

## **EUROBAT feedback to the public consultation on the revision of the Waste Framework Directive (24 August 2022)**

EUROBAT, the Association of European Automotive and Industrial Battery Manufacturers, welcomes the opportunity to provide further input for the impact assessment underpinning the revision of the Waste Framework Directive (WFD).

While the impact assessment is still in its early stage, EUROBAT has identified three priorities for the revision of the Directive.

First, preserving coherence between the horizontal waste management framework and product-specific legislation (the new Batteries Regulation).

Second, supporting a conducive framework for intra- and transboundary shipments of waste destined for recovery in facilities respecting the principles of environmentally sound management of waste.

Third, paying appropriate attention to the specificities of the batteries industry should the impact assessment identify a need to lay out additional specifications for the substances of concern in products (SCIP) database.

### **Maintaining and ensuring coherence with the new Batteries Regulation**

With regards to the extended producer responsibility schemes, EUROBAT warns against the development of new horizontal legislation -lex generalis- that would introduce additional requirements overlapping with or contradicting the provisions of the new Batteries Regulation and leave the industry in a vulnerable situation.

Article 47 and 49 of the product-specific Batteries Regulation proposal establish extended producer responsibilities for automotive, industrial, and electric vehicle batteries which are placed on the market in a Member State for the first time. This includes, inter alia, an obligation to finance and organise the separate collection and treatment of spent batteries, reporting obligations to competent authorities, and the obligation to provide information about end-of-life aspects of batteries.

While the WFD may serve to foster the enforcement of product-specific requirements on waste management, due consideration must be paid to the goal of avoiding overlaps or mismatches between the generic framework and the waste-related aspects of the Batteries Regulation.

Any emerging issue linked with the enforcement of EPR schemes for batteries, for example over internet sales, should be addressed via product-oriented regulations instead of being addressed in the WFD itself.

Similarly, the impact assessment should anticipate and prevent possible mismatches between the WFD and the provisions under the Batteries Regulation for the repurpose and remanufacturing of rechargeable industrial batteries and electric vehicle batteries.

Specifically, articles 14 and 59 of the draft Batteries Regulation include obligations to store data on the state of health as well as requirements for repurposing and remanufacturing of electric vehicles batteries as well as rechargeable industrial batteries with internal storage and a capacity above 2kWh.

Likewise, the impact assessment should consider ways to support the enforcement of Article 58 of the Batteries Regulation proposal, in particular with regard to the verification and enforcement of rules on the equivalence of conditions for the treatment of waste batteries in and outside the EU.

More generally, any measure aimed at supporting value retention should support the enforcement of *lex-specialis* provisions under the new Batteries Regulation rather than creating parallel provisions and legislative misalignments.

### **Reducing barriers for waste shipments intended for recovery in an environmentally sound manner.**

The end-of-life management of certain batteries in low- and middle-income countries outside the EU often does not match EU standards, with negative consequences for the environment and public health. For example, the average lead battery made in the EU today contains more than 80% recycled materials and more than 80% of the lead in European lead batteries is produced from recycled sources. Lead-based recycling is a mature and highly profitable activity in the EU.

Supporting transboundary shipments of wastes aimed for recovery from middle and low-income countries into the EU is therefore one of the key vehicles for reducing the human health and environmental footprint of hazardous waste generation globally.

While work is ongoing to ensure that the Waste Shipments Regulation is more enabling when it comes to imports of waste batteries for recovery into the EU, the revision of the WFD should not translate into additional burdens in this regard.

EUROBAT, therefore, calls on the Commission to guard against any new rules that would empower Member State to limit shipments of wastes aimed for recovery, for example through a revised Article 16.

### **Implementation of the database of substances of concern in products (SCIP).**

EUROBAT recalls that notifications of the presence of lead metal in articles such as batteries count as one of the most common types of substances of very high concern (SVHC)<sup>1</sup> notification in the database.

It follows that should the Commission wish to amend Article 9 to specify additional provisions, for example through an empowerment to specify how the set-up of the database should evolve, then the needs of the batteries industry should not be neglected and proper consultations with battery manufacturers should be carried out.

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#### **About EUROBAT**

EUROBAT is the association for the European manufacturers automotive, industrial and energy storage batteries. EUROBAT has more than 50 members from across the continent comprising more than 90% of the automotive and industrial battery industry in Europe. The members and staff work with all stakeholders, such as battery users, governmental organisations and media, to develop new battery solutions in areas of hybrid and electro-mobility as well as grid flexibility and renewable energy storage.

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<sup>1</sup> <https://echa.europa.eu/-/know-more-about-hazardous-chemicals-in-products-scip-data-published>

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