Batteries and waste batteries

2020/0353(COD) - 10/12/2020 - Legislative proposal

PURPOSE: to modernise the EU's legislative framework on batteries and battery waste.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: a shift from the use of fossil fuels in vehicles to electromobility is one of the prerequisites for reaching the climate neutrality goal in 2050. Batteries are thus an important source of energy and one of the key enablers for sustainable development, green mobility, clean energy and climate neutrality.

The current regulatory framework, with Directive 2006/66/EC on batteries, only covers the end-of-life stage of batteries. There are currently no legal provisions in the EU that cover other aspects of the production and use phases of batteries, such as electrochemical performance and durability, GHG emissions, or responsible sourcing.

According to estimates from the World Economic Forum, there is a need to scale up global battery production by a factor of 19 to accelerate the transition to a low-carbon economy.

The Commission is therefore proposing to modernise EU legislation on batteries, implementing its first initiative among the measures announced in the new action plan for the circular economy.

In addition to the Commission’s work, both the Council and the Parliament have called for action to support the transition to electro-mobility, carbon-neutral energy storage, and a sustainable battery value chain.

CONTENT: this proposal introduces gradual requirements to minimise the carbon footprint throughout the life cycle of batteries. Its objective is three-fold:

1) to strengthen the functioning of the internal market (including products, processes, battery waste and recycled materials) by ensuring a level playing field through a common set of rules;

2) to promote a circular economy; and

3) reduce environmental and social impacts throughout all the stages of the battery life cycle

Minimum sustainability requirements

In order to encourage the production and placing on the EU market of high quality and efficient batteries, the proposed Regulation establishes requirements on sustainability, safety and labelling to allow the placing on the market and putting into service of batteries, as well as requirements for the collection, treatment and recycling of waste batteries. The Regulation would apply to all types of batteries, i.e. portable batteries, automotive batteries, electric vehicle batteries and industrial batteries.

The proposal also sets out requirements to ensure the proper functioning of the market for secondary raw materials while preventing and reducing the environmental impacts of the production and use of batteries, as well as their treatment (including recycling) at the end of the battery's life.

Carbon footprint of electric vehicle batteries and rechargeable industrial batteries

The proposal provides for the following:

- as of 1 July 2024, only industrial rechargeable batteries and electric vehicle batteries for which a carbon footprint statement has been drawn up could be placed on the market;

- as of 1 January 2026, batteries should be classified into carbon footprint performance classes;

- as of 1 July 2027, batteries should comply with maximum life-cycle carbon footprint thresholds;

- as of 1 January 2030, industrial and electric-vehicle batteries with internal storage should contain the following minimum share of recovered cobalt, lead, lithium or nickel from waste of the cobalt, lead, lithium or nickel present in active materials in those batteries: 12% cobalt; 85% lead, 4% lithium and 4% nickel;

- as of 1 January 2035, the minimum share of recovered cobalt, lithium or nickel should increase to 20% cobalt, 10% lithium and 12% nickel. For lead the minimum share shall stay at 85%.

Increasing the resilience of the EU battery supply chain by closing the materials loop

To close the loop and keep recovered materials used in batteries in the European economy for as long as possible, the Commission proposes to set new requirements and targets for the recycled content and the collection, treatment and recycling of batteries at the end of their life cycle.

The proposal sets collection rates for waste portable batteries to be achieved by Member States, excluding currently waste batteries from light means of transport. The collection rates should gradually increase so to ensure that by end 2025 65% of waste portable batteries are collected and by end 2030 70% of such batteries are collected.

The proposal also contains requirements for re-purposing and remanufacturing operations to give a second life to industrial and electric vehicle batteries. Persons carrying out the repurposing or remanufacturing of batteries should ensure that the examination, performance testing, packing and shipment of batteries and their components is carried out following adequate quality control and safety instructions.

Battery passports

By 1 January 2026 at the latest, a ‘passport’ should be created for batteries, with a view to enabling economic operators to collect and re-use information and data on each battery placed on the market more efficiently and to make better informed choices in their planning activities.

Budgetary implications

The proposal requires human and financial resources for the purchase of data and services. Some of the staff requirements are expected to be met under the existing allocations of the Commission, the Joint Research Centre (JRC) and the European Chemicals Agency (ECHA).