and Mediation (CEPANI) by one or more arbitrators appointed in accordance with those Rules.
- 26.2. The Members expressly certify having taken knowledge of the Rules of Arbitration of the Belgian Center for Arbitration and Mediation (CEPANI).
- 26.3. The seat of the arbitration shall be Brussels and the arbitration shall be conducted in English. All disputes shall be governed by Belgian law.
- 26.4. The Members explicitly exclude any application for setting aside the arbitral award.

### **INCORPORATION FORMALITIES**

- The Association was formed by the Founding Members, signatories to the Articles, on 24 August 2004.
- These Articles have been signed by the Founding Members in two originals, one for the Association and one for the Belgian Administration.
- The Association shall come into existence on the date of the Royal Decree which grants its legal personality.
- The Association's first accounting year will end on December 31st 2005.

- All acts, contracts or other operations made by the signatories to these Articles prior to the coming into existence of the Association must be ratified by the Board thereafter. Those acts, contracts or other operations are to be considered as undertaken by an entity in formation.

Brussels, 24 August 2004

For SAFT SA

For BLACK & DECKER BATTERIES  
MANAGEMENT LIMITED

\_\_\_\_\_  
Mr./Mrs. \_\_\_\_\_

\_\_\_\_\_  
Mr./Mrs. \_\_\_\_\_

For SANYO ENERGY (Europe)  
Corporate GmbH

\_\_\_\_\_  
Mr./Mrs. \_\_\_\_\_

For THOMAS & BETTS Ltd

For ACCUREC GmbH

\_\_\_\_\_  
Mr./Mrs. \_\_\_\_\_

\_\_\_\_\_  
Mr./Mrs. \_\_\_\_\_

For COOPER MENVIER B.V.

For UNIROSS.....

\_\_\_\_\_  
Mr./Mrs. \_\_\_\_\_

\_\_\_\_\_  
Mr./Mrs. \_\_\_\_\_



For INMETCO Inc.

For SNAM SA

\_\_\_\_\_  
Mr./Mrs. \_\_\_\_\_

\_\_\_\_\_  
Mr./Mrs. \_\_\_\_\_

For ROBERT BOSCH GmbH

\_\_\_\_\_  
Mr./Mrs. \_\_\_\_\_

\_\_\_\_\_  
Mr./Mrs. \_\_\_\_\_

Annex: 2

List of the Founding Members.

Proxies

## ANNEX 1

## Founding Members of Recharge

<p><b>SAFT SA</b> Represented by</p> <p>Jill Ledger, Corporate Communication and Institutional Relations Director Rue Sadi Carnot, 12 F- 93170 Bagnolet <b>FRANCE</b></p>	<p><b>BLACK &amp; DECKER BATTERIES MANAGEMENT LIMITED</b> Represented by</p> <p>Linda Biagioni, President Green Lane, Spennymoor County Durham DL 16 6JG <b>UNITED KINGDOM</b></p>
<p><b>SANYO ENERGY (Europe) Corporate GmbH</b> Represented by</p> <p>Yuji Fujiwara, President and Mike Takao, Principal Coordinator Stahlgruberring, 4 D-81829 München <b>GERMANY</b></p>	<p><b>THOMAS &amp; BETTS Ltd</b> Represented by</p> <p>Johan van Bruggen, European technical Coordinator Oosteinde 3, 2991 LG Barendrecht PO Box 32 NL 2990 AA Barendrecht <b>THE NETHERLANDS.</b></p>
<p><b>COOPER MENVIER B.V.</b> Represented by</p> <p>Edwin de Graaf, Senior Manager PO Box 3397 4800 DJ Breda, <b>THE NETHERLANDS.</b></p>	<p><b>UNIROSS</b> Represented by</p> <p>Christophe Gurtner President 27 Rue de la Maison Rouge 77185 Lognes <b>FRANCE</b></p>
<p><b>SNAM SA</b> Represented by</p> <p>Jacques David, General Director Avenue Jean Jaurès, BP 4 F – 12110 Viviez <b>FRANCE</b></p>	<p><b>INMETCO Inc.</b> Represented by</p> <p>Ken Money, President One Inmetco Drive, P.O. Box 720 Ellwood City, PA 16117 <b>USA</b></p>
<p><b>ACCUREC GmbH</b> Represented by</p> <p>Reiner Weyhe Managing Director Wiehagen, 12-14 D 45472 Mülheim Ruhr <b>Germany</b></p>	<p><b>ROBERT BOSCH GmbH</b> Represented by</p> <p>Uwe Raschke – Egebert Schneider, President – Executive Vice President Engineering Geschäftsbereich Elektrowerkzeuge D – 70745 Leinfelden <b>GERMANY</b></p>



### **ANNEX 3**

*[Not reproduced in this INF. paper]*

Annex 4



**Members Plants  
& Offices locations**

⌘ Employment in Battery related activities  
manufacturing, pack Assembly, import, export, recycling,...  
**> 15'000 Employees**

⌘ Turnover Ni-Cd battery related industry  
**€ 1.5 – 2.0 Billion**

Cooper Menvier, Bosch  
Thomas & Betts, Cooper M.

Sanyo

Saft Sweden  
Saft Recycling

B & Decker, CM ,TNB, Bosch,  
Sanyo, Saft, Inco EU, Uniross

EMB, Bosch

B & D, Floridienne

Sanyo, Saft

Saft, Cooper M,  
TNB, SNAM, Uniross

Black & Decker

Bosch, Hoppecke,Sanyo,  
Accurec, Uniross

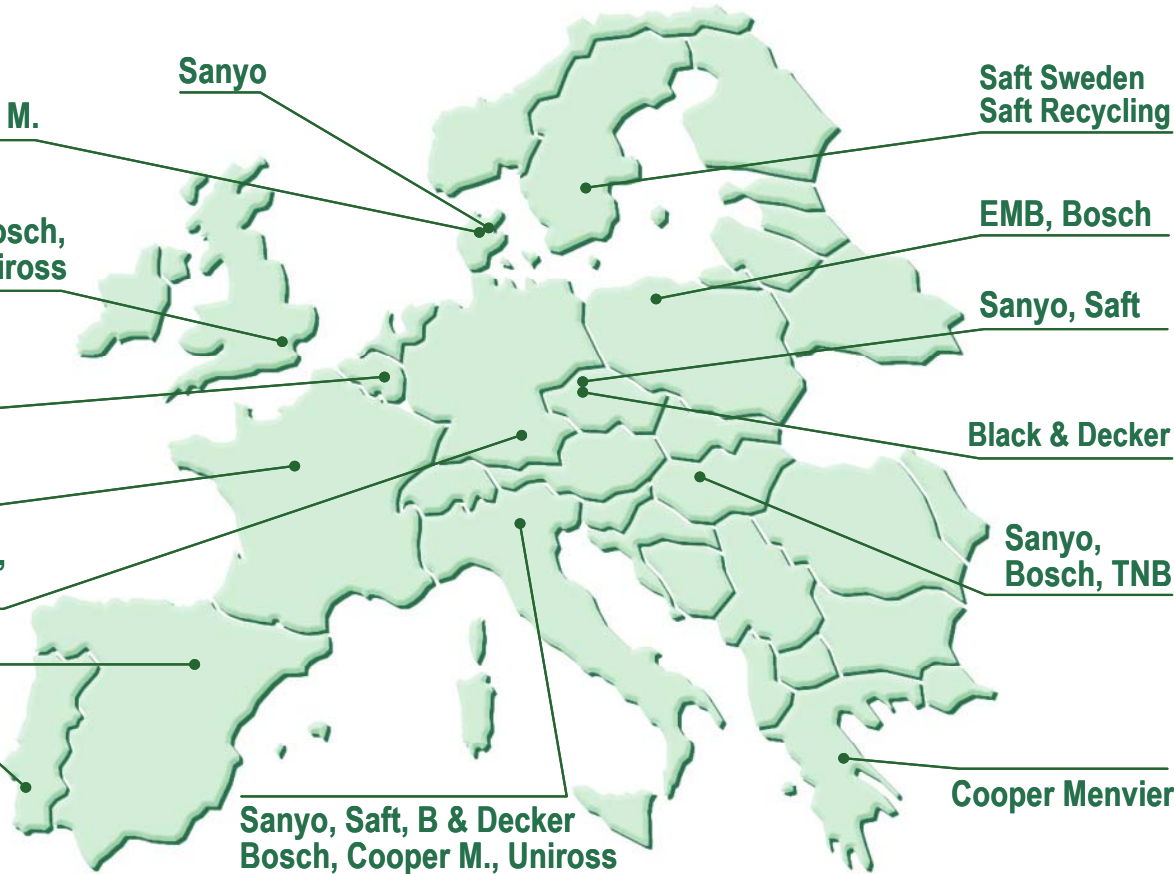
Sanyo,  
Bosch, TNB

Saft

Cooper Menvier

Cooper Menvier

Sanyo, Saft, B & Decker  
Bosch, Cooper M., Uniross



# SAFETY DATA SHEET

1991/155/EEC

Print Date: 10. oct. 2005  
Revision Date: 21 Mar 2005

Product code NI MH/eng/01  
Page 1 of 5

## ANNEX 5 RECHARGE

### 1. IDENTIFICATION OF THE SUBSTANCE/PREPARATION AND THE COMPANY/UNDERTAKING

#### Identification of the substance/preparation

**Product name** Nickel Metal Hydride Battery  
**Product code**  
**Use of the Substance/Preparation** Battery  
**Company/Undertaking Identification**  
**Supplier**

**Emergency telephone number**

### 2. COMPOSITION/INFORMATION ON INGREDIENTS

Product name	CAS-No.	EC-No.	Weight %	Classification
Nickel hydroxide	12054-48-7	235-008-5	25-35%	Carcinogenic Category 3 R40 sensitizing R43, Xn R20/22 N R50-53
Metal Hydride Alloy			25-35	Carcinogenic Category 3 R40 sensitizing R42/43, C R35, Xn R22
Potassium hydroxide	1310-58-3	215-181-3	5-10%	Xn R22, sensitizing R42/43
Cobalt hydroxide	21041-93-0	244-166-4	< 1%	

For the full text of the R phrases mentioned in this Section, see Section 16.

### 3. HAZARDS IDENTIFICATION

**Classification** Carcinogenic Category 3 R40, sensitizing R42/43, Xn R20/22, C R35, N R50-53

**Most important hazards** Limited evidence of a carcinogenic effect. Causes severe burns. Harmful by inhalation and if swallowed. May cause sensitization by inhalation and skin contact. Very toxic to aquatic organisms, may cause long-term adverse effects in the aquatic environment.

**Further information** The product is a battery. If used as directed, and if the integrity of the battery casing and security vent are maintained, the ingredients are not expected to pose a significant risk to man or the environment. The classification above is based on the contents being considered as a preparation in accordance with Directive 1999/45/EC.

### 4. FIRST AID MEASURES

#### General advice

Show this safety data sheet to the doctor in attendance.  
The information below refers to exposure to the ingredients.

#### Inhalation

Immediate medical attention is required. Move to fresh air. If symptoms persist, call a physician.

#### Skin contact

Immediate medical attention is required. Wash off immediately with plenty of water for at least 15 minutes. Remove and wash contaminated clothing before re-use. If skin irritation persists, call a physician.

#### Eye contact

Immediate medical attention is required.  
Remove contact lenses. Rinse immediately with plenty of water for at least 15 minutes.

#### Ingestion

Immediate medical attention is required. Gently wipe or rinse the inside of the mouth with water. Give small amounts of water to drink. Do not induce vomiting. Never give anything by mouth to an unconscious person. Call a physician or Poison Control Centre immediately.

# SAFETY DATA SHEET

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Page 2 of 5

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**Product name** Nickel Metal Hydride Battery

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## 5. FIRE-FIGHTING MEASURES

### Suitable extinguishing media

Dry powder, carbon dioxide (CO<sub>2</sub>), sand.

### Extinguishing media which must not be used for safety reasons

Water, water spray.

### Specific hazards

Risk of receptacle bursting.

### Special protective equipment for firefighters

In the event of fire, wear self contained breathing apparatus. Wear personal protective equipment.

### Hazardous decomposition products

Nickel and cobalt compounds.

---

## 6. ACCIDENTAL RELEASE MEASURES

The information below refers to exposure to the ingredients.

### Personal precautions

Use personal protective equipment.

Avoid contact with skin and eyes.

### Environmental precautions

Prevent further leakage or spillage if safe to do so.

Do not allow material to contaminate ground water system.

### Methods for cleaning up

Pick up and transfer to properly labelled containers.

Dispose of in accordance with local regulations.

---

## 7. HANDLING AND STORAGE

### Handling

#### Technical measures/Precautions

No special technical protective measures required.

#### Safe handling advice

Avoid contact with skin and eyes.

Use personal protective equipment.

### Storage

#### Technical measures/Storage conditions

Keep in a dry, cool and well-ventilated place.

Keep away from heat and sources of ignition.

Ensure battery terminals are protected during storage.

---

# SAFETY DATA SHEET

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Page 3 of 5

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**Product name** Nickel Metal Hydride Battery

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## 8. EXPOSURE CONTROLS / PERSONAL PROTECTION

### Occupational exposure controls

#### Engineering measures

Ensure adequate ventilation, especially in confined areas.

#### Exposure Limit Values

Nickel hydroxide, ACGIH TLV TWA 1mg(NI)/m<sup>3</sup>

Potassium Hydroxide. ACGIH TLC Ceiling Limit Value 2mg/m<sup>3</sup>

#### Personal protective equipment

Not required under normal use.

The information below refers to exposure to the ingredients.

#### Respiratory protection

Wear a positive-pressure supplied-air respirator with full facepiece.

#### Hand protection

Neoprene gloves (EN374).

#### Eye protection

Safety glasses with side-shields conforming to EN166.

#### Skin and body protection

Boots, apron, protective suit.

#### Hygiene measures

General industrial hygiene practice.

#### Environmental exposure controls

The information below refers to exposure to the ingredients.

Prevent product from entering drains.

Do not allow material to contaminate ground water system.

---

## 9. PHYSICAL AND CHEMICAL PROPERTIES

### General Information

**Form** battery (sealed unit)      **Colour** not applicable      **Odour** odourless

### Important Health Safety and Environmental Information

not applicable

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# SAFETY DATA SHEET

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Page 4 of 5

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**Product name** Nickel Metal Hydride Battery

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## 10. STABILITY AND REACTIVITY

### Stability

Stable under normal conditions.

### Hazardous polymerisation

Hazardous polymerisation does not occur.

### Conditions to avoid

Keep away from heat and sources of ignition.

### Materials to avoid

Exposure to moisture.

### Hazardous decomposition products

Nickel and cobalt compounds.

---

## 11. TOXICOLOGICAL INFORMATION

The information below refers to exposure to the ingredients.

### Acute toxicity

Nickel hydroxide LD50/oral/rat = 1600mg/kg,  
Potassium hydroxide LD50/oral/rat = 365mg/kg

### Local effects

Causes severe burns. Risk of serious damage to eyes.  
Harmful by inhalation and if swallowed.

### Long term toxicity

No data available. Avoid repeated exposure.

### Specific effects

May cause sensitization by inhalation and skin contact.  
Limited evidence of a carcinogenic effect.

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## 12. ECOLOGICAL INFORMATION

If used and disposed of as directed, and if the integrity of the battery casing and security vent are maintained, the ingredients are not expected to pose a significant risk to the environment.

### Mobility

No data available.

### Persistence and degradability

No data available.

### Ecotoxicity effects

The information below refers to exposure to the ingredients.  
Nickel hydroxide: Very toxic to aquatic organisms, may cause long-term adverse effects in the aquatic environment.

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# SAFETY DATA SHEET

1991/155/EEC

Print Date: 10. oct. 2005  
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Product code NI MH/eng/01  
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**Product name** Nickel Metal Hydride Battery

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## 13. DISPOSAL CONSIDERATIONS

### Waste from residues / unused products

Dispose of in accordance with local regulations. It must undergo special treatment, e.g. at suitable disposal site, to comply with local regulations. Should not be released into the environment. Where possible recycling is preferred to disposal or incineration.

### Contaminated packaging

Not applicable.

### Further information

EWC waste disposal No: 200133 - batteries and accumulators included in 16 06 01, 16 06 02 or 16 06 03 and unsorted batteries and accumulators containing these batteries

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## 14. TRANSPORT INFORMATION

Not classified as dangerous in the meaning of sea and air transport regulations.

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## 15. REGULATORY INFORMATION

The preparation is classified as dangerous in accordance with Directive 1999/45/EC.

**Symbol** C - Corrosive N - Dangerous for the environment

**R-phrases** R35 - Causes severe burns.  
R40 - Limited evidence of a carcinogenic effect.  
R20/22 - Harmful by inhalation and if swallowed.  
R42/43 - May cause sensitization by inhalation and skin contact.  
R50/53 - Very toxic to aquatic organisms, may cause long-term adverse effects in the aquatic environment.

**S-phrases** S 1/2 - Keep locked up and out of the reach of children.  
S36/37/39 - Wear suitable protective clothing, gloves and eye/face protection.  
S45 - In case of accident or if you feel unwell, seek medical advice immediately (show the label where possible).  
S60 - This material and its container must be disposed of as hazardous waste.  
S61 - Avoid release to the environment. Refer to special instructions/safety data sheets.

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## 16. OTHER INFORMATION

### Text of R phrases mentioned in Section 2

R22 - Harmful if swallowed. R20/22 - Harmful by inhalation and if swallowed.  
R35 - Causes severe burns R40 - Limited evidence of a carcinogenic effect.  
R42/43 - May cause sensitization by inhalation and skin contact.  
R43 - May cause sensitization by skin contact.  
R50/53 - Very toxic to aquatic organisms, may cause long-term adverse effects in the aquatic environment.

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The information provided in this Safety Data Sheet is correct to the best of our knowledge, information and belief at the date of its publication. The information given is designed only as a guidance for safe handling, use, processing, storage, transportation, disposal and release and is not to be considered a warranty or quality specification. The information relates only to the specific material designated and may not be valid for such material used in combination with any other materials or in any process, unless specified in the text.

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NICHEL-METAL HYDRIDE REGULATIONS FOR COMMERCIAL AND USED NI-MH BATTERIES TRANSPORTATION

NICKEL-MH BATTERIES	air transport IATA	sea transport IMDG CODE	land transport RID/ADR	specific requirements
<p><b>NOT CLASSIFIED AS DANGEROUS GOODS</b> no specific labelling required : The provisions of this Code should not apply to non-spillable batteries if, at a temperature of 55°C, the electrolyte will not flow from a ruptured or cracked case and there is no free liquid to flow and if, when packaged for transport, the terminals are protected from short-circuiting .</p>				

class 8/III,  
Corrosive,  
unlimited

**UN 2800**

**BATTERIES, WET, NON-SPILLABLE, electric storage**

*Batteries can be considered as non-spillable provided that they are capable of withstanding the vibration and pressure differential tests without leakage of battery fluid (see specific requirements)*

class 8/III,  
Corrosive,  
page 8121

**A 48** : Packaging tests are not considered necessary

**A 67**: Non-spillable batteries meeting the requirements of Packing instruction 806 are not subject to these Regulations

**Packing instruction 806: Batteries must be protected against short circuits and must be securely packed in strong outer packagings**

NO LABEL REQUIRED, Package to be marked CLASS 8;  
Properties: when electrically charged, may cause fire through short-circuiting of terminals.

**Amdt 27-94 :Batteries should be protected against short-circuits and should be securely packed in strong outer packagings.**

The consignments that are able to pass these performance tests must be accompanied by a certificate signed by the shipper attesting to the fact that the batteries, as prepared for shipment, satisfactorily withstand the performance tests specified and also that the batteries are securely boxed protected against short-circuits.

8, 81°C

**Non-spillable type batteries (UN 2800) shall be protected against short-circuits and shall be securely packed in strong outer packagings marginal 2807 (5).**

**USED NI-MH STORAGE BATTERIES ARE NOT CLASSIFIED AS DANGEROUS GOODS and no specific labelling is required (if special conditions are satisfied)**

**""Used storage batteries" means storage batteries transported for recycling at the end of their normal service life**

**The Provisions of this class are not applicable to used storage batteries when:**

- their cases are undamaged**
- they are secured in such a way that they cannot leak, slip, fall or be damaged,e.g. by stacking on pallets;**
- they are no dangerous traces of alkalis or acids on the outside of the articles;**
- they are protected against short circuits**

**UN 2800**

**USED STORAGE BATTERIES of  
81°(c)**

8, 81°c

Special conditions of packing are applicable [ marginal 2807 (6) (7)]:

Used storage batteries of 81°(c) may also be carried in stainless steel or solid plastics battery boxes, of a capacity of up to **1 m3**, under the following conditions:

- a) The battery boxes shall be resistant to the corrosive substances contained in the storage batteries;
- b) Under normal conditions of carriage, no corrosive substances contained in the storage batteries;
- c) The battery boxes shall not be loaded with storage batteries to a height greater than the height of their sides;
- d) No storage battery containing substances or other dangerous goods which may react dangerously with one another [see marginal 2811(6)] shall be placed in a battery box;
- e) The battery boxes shall be either: i) covered; or ii) carried in closed or sheeted open vehicles.

Used storage batteries of 81°(c) may also be carried in steel IBCs, rigid plastics IBCs or composite IBCs (for more details see ADR-1999 page 389)