

**Committee of Experts on the Transport of Dangerous Goods
and on the Globally Harmonized System of Classification
and Labelling of Chemicals**

10 October 2014

**Sub-Committee of Experts on the
Transport of Dangerous Goods**

Forty-sixth session

Geneva, 1 – 9 December 2014

Item 12 of the provisional agenda

Any other business

**Request for consultative status by the European Compliance
Organizations for Batteries (Eucobat aisbl)**

Note by the secretariat

1. The secretariat has received the attached request for consultative status from the European Compliance Organizations for Batteries (Eucobat aisbl).
2. Additional information may be found at www.eucobat.eu



Olivier Kervella
Dangerous Goods and Special Cargoes Section
UNECE Transport Division
Bureau 418
Palais des Nations
1211-Geneva 10
Switzerland

Brussels, September 1st 2014

RE: Application to obtain consultative status for the UN Sub-Committee of Experts on the Transport of Dangerous Goods.

Dear Mr Kervella,

We are contacting you to request the approval by the UN Sub-Committee of Experts on the Transport of Dangerous Goods of our application to obtain the consultative status.

Eucobat aisbl ("European Compliance Organizations for Batteries") has a significant interest in the issues that are discussed in the Sub-Committee such as the transport of waste lithium and lead batteries and lithium batteries. At this moment, no association representing the compliance organizations for batteries is represented in the working parties and decision bodies for regulations on the transport of dangerous goods.

You will find attached to this document more specific information on our membership, scope of activities and justification for obtaining consultative status.

We thank you in advance for considering Eucobat's application for consultative status. Do not hesitate to contact us should you have additional questions.

Yours sincerely,

A handwritten signature in blue ink, appearing to be "Peter Binnemans".

Peter BINNEMANS
Secretary General

A handwritten signature in black ink, appearing to be "Jan Bartels".

Jan BARTELS
President

1. Objectives and activities of Eucobat

Eucobat is the European association of national collection schemes for batteries. They assure that all waste batteries are collected and recycled in an ecological sound way, and contribute this way to a better environment.

Eucobat represents the interests of the national compliance organizations for batteries at European level and provides for a platform for co-operation and exchange of information and best practices, in order to optimize the effectiveness of the operations of the member organizations.

Eucobat aisbl is established in 2012 as an international non-profit organization according to Belgian law.

The objectives of Eucobat are to:

- (a) deal with matters which, pursuant to Directive 2006/66/EC of 6 September 2006 of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC, are of scientific, economic and institutional interest for national compliance organizations that assume the financial and/or operational responsibility of manufacturers for the management of waste batteries and accumulators;
- (b) represent the interests of the national compliance organizations for batteries in Europe
- (c) harmonise the procedures, in particular in regard to participating companies, and activities of national compliance organizations that assume the financial and/or organisational responsibility of manufacturers for the management of waste batteries and accumulators.

The main activities that the association pursues in order to achieve these objectives are to:

- (a) Collect, collate, exchange and benchmark information from members, within the limits authorized by law, to promote an efficient operation of the collection, recycling and treatment schemes
- (b) Provide interested parties, including European and international institutions, with all pertinent information
- (c) Provide members with assistance and information concerning the implementation of the EU directive and other relevant legislation
- (d) Liaise with other European organizations such as various industry and consumer associations and other interest groups;
- (e) Organize and participate in events, congresses, conferences, projects, meetings and working groups for the exchange of information and experiences among common interest groups;
- (f) Collate, publish and share codes of best practices and provide logistical, information and support services to members.

2. Eucobat members

Only organizations, associations and other corporate bodies that assume the financial and/or operational responsibility of manufacturers for the management of waste batteries and accumulators in Europe in an open and collective manner, that meet the conditions, may become members of the association.

At this moment, following compliance organizations are members of Eucobat:

ARN	Netherlands
Bebat	Belgium
Consorzio Remedia	Italy
Corepile	France
Ecobat	Czech Republic
Ecobatterien	Luxemburg
Ecopilas	Spain
Ecopilhas	Portugal
elretur	Denmark
GRS Batterien	Germany
Rebatt	Norway
Recser Oy	Finland
Recybat	Belgium
Screlec	France
SNRB	Romania
Stibat	Netherlands
WEEE Ireland	Ireland

While the associations of manufacturers of batteries (EPBA, Recharge, PRBA) have obtained the consultative status for the UN Sub-Committee of Experts on the Transport of Dangerous Goods, they don't represent the compliance organizations for batteries.

Their main interests are also different from these of the Eucobat members. While the manufacturers of batteries and of appliances containing such batteries are mainly interested in the safe transport of new packed batteries and appliances, the Eucobat members are confronted daily with issues concerning the safe transport of waste and/or damaged lithium batteries, for which the regulations contain specific provisions and packing instructions.

3. Specific Eucobat activities concerning the safe transport of dangerous goods

As the compliance organizations assume the operational responsibility of manufacturers for the management of waste batteries and accumulators in Europe, the safe storage and transport of waste batteries in general and of waste lithium batteries in particular has always been one of the main domains of activity of Eucobat.



In this framework, Eucobat conducted several scientific studies on the prevention of incidents with waste lithium batteries and on the extinguishing material for fires with waste lithium batteries. Based upon the results of these studies, Eucobat develops continuously communication material, such as information and recommendations for the Eucobat members, safety instructions for the collection points and an e-learning tool for the staff of the collection points.

Articles of Association

Title I: Name – Registered Office – Object – Term

Article 1: Name

The association shall have the status of an international non-profit association and shall be governed by Title III of the Belgian Act of twenty-seven June nineteen twenty-one on non-profit associations, international non-profit associations and foundations (hereinafter referred to as “the Act”).

It shall be called “European Compliance Organizations for Batteries” abbreviated as “Eucobat”.

The full and abbreviated names may be used together or separately. They must always be preceded or followed by the wording “association internationale sans but lucratif” [international non-profit association] or the initials “AISBL.”

Article 2: Registered Office

The registered office of the association shall be at 1930 Zaventem, Excelsiorlaan 91.

It may, by decision of the Board of Directors, be transferred to any other location in Belgium, in compliance with the legal provisions in force governing the use of languages.

Any and all changes of address of the registered office shall be published in the appendices to the „Moniteur belge“ [Official Gazette] through the agency of the Board of Directors.

Article 3: Objectives and activities

The international non-profit association has been formed to:

- (a) deal with matters which, pursuant to Directive 2006/66/EC of 6 September 2006 of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC, are of scientific, economic and institutional interest for national compliance organizations that assume the financial and/or operational responsibility of manufacturers for the management of waste batteries and accumulators;
- (b) represent the interests of the national compliance organizations for batteries in Europe
- (c) harmonise the procedures, in particular in regard to participating companies, and activities of national compliance organizations that assume the financial and/or organisational responsibility of manufacturers for the management of waste batteries and accumulators.

The main activities that the association intends to pursue in order to achieve these objectives are to:

- (a) Collect, collate, exchange and benchmark information from members, within the limits authorized by law, to promote an efficient operation of the collection, recycling and treatment schemes
- (b) Provide interested parties, including European and international institutions, with all pertinent information

- (c) Provide members with assistance and information concerning the implementation of the EU directive and other relevant legislation
- (d) Liaise with other European organizations such as various industry and consumer associations and other interest groups;
- (e) Organize and participate in events, congresses, conferences, projects, meetings and working groups for the exchange of information and experiences among common interest groups;
- (f) Collate, publish and share codes of best practices and provide logistical, information and support services to members.

In a more general manner, the association may carry out any and all actions directly or indirectly related to the achievement of its objectives and activities.

The association may not take any action affecting the competitive efforts of individual members.

The association does not pursue any profit.

Article 4: Term

The association is created for an indefinite period.

Title II: Members

Article 5: Categories of members – Rights

The association shall be composed of an unlimited number of members who shall be legal persons.

The number of members may not be smaller than three (3).

Only organizations, associations and other corporate bodies that assume the financial and/or operational responsibility of manufacturers for the management of waste batteries and accumulators in Europe in an open and collective manner, that meet the conditions below, may become members of the association.

For the purposes of these articles, “Europe” refers to both the European Union, including those countries officially recognised as potential candidates for accession thereto, and the European Economic Area (including Norway and Switzerland), as well as the members of the European Free Trade Association.

The members are in no way personally liable in connection with the association's commitments.

Members shall be the founding members and any (legal) person admitted in this capacity. The capacity of member shall be reserved exclusively for organisations and associations who meet all the conditions set out below:

- be lawfully formed as a “not for profit” corporate body or organization according to the laws and customs of their country of origin and have their registered office in that country, except if the national legislation of the country where the organization is established does not allow “not for profit” organizations to assume the financial and/or operational responsibility of manufacturers for the management of waste batteries and accumulators ;

- be managed by an administrative body, of which at least fifty per cent of the members are representatives of producers of batteries and accumulators as defined in the European legislation;
- assume the financial and/or operational responsibility of manufacturers for the management of waste batteries and accumulators in an open and collective manner as one of his main activities;
- be committed to cooperation, in good faith, with the other members;
- have appointed a permanent representative and a substitute, both natural persons, in accordance with Article 11 of these articles of association.

Only members shall have the right to vote at the General Assembly and shall enjoy all the rights granted to members by the relevant legislation and these articles of association.

Article 6: Admission

The candidate for membership shall file a written, justified application for admission with the Board of Directors, setting out its objectives, structures and operating rules, and shall confirm its commitment to comply with the financial rules relative to its membership. A copy of its articles of association and any rules of procedure must be appended to the application.

Pending the official introduction of the complete application file, the candidate for membership shall be entitled to participate in the meetings of the General Assembly and in other activities of the association during a period not exceeding 12 months.

Admissions of new members shall be decided with sovereign power by the Board of Directors, after consultation of the members of the association. The motivated decision of the Board of Directors shall be communicated to the candidate for membership in writing. The candidate for membership concerned shall be able to appeal the decision in accordance with the association's rules of procedure and/or code of conduct.

The capacity of member of the association automatically entails adherence to these articles of association, as well as the association's rules of procedure and code of conduct.

Article 7: Membership fees

The members shall pay annual dues, the amount and method of payment of which shall be fixed annually by the General Assembly on the proposal of the Board of Directors.

These annual dues consist of:

- The annual membership fees, covering the general secretarial costs of the association;
- The project dues, covering the costs of projects and consultancy.

The annual dues shall not exceed €50,000 (fifty thousand euros).

The candidates for membership that participate in the meetings of the General Assembly and in other activities of the association pending the official introduction of the complete application file, shall pay the project dues, covering the costs of projects and consultancy, corresponding to the concerned period.

Article 8: Resignation - Exclusion

The capacity of member shall come to an end by:

- voluntary resignation, subject to 30 (thirty) days' notice served by registered letter to the Board of Directors;
- voluntary dissolution, bankruptcy;
- exclusion, proposed by the Board of Directors and decided by the General Assembly by 2/3 (two thirds) majority of the votes cast by the members present or represented; the member concerned shall have an opportunity to present its defence before the Board of Directors before the decision to exclude is taken; said exclusion shall enter into force immediately. The excluded member concerned shall be able to appeal the decision in accordance with the association's rules of procedure and/or code of conduct.

Upon resigning, the member in question shall be required to pay immediately any and all sums it may still owe, including its membership fees for the financial year in progress.

Resigning or excluded members, and their successors, shall have no rights to the association's social fund and may under no circumstances claim any reimbursement whatsoever.

Title III: General Management Body

Article 9: Composition – Competences

The general management body (referred to as the "General Assembly" in these articles of association) shall be composed by all the members.

The General Assembly shall be exclusively empowered to:

- alter the articles of association;
- appoint and dismiss directors;
- where required, appoint, fix the remuneration of, and dismiss the auditor(s);
- discharge the directors and any auditor(s);
- approve the budget and the annual accounts;
- proceed to the voluntary dissolution of the association and appoint one or more liquidators;
- exclude members; and
- take action in all other cases provided by these articles of association or by the relevant legislation.

Article 10: Meeting – Convening – Representation

The General Assembly shall meet upon being convened by the Board of Directors at such time and on such a date as the latter shall decide, each time that the interests of the association so require, or at least once a year, within 6 (six) months after the closing date of the financial year.

It must be convened when at least 1/5 (one fifth) of the members have filed a justified request to that effect in writing.

The meetings shall be held at the registered office or at any other location indicated in the notice convening the meeting. They shall be chaired by the Chairman of the Board of Directors or, in his absence, by the vice-Chairman, or in the latter's absence, by the oldest director present.

All the members must be convened.

The notice convening the meeting shall contain the agenda and shall be sent by post, e-mail or fax at least 15 (fifteen) calendar days before the date of the meeting.

Any proposal signed by 1/5 (one fifth) of the members must be put on the agenda.

Any proposal to alter the articles of the association or dissolve the association must be tabled by the Board of Directors or by 1/5 (one fifth) of the members. The notice convening such an extraordinary meeting of the Board of Directors shall be sent at least 3 (three) months prior to the date of the meeting.

If the General Assembly is called upon to approve the accounts and the budget, said documents shall be attached to the notice convening the meeting.

The General Assembly shall nonetheless be validly convened in accordance with such methods and within such periods as the Board of Directors shall deem appropriate, even orally, when the latter has secured the prior, unanimous consent of the members.

Similarly, if all the members have agreed to meet and if they are all present or represented or have cast their vote in writing, the General Assembly shall be lawfully constituted without any time limit or notices convening the meeting being required.

Article 11: Voting rights – Representation of members at the General Assembly

All members shall have equal voting rights in the General Assembly, where each shall have one vote. The candidates for membership that participate in the meetings of the General Assembly pending the official introduction of the complete application file, have no voting rights in the General Assembly.

Each member shall designate a "permanent representative" as well as an "substitute" from among its employees at managerial level or directors to represent it at the General Assembly.

The permanent representative and his substitute must be natural persons, specially and validly appointed for that purpose by the competent body of the member, whose identity shall be notified in writing, by post or e-mail, to the Chairman of the association.

Only the member's permanent representative or the substitute shall have the right to vote at the General Assembly.

Nevertheless, if both the permanent representative and the substitute are prevented from attending owing to force majeure, any member may, if it wishes, be represented at the General Assembly by the permanent representative or substitute of another member, vested with written power of attorney to represent it at a given General Assembly and to vote in its place and stead.

No member may hold more than 2 (two) powers of attorney, in conjunction with his own voting rights.

The power of attorney of the permanent representative or substitute, appointed in accordance with this article, may be withdrawn by the member concerned, by relevant written notice served to the Chairman of the association (i) confirming that the power of attorney of the permanent representative or substitute has been withdrawn; and (ii) designating a new permanent representative or alternate for the member concerned.

Any and all correspondence from the association shall be validly addressed to the permanent representative.

Article 12: Deliberations

The General Assembly shall deliberate on items that are not on the agenda only if all the members are present or represented, and provided that a decision to that effect has been taken unanimously. The unanimity thus required shall be established if no opposition to the motion is mentioned in the minutes of the meeting.

(a) Quorum

Except in cases where it is stipulated otherwise by these articles of association, the General Assembly shall deliberate and adopt resolutions validly only if the majority of members is present or represented.

The General Assembly shall deliberate validly on an amendment of the articles of association or the dissolution of the association only if the item is mentioned in the notice convening the meeting and provided that at least 2/3 (two thirds) of the members are present or represented.

If this quorum is not reached, a second meeting may be convened, with the same agenda, which shall deliberate validly irrespective of the number of members present or represented. The second meeting may not be held earlier than 15 (fifteen) nor later than 56 (fifty-six) days after the first meeting.

(b) Resolutions

Except if stipulated otherwise in these articles of association, resolutions shall be adopted by majority of the votes cast by the members present or represented.

An amendment of the articles of association shall be adopted only with a 2/3 (two thirds) majority of the votes cast by the members present or represented.

In case of a tied vote, a second round of voting shall be held.

Any and all changes of the objectives of the association, as well as of the activities it intends to carry out to attain said objectives, shall require an approving royal decree. Alterations to the articles of association relative to the wording referred to in Article 48(5) and (7) of the Act of twenty-seven June nineteen twenty-one on non-profit associations, international non-profit associations and foundations shall be recorded by notarial instrument.

Article 13: Minutes

Minutes shall be taken at every General Assembly and shall be signed by the Chairman of the meeting and the appointed secretary.

Said minutes, with the exception of those recorded by notarial instrument, and their appendices shall be kept by the Board of Directors at the registered office in their original material form, in a special register for that purpose, or in a secure electronic form, on any medium and under such conditions as to secure the lasting quality, legibility, integrity, and faithful and sustainable reproduction thereof.

Each member shall receive a copy of the minutes.

Except where legally stipulated otherwise, and barring special delegation by the Board of Directors, copies or extracts of said minutes for third parties or for the courts and other purposes shall be signed by the Chairman.

Title IV: Administration

Article 14: Administrative body

The association shall be administered by an administrative body (referred to as the “Board of Directors” in these articles of association) composed of at least 4 (four) and at most 6 (six) directors, natural persons, appointed – and dismissed at all times - by the General Assembly for a maximum (renewable) term of 2 (two) years. The directors shall be chosen from among the respective permanent representatives of the members, and shall be eligible for re-election.

The Board of Directors shall elect, from among its members, a Chairman, a vice-Chairman, a treasurer and a secretary, that shall be elected for a two-year term.

The directors shall serve their term of office free of charge.

Article 15: End of term – vacancy

A director’s appointment shall come to an end by:

- voluntary resignation, subject to 30 (thirty) days’ notice served by registered letter to the Board of Directors;
- expiry of the term of office;
- death;
- loss of capacity of permanent representative of the member that he represents;
- insolvency, forfeiture of civil rights, interim receivership;
- dismissal by decision of the General Assembly taken by 2/3 (two thirds) majority of the votes cast by the members present or represented.

Article 16: Meetings of the Board of Directors – Deliberations

The Board of Directors shall meet at least 2 (two) times a year and each time that its Chairman or at least two directors shall so request.

The notice convening the meeting shall contain the agenda and shall be sent 10 (ten) days prior to the meeting by post, e-mail or any other means of (tele)communication that can materialise into a written document.

The meetings shall be held at the registered office or at the location indicated in the notices convening the meetings.

They shall be chaired by the Chairman of the Board of Directors or, in his absence, by the vice-Chairman, or in the latter's absence, by the oldest director present.

The Board of Directors shall deliberate validly only if at least 2/3 (two thirds) of its members are present or represented.

Each director may give power of attorney to another director, by letter, telegram, fax, e-mail or any other means of communication on a written medium, to represent him at a meeting of the Board of Directors and to vote in his place and stead. No director may hold more than 2 (two) such powers of attorney, however, in conjunction with his own voting rights.

The decisions of the Board of Directors shall be taken by majority of the votes cast, whereby each director shall have one vote. In case of a tied vote, the Chairman of the meeting shall have the casting voice.

In exceptional cases, duly justified by urgency, decisions may also be taken in writing or by e-mail, without an actual meeting, provided that all the directors have accepted to resort to the written or electronic procedure. The minutes shall mention such agreement. Decisions shall be taken in accordance with the conditions of deliberation set out in this Article 16. The directors shall have a choice of either (a) printing and sending the minutes bearing their original signature, or (b) sending an e-mail with the minutes bearing their electronic signature.

Decisions may also be taken by a teleconference, provided that (i) each director has been informed and invited to vote on the decisions to be taken; (ii) no director was against the teleconference; and (iii) the decisions were immediately recorded in minutes and sent to each director for signing.

The decisions shall be recorded in minutes, signed by the Chairman of the meeting and by the secretary, as well as by those directors who so wish.

The minutes and their appendices shall be kept by the secretary at the registered office in their original material form, in a special register for that purpose, or in a secure electronic form, on any medium and under such conditions as to secure the lasting quality, legibility, integrity, and faithful and sustainable reproduction thereof.

Each member and director of the association may consult said minutes at the registered office and obtain a copy thereof. Copies or extracts of said minutes for the courts and other purposes shall be signed by the Chairman or, if the latter is prevented, by two directors.

Article 17: Powers of the Board of Directors – daily management

The Board of Directors shall be vested with the widest powers for the management and administration of the association within the limits of its object, and shall be competent for everything not expressly reserved for the General Assembly.

The Board of Directors may, under its own responsibility, delegate the daily management or part of its powers to one or more directors or to third parties.

Documents relative to the appointment and discontinuance of duties of the directors and, where appropriate, persons empowered to represent the association, shall be deposited and published in accordance with the relevant legal provisions.

Article 18: Rules of procedure – Code of conduct

Rules of procedures that specify the provisions of these articles of association and define the practical operating arrangements of the association, as well as a code of conduct, shall be proposed by the Board of Directors and approved by the General Assembly, who shall have sole competence to alter both. The Board of Directors shall re-examine said rules and code every year and shall propose adaptations to the General Assembly as and when it deems necessary.

Article 19: Representation

The Board's general powers of representation as a collegial body notwithstanding, the association shall be validly represented before third parties, including public officials (such as the registrar of mortgages) either:

- by two directors acting jointly; or
- within the limits of daily management, by the person(s) appointed for that purpose.

They shall not be required to provide any justification for a prior decision of the Board of Directors.

Title V: Financial Year – Annual Accounts – Budget – Audit

Article 20: Financial year – annual accounts

The financial year shall open on the first of January and close on thirty-first of December of every year.

The first financial year shall however open on the day in which the association acquires legal personality and shall close on the thirty-first of December of the same year.

Every year, the Board of Directors shall draw up the annual accounts of the financial year that has just closed, in accordance with the relevant legal provisions, as well as the budget for the subsequent financial year, and shall submit both to the next General Assembly for approval.

The Board shall then file the approved annual accounts in the association's folder held by the registrar of the competent commercial court.

The accounts shall be held in accordance with the relevant legal provisions.

Article 21: Audit – Auditor

Insofar as the association is so required by law, its financial, situation, annual accounts and regularity in regard to the law and these articles of association for operations to be reported in the annual accounts, shall be entrusted to one or more auditors appointed by the General Assembly from among the members of the Institute of Public Auditors.

The auditors shall be appointed for a renewable three-year term. The emoluments of such auditors shall consist of a sum fixed at the beginning of their term by the General Assembly. They may not be changed without the consent of the parties.

Title VI: Dissolution – Liquidation

Article 22: Dissolution

Without prejudice to the provisions of Articles 55 and 56 of the Act of twenty-seven June nineteen twenty-one on non-profit associations, international non-profit associations and foundations, the association may be dissolved at any time by decision of the General Assembly taken by 2/3 (two thirds) majority of the votes cast.

If the association is dissolved, for whatever reason, it shall be liquidated by one or more liquidators, who shall exercise their duties either by a resolution of the General Assembly or, in the absence thereof, by a court decision sought by any interested party.

Article 23: Allocation of assets

In all cases of voluntary or court-ordered dissolution of the association, at any time and for any reason whatsoever, the allocation of the net assets after liquidation shall be determined by the General Assembly or, in the absence thereof, by the liquidators. These assets shall be allocated for a non-profit purpose that comes as close as possible to the objectives of the association as described in Article 3.

Title VII: General Provisions

Article 24: Legal reference

Everything not expressly provided for in these articles of association and by the rules of procedure shall be governed by the Act of twenty-seven June nineteen twenty-one on non-profit associations, international non-profit associations and foundations. Consequently, provisions from this Act from which there is no legal derogation, shall be deemed entered in these articles of association, whilst clauses that are or were to become contrary to the imperative provisions of said Act shall be deemed not to have been written.

Article 26: Languages

The association's two working languages shall be English and Dutch.

These articles of association were written in Dutch and translated into English. In case of doubt, discrepancy or interpretation problems between the two versions, the Dutch version shall take precedence.

All the documents and records of the association required by the relevant laws and regulations shall be drawn up in the language of the Region where the association's registered office is located; in particular, when not prescribed by law, the minutes of the General Assembly and of the Board of Directors, which may or may not require the services of a notary, as well as any document that the law requires has to be published for the sake of third parties or deposited with the registry of the commercial court. All such documents and records must be drawn up at least in Dutch without fail.