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EUROBAT feedback on the public consultation on Circular Economy Act

EUROBAT recommendations

1. Calls Member States to ensure consistent and harmonised implementation of the updated List of Waste.
2. To align the Circular Economy Act with the EU Batteries Regulation (Regulation (EU) 2023/1542). Provisions on circularity already mandated under the Batteries Regulation should remain governed exclusively by the Batteries Regulation.
3. Urges the European Commission to further address these obstacles by harmonising requirements for the storage and transport of waste, including permitting and authorisation processes, as well as improving the criteria for determining the "end-of-waste status" to facilitate circular economy.
4. The recycling of batteries containing PFAS must be similarly considered.
5. Calls on the European Commission to introduce a clear and enforceable definition of black mass, ensuring consistent controls and preventing illegal exports. Since the black mass is also a commodity that needs to be traded, detailed standards are essential to specify its minimum requirement to be considered as a commodity.
6. Calls for the coordination and harmonization of the extended producer responsibility (EPR) schemes among the Member States.

EUROBAT, the Association of European Automotive and Industrial Battery Manufacturers, welcomes the European Commission's initiative to strengthen the circular economy and to reinforce the single market for waste and secondary raw materials through the proposed **Circular Economy Act**.

Today batteries serve as the role model for circularity, to ensure that the Circular Economy Act is effective and enforceable in the battery sector, EUROBAT recommends to address the following issues:

EUROBAT welcomes the European Commission's earlier efforts to harmonize the waste codes through updated version of EU list of wastes (Commission Decision 2000/532/EC). The list introduces new categories of battery-related waste streams to streamline communication at the different stages of the batteries' life cycle, including waste from battery manufacturing, waste from post-consumer batteries and intermediate fractions from battery recycling. **We call on Member States to ensure consistent and harmonised implementation of the updated List of Waste.**

Moreover, we urge the European Commission **to align the Circular Economy Act with the EU Batteries Regulation (Regulation (EU) 2023/1542)** regarding the requirements on batteries such as recycling efficiency and recovery of materials, recycling content and other provisions to ensure no duplication of requirements established in Batteries Regulation. **Provisions on circularity already mandated under the Batteries Regulation should**





remain governed exclusively by the Batteries Regulation. Furthermore, a truly circular battery economy requires efficient cross-border movement of end-of-life batteries and related waste to recycling facilities. The existing barriers to the shipment of end-of-life batteries as well as waste intermediates across EU borders are significant and need to be urgently addressed. EUROBAT urges the Commission to further address these obstacles **by harmonising requirements for the storage and transport of waste, including permitting and authorisation processes, as well as improving the criteria for determining the "end-of-waste status" to facilitate circular economy.**

The recycling of batteries containing PFAS must be similarly considered, as many battery products have lifespans exceeding 10 years. This raises future challenges when recycling such products currently in use. The goal is to sustain and further improve the already high recycling rates of Lead Acid, Industrial batteries.

Additionally, under the List of Waste, the intermediate fractions of lithium-ion battery recycling, commonly known as "black mass", will be listed as hazardous; along with the export of waste lithium-ion batteries, the export of black mass to non-OECD countries will be prohibited, allowing the EU to retain secondary sources of critical raw materials. However, circumvention persists, particularly via South East Asia. **EUROBAT, therefore, calls on the Commission to introduce a clear and enforceable definition of black mass, ensuring consistent controls and preventing illegal exports.**

Moreover, since the black mass is also a commodity that needs to be traded, **detailed standards are essential to specify its minimum requirement to be considered as a commodity,** which is crucial for promoting resource recycling and reuse. Black mass with higher content of critical materials should be promoted.

Lastly, the Batteries Regulation establishes comprehensive provisions on extended producer responsibility (EPR) scheme under Chapter VIII. However, the lack of full harmonisation in the Chapter results in divergent implementation across Member States, creating significant complexity and inefficiencies. **Different approaches to producer responsibility organisations (PROs) lead to unequal conditions for manufacturers and importers operating across the Single Market. Therefore, EUROBAT calls for the coordination and harmonization of the EPR schemes among the Member States.**



Contact: Olga Karline Henkele, Policy Manager, okhenkele@eurobat.org

About EUROBAT

www.eurobat.org

EUROBAT is the leading association for European automotive and industrial battery manufacturers, covering all battery technologies, and has more than 40 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 numerous other applications.

