

Batteries and waste batteries

2020/0353(COD) - 28/07/2023 - Final act

PURPOSE: to contribute to the functioning of the internal market and to prevent and reduce the adverse impacts of batteries and waste batteries to ensure a high level of protection of human health, safety of persons, property and the environment.

LEGISLATIVE ACT: Regulation (EU) 2023/1542 of the European Parliament and of the Council concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC.

CONTENT: the Regulation **strengthens sustainability rules for batteries and waste batteries**. It will regulate the entire life cycle of batteries – from production to reuse and recycling – and ensure that they are safe, sustainable and competitive.

More specifically, the 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;
- lays down minimum requirements for extended producer responsibility, the collection and treatment of waste batteries and for reporting;
- imposes battery due diligence obligations on economic operators placing batteries on the market or putting them into service;
- lays down requirements for green public procurement when procuring batteries or products into which batteries are incorporated.

The Regulation applies to all batteries including all waste portable batteries, electric vehicle batteries, industrial batteries, starting, lighting and ignition (SLI) batteries (used mostly for vehicles and machinery) and batteries for light means of transport (e.g. electric bikes, e-mopeds, e-scooters).

Durability, safety, labelling and information requirements

The new rules aim to improve the functioning of the internal market for batteries and ensure fairer competition thanks to the safety, sustainability and labelling requirements. This will be reached through performance, durability and safety criteria, **tight restrictions for hazardous substances** like mercury, cadmium and lead and mandatory information on the carbon footprint of batteries.

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.

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.

The Regulation introduces labelling and information requirements, among other things on the battery's components and recycled content, and an **electronic “battery passport”** and a QR code. 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.

In order to give Member States and economic actors on the market enough time to prepare, labelling requirements will apply by 2026 and the QR code by 2027.

Removability and replaceability of portable batteries and LMT batteries

The Regulation provides that, by 2027, portable batteries incorporated into devices must be removable and replaceable by the end user at **any time during the lifetime of the product**. A portable battery is considered easily removable by the end user when it can be removed from a product using commercially available tools, without requiring the use of specialised tools, unless these are provided free of charge with the product. Batteries intended for light means of transport must be replaceable by an independent professional.

Promoting the circular economy

The new rules aim to promote a circular economy by regulating batteries throughout their **life cycle**. They therefore establish end-of-life requirements, including collection targets and obligations, material recovery targets.

The Regulation:

- **provides for mandatory minimum levels of recycled content** for industrial, SLI batteries and EV batteries. These are initially set at 16% for cobalt, 85% for lead, 6% for lithium and 6% for nickel. Batteries will have to hold a recycled content documentation;

- sets **targets for producers regarding the collection of portable battery waste** (63% by the end of 2027 and 73% by the end of 2030) and introduces a specific collection target for waste batteries for light means of transport (51% by the end of 2028 and 61% by the end of 2031);

- sets **performance targets for recycling and recovery of materials**. Minimum levels of materials recovered from battery waste will have to 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.

The recycling performance target is set at 80% for nickel-cadmium batteries by the end of 2025 and 50% for other waste batteries by the end of 2025.

Environmental and social impacts

The new Regulation aims to reduce environmental and social impacts throughout the battery lifecycle. To this end, the Regulation lays down strict **due diligence** rules for operators who must verify the source of raw materials used for batteries placed on the market. The Regulation provides **SMEs** with an exemption from the due diligence rules.

ENTRY INTO FORCE: 17.8.2023.

APPLICATION: from 18.2.2024.