

June 22

## EUROBAT's answer to the Public Consultation on ESPR

EUROBAT welcomes the already-tabled Ecodesign for Sustainable Products Regulation and re-confirms its full support for the creation of a fully-decarbonised economy by 2050. It is important to further optimise products and create a circular economy ecosystem through more efficient common standards that will help to reach the environmental objectives.

We commend the replacement of the former Ecodesign Directive with a Regulation that will become immediately enforceable as law in all Member States at the same time. In this sense, ensuring effective and equal enforcement throughout the Member States is paramount to assure a level playing field in the EU.

There are, however, some implications in the proposal that we would like to address in order to raise some concerns.

Double regulation should be avoided as it will result in a duplication of efforts. There is no need to over-regulate products that are already covered under “product-specific” legislation that covers the whole life-cycle, from mining to recycling. In this sense, consistency with existing requirements under other EU laws (e.g. Batteries Regulation) is needed to avoid the duplication of efforts in providing information. Creating an over-regulation scenario will hinder industry growth and endanger the achievement of the 2050 goals.

Similarly, consistency and alignment between the tabled proposal with the new requirements and overarching pieces of legislation (e.g. REACH, SCIP databases, RoHS Directive, etc.) must be ensured in order to avoid duplications, double-efforts and industry burdens. Regarding chemicals, they are already covered by several legislative files. In this sense, we would like to highlight Recital 22 from the current proposal which states that “this Regulation also should not result in the duplication or replacement of restrictions of substances covered by *Directive 2011/65/EU* of the European Parliament and of the Council, which has as its objective the protection of human health and the environment, including the environmentally sound recovery and disposal of waste from electrical and electronic equipment.”

Moreover, this proposal brings a notion of “substances of concern” (SoCs) to cover “those related to circular economy, substances having a chronic effect for human health or the environment (Candidate list in REACH and Annex VI to the CLP Regulation) but also those which hamper recycling for safe and high quality secondary raw materials” (*Chemicals Strategy for Sustainability*, p2). This definition entails that “substances of Concern” will include: all substances on the Candidate List; all substances classified for chronic effect for human health and the environment; and, all substances that hamper the re-use and recycling of materials. Therefore, it is likely that many metals and their compounds will fall under

this definition of SoCs as most metals have a chronic hazard classification of some sort. This will create an administrative burden for the industry and an increase in resources, as a raft of delegated acts will be developed to address different product groups, setting new information requirements regarding the presence of SoCs. As mentioned above, it is crucial for the industry that the new requirements will not transform into a duplication of obligations. Consistency and alignment with other pieces of legislation are paramount.

### **About EUROBAT**

EUROBAT is the leading association for European automotive and industrial battery manufacturers, covering all battery technologies, and has more than 50 members. The members and staff work with all policymakers, industry stakeholders, NGOs and media to highlight the important role batteries play for decarbonised mobility and energy systems as well as all other numerous applications. Visit [www.eurobat.org](http://www.eurobat.org) for more information.

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