



EUROBAT feedback to the Inception Impact Assessments on Modernising the EU's batteries legislation

EUROBAT welcomes the initiative of the European Commission on Modernising the EU's batteries legislation: in the past years, EUROBAT remarked several times the need to adapt the legislative framework on batteries to take into account the increased importance of batteries to decarbonise our economy. A **coherent legislative framework is needed**, considering the overlaps between the Batteries Directive, the End of Life Vehicles Directive, REACH and Occupational Safety and Health (OSH). To do so, we believe that the upcoming Batteries Regulation shall be the law of reference on product policy, removing batteries from the scope of the ELV Directive.

A more detailed set of comments on the upcoming proposal on the Batteries Regulation is available [here](#). During the sectoral meetings, the consultants presented some preliminary findings of the impact assessment, but they did not share the sources of the data and the assumptions presented, making it quite difficult to provide a complete feedback. The short deadline to provide comments was also an issue. For these reasons, we call the Commission to publish the final Impact Assessment as soon as possible, and to also launch a public consultation on the draft proposal before the publication of the final document, in line with the principle of better regulation.

Sustainability and competitiveness

We welcome the remark of the **dual legal basis of the upcoming proposal**: batteries must be produced and recycled in a sustainable way, but we should also promote the development and the worldwide competitiveness of the EU battery industry, as highlighted in the Action Plan on Batteries and in the framework of the European Battery Alliance. For the success of this proposal, it will be fundamental that sustainability and competitiveness are always considered together, avoiding a focus on only one of the two elements.

In this sense, it is fundamental that **new proposed measures are proportionate to the desired outcomes**, and that the Commission does not impose measures with high administrative burden compared to questionable or unclear environmental or socio-economic benefits. We, therefore, welcome the joint work of DG Environment and DG Internal Market on this file.

The promotion of the competitiveness of the EU battery industry will have to promote a level playing field internally, but also in relation to imported batteries: all measures imposed to the batteries produced in Europe must be applied also to imported batteries, in particular regarding testing and enforcement. It would be very dangerous for the competitiveness of the EU battery industry to impose measures to EU manufacturers if those same measures cannot be properly enforced also in the case of imported batteries.

Management of hazardous substances

For coherence reasons, we believe that **OSH should be the only reference for the management of hazardous substances** used in batteries: batteries are sealed articles, with no risk of exposure for consumers, and the exposure risk for workers during production and recycling of batteries is better dealt with through OSH measures, such as binding occupational exposure limits. When it comes to batteries, the Commission should move away from a hazard-based policy towards a risk-based approach: all batteries use hazardous substances, and banning them would simply destroy the battery industry in Europe. Overall, we agree with the Commission that better characterisation and management are the right way forward to





minimise risks related to hazardous substances.

Sustainability criteria

Properly designed **sustainability criteria** will be an important factor to ensure both the competitiveness and sustainability of the EU battery industry.

Declarations of **carbon footprint** of batteries might be a useful tool to help consumers make informed decisions, but also give clear indications to the industry about the need to reduce carbon emissions during production and recycling of batteries. However, since a methodology to calculate carbon footprint is only available for lithium batteries for electric vehicles, we believe that in the first stage only these batteries shall abide by this declaration. EUROBAT also supports measures on **responsible sourcing of raw materials**.

However, we cannot support measures on a **mandatory design for batteries**: the battery industry is evolving quite rapidly, and mandatory design risks to refrain technical developments and innovation, ultimately damaging the EU battery industry. In particular, measures on **minimum levels of recycled content** risk to represent a burden for the industry with unclear environmental benefits, as highlighted also by the consultant in charge of the Impact Assessment:

- **Material availability**: given the growth of battery sales, not enough secondary materials will be available up to 2035.
- There are currently no reliable methodologies to distinguish secondary materials from primary materials: it is therefore unclear how this target could be tested and enforced, above all for imported batteries.
- **Closed-loop vs open-loop**: a closed-loop system is not necessarily preferable to an open-loop system. Metals recovered from batteries are used in other applications. Forcing them to be used to produce new batteries instead would distort the market and force other sectors to look elsewhere for their raw materials with zero net societal gains.
- A minimum level of recycled content may contradict the discussed 2nd life approach. One can either recycle and reuse the material (which is recycling and recycled content) or one can reuse the cell (which is 2nd life). But it is not possible to have both at the same time.

Collection of batteries

As explained in the [EUROBAT proposal for a notification, verification and validation system of automotive and industrial batteries that become waste](#), there is no evidence to support the assumption that not all waste industrial batteries are collected and recycled. Industrial batteries are generally bulky, heavy and used in a business-to-business context, and therefore professionally handled at the end of their life. All automotive and industrial batteries, including EV traction batteries, are already covered by the implicit 100% collection target outlined in the Batteries Directive. Overall, a proposal on collection targets for these batteries would bring limited, if any, environmental benefits, while it would represent a considerable administrative burden for the industry.

