Batteries and waste batteries

2020/0353(COD) - 14/06/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 587 votes to 9, with 20 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) 2019/1020.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission proposal as follows:

Objective and scope

This Regulation lays down requirements on **sustainability, safety, labelling, marking and information** to allow the placing on the market or putting into service of batteries within the Union. Its objectives are to contribute to the efficient functioning of the internal market, while preventing and reducing the adverse impacts of batteries on the environment, and to protect the environment and human health by preventing and reducing the adverse impacts of the generation and management of waste batteries.

The Regulation applies to **all categories of batteries**, namely portable batteries, starting, lighting and ignition batteries (SLI batteries), light means of transport batteries (LMT batteries), electric vehicle batteries and industrial batteries. It will cover the entire battery life cycle, from design to end-of-life.

Carbon footprint statement and label

For electric vehicle batteries, rechargeable industrial batteries with a capacity greater than 2 kWh and LMT batteries, a carbon footprint declaration will be drawn up for each battery model per manufacturing plant.

The carbon footprint statement will apply from (i) 18 months after the date of entry into force of the regulation in the case of electric vehicle batteries; (ii) 30 months after the date of entry into force in the case of industrial rechargeable batteries; (iii) 60 months after the date of entry into force in the case of LMT batteries; (iv) 80 months after the date of entry into force in the case of industrial rechargeable batteries with external storage.

A visible, clearly legible and indelible label will be affixed to electric vehicle batteries, industrial rechargeable batteries with a capacity greater than 2 kWh and MT batteries. The label will indicate the carbon footprint performance class of the battery as well as the carbon footprint performance class to which the relevant battery model of a manufacturing unit corresponds.

Recycled content of industrial batteries, electric vehicle batteries, LMT batteries and SLI batteries

Minimum levels of recycled content from manufacturing and consumer waste for use in new batteries: **eight years** after the entry into force of the regulation - 16% for cobalt, 85% for lead, 6% for lithium and 6% for nickel; **13 years** after the entry into force: 26% for cobalt, 85% for lead, 12% for lithium and 15% for nickel.

Battery passport

From 42 months after the date of entry into force of the regulation, LMT batteries, industrial batteries with a capacity greater than 2 kWh and electrical vehicle batteries will have a **digital battery passport**. This

battery passport will contain information relating to the battery model and information specific to the battery in question, including information resulting from the use of this battery.

From the same date, all batteries will have to be marked with a QR code giving access, for LMT batteries with a capacity greater than 2 kWh and electric vehicle batteries, to the battery passport.

Removability and replaceability of portable batteries and LMT batteries

Any natural or legal person that places on the market products incorporating portable batteries shall ensure that those batteries are readily removable and replaceable by the end-user at any time during the lifetime of the product. That obligation will only apply to entire batteries and not to individual cells or other parts included in such batteries.

A portable battery will be considered readily removable by the end-user where it can be removed from a product with the use of commercially available tools, without requiring the use of specialised tools, unless provided free of charge with the product, proprietary tools, thermal energy, or solvents to disassemble the product.

Any natural or legal person that places on the market products incorporating portable batteries will ensure that those products are accompanied with instructions and safety information on the use, removal and replacement of the batteries. Those instructions and that safety information will be made available permanently online, on a publicly available website, in an easily understandable way for end-users.

Collection of waste portable batteries

Producers of portable batteries shall ensure that all waste portable batteries, regardless of their nature, chemical composition, condition, brand or origin, are collected separately within the territory of a Member State where they make portable batteries available on the market for the first time. To this end, they will have to set up a take-back and collection system for waste portable batteries.

The waste collection targets are set at 45% by 2023, 63% by 2027 and 73% by 2030 for portable batteries; and 51% by 2028 and 61% by 2031 for LMT batteries.

Recycling and materials recovery performance targets

By 31 December 2025 at the latest, recycling must achieve at least the following recycling efficiency targets: (i) recycling of at least 75% of the average weight of lead-acid batteries; (ii) recycling of at least 65% of the average weight of lithium-based batteries; (iii) recycling of at least 80% of the average weight of nickel-cadmium batteries; (iv) recycling of at least 50% of the average weight of other waste batteries.

Minimum levels of materials recovered from waste batteries must be reused: 50% for lithium by 2027 and 80% by 2031; and 90% by 2027 and 95% by 2031 for cobalt, copper, lead and nickel.

Due diligence

The Regulation imposes obligations relating to battery due diligence on economic operators who place batteries on the market or put them into service. It also lays down requirements for the award of green public contracts for the procurement of batteries or products in which batteries are incorporated. It also lays down minimum requirements for extended producer responsibility.