



Regulation (EU) 2023/1542 on batteries and waste batteries

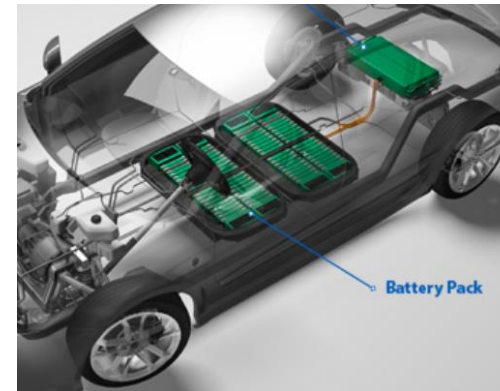
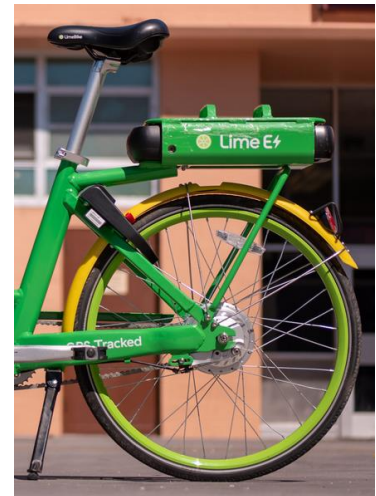


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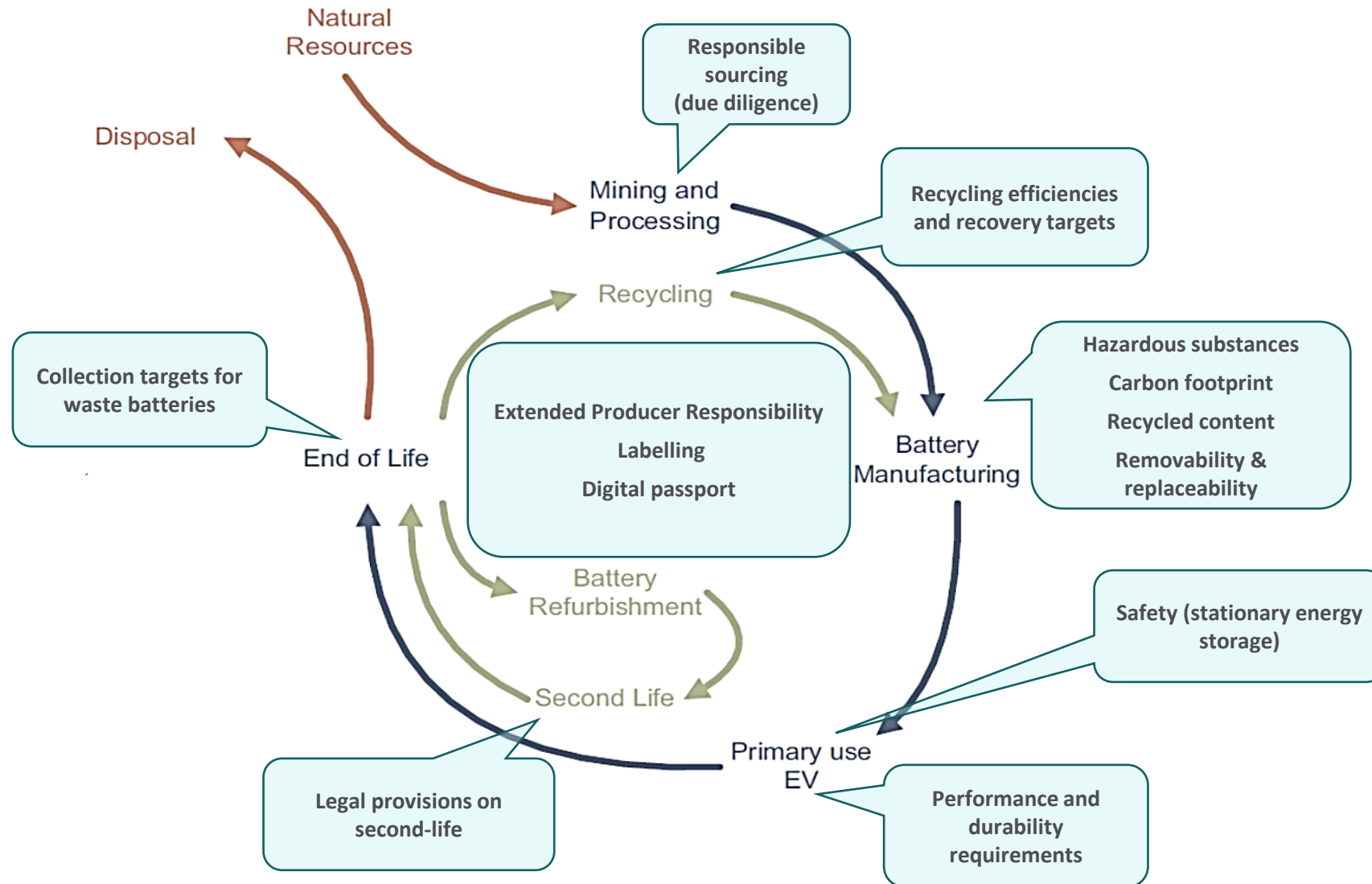
Classification of batteries

Five categories, with some subcategories

- **portable battery (up to 5 kg, not for industrial use), incl.:**
 - portable batteries of general use: common formats AA, AAA, 9V, ..
- **starter, lighting or ignition (SLI) battery**
- **light means of transport (LMT) battery**
- **electric vehicle (EV) battery**
- **industrial battery, incl.:**
 - stationary battery energy storage systems
 - flow batteries ('with external storage')



Covering the entire life cycle:



Requirements for placing on the market

- Design of the battery: restriction of hazardous substances, performance & durability, safety
- Production of the battery: carbon footprint, recycled content
- Providing information on the battery: marking & labelling, battery passport, battery management system
- On economic operators: due diligence

Certain requirements apply only to specific categories of batteries, e.g. for reasons of proportionality, or if already addressed by other legislation (safety)

End of life management

- Registration by 'producers' in the Member States
- Extended producer responsibility:
 - finance and organise the separate collection and treatment of waste batteries
 - promote the separate collection of batteries
 - provide information to end-users and report to the competent authority
 - role of producer responsibility organisations
- Collection rates, recycling efficiencies (weight) and material recovery targets (Co, Cu, Pb, Li, Ni)
- Facilitating second life: repurposing, remanufacturing

Removability and replaceability of portable and LMT batteries

- Portable batteries in products need to be replaceable and removable by the end-users at any time during the lifetime of the product
- As a derogation from that rule, some products incorporating portable batteries may be designed in such a way as to make the battery removable/replaceable only by independent professionals:
 - (a) appliances specifically designed to operate primarily in an environment that is regularly subject to splashing water, water streams or water immersion, and that are intended to be washable or rinseable;
 - (b) professional medical imaging and radiotherapy devices and in vitro diagnostic medical devices
- The Commission is empowered to add further derogations to that list through delegated acts
- Batteries powering Light Means of Transport need to be readily removable and replaceable by an independent professional at any time during the lifetime of the product (also at cell level)
- The Commission will be publishing guidance on the application of Article 9 during 2024, based on the JRC report on replaceability of batteries <https://publications.jrc.ec.europa.eu/repository/handle/JRC136588>

Application dates: 2024

- General application date 18 February 2024
 - In practice notably Article 6, 12(1) and 13(5) – without specific conformity assessment procedure
 - (Article 6 and 13(5) carry over requirements from Directive 2006/66/EC)
- More requirements as from 18 August 2024
 - + Article 12(2), 14, and the Annex I restriction on lead
 - Conformity assessment procedures for applicable requirements, including CE marking
 - Obligations of manufacturers, importers, distributors etc. for applicable requirements

Carbon footprint

- Commission will adopt a delegated act with the methodology to calculate the carbon footprint of electric vehicle batteries, and implementing act on format
 - Draft to be published in February 2024 (?) on 'have your say' (4 weeks), and WTO/TBT notification (60 days)
 - Publication likely in the 2nd half of 2024
 - Application of the carbon footprint declaration for electric vehicle batteries:
 1. One year after publication
 2. Conformity assessment procedure involving notified bodies from one year after publication of the first list of notified bodies (if that is later) in NANDO:
<https://webgate.ec.europa.eu/single-market-compliance-space/#/notified-bodies>
- Preparatory work on industrial batteries:
https://eplca.jrc.ec.europa.eu/EU_BatteryRegulation_Art7.html

Battery passport

- Technical operation developed jointly with the digital product passport, through standardisation:
 - Webinar: <https://webcast.ec.europa.eu/digital-product-passport-initiative-2023-06-12>
 - (draft) documents: <https://ec.europa.eu/docsroom/documents/54874>
- The battery-specific work by the Commission will be on access rights for the information in points 2 and 4 of Annex XIII
- The forthcoming Regulation on Ecodesign for Sustainable Products will add a requirement on battery passports, to upload the identifier in the registry:
 - Article 70a of the provisional text: <https://data.consilium.europa.eu/doc/document/ST-5147-2024-INIT/EN/pdf>

Due diligence

- Scope:
 - The minerals listed in Annex X
 - Those who place batteries (with those minerals) on EU market, if they have a worldwide turnover of EUR 40 million (general turnover, not specifically related to batteries)
- The Commission is starting to prepare support measures (scheduled for 2025), but these are not a prerequisite for implementation:
 - Commission guidance (non-binding)
 - Framework for assessment of schemes + information that submitted schemes need to contain
- It is important to start preparing (already before guidelines are published), also with a view to the verification by a notified body

Obligations of economic operators

- Chapter VI defines the obligations the Articles 6-10 and 12-14
- Battery passport and due diligence obligations are on the economic operator that places batteries on the EU market. In addition:
 - For battery passport, written authorisation can be given to another operator to act on behalf, cf. Article 77(4)
 - For due diligence, verified reports by suppliers can be used, cf. Article 50(3)
- For the role of economic operators, placing on the market, etc., the ‘Blue Guide is also relevant to the Batteries Regulation:
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:2022:247:TOC>

In addition, for stocks see also recital 11

Documentation

- ‘Technical documentation’ is only for notified bodies and authorities. They have the obligation to treat this confidentially.
- Documentation that has to ‘accompany’ the product has to be physical if:
 - the term ‘affix’ is used in combination; or
 - it concerns an exception for a marking that would normally be on the product; or
 - it concerns instructions and safety information; or
 - clearly implied in the Regulation.

Thank you