

Platform's feedback to the consultation Batteries – modernizing EU rules

The Platform welcomes the proposal for a Battery Regulation and strongly supports the need for modernisation of the existing batteries legislation. It must ensure harmonisation in the internal market and facilitate an accelerated shift to electrified mobility by engaging all parts of the battery supply chain. The regulation must establish proportional and well-designed provisions to enable sustainable battery production, use, and end-of-life management.

Generally, the timeline for the provisions should be well-thought through to ensure robust and harmonised application and enforcement. We need to strike a balance between the need for a quick implementation of the Regulation while ensuring a robust methodologies. Overall, the proposed measures shall promote cleaner, more competitive and more efficient battery manufacturing.

To avoid duplication or overlaps with existing legislation and requirements and limit excessive administrative burden on the nascent battery industry, the Platform sees a need to streamline and align provisions.

While the Platform believes that the proposed requirement for carbon footprint declarations goes in a positive direction, we are concerned about the measure's enforceability at the Member State level. Provisions should apply per battery model and manufacturing plant instead of "for each battery model and batch per manufacturing plant." Rules on enforcement, methodology, and electricity accountability should also be clarified, to ensure:

1. Harmonised enforcement at Member State level and for imported batteries;
2. The use of representative data and supply-chain configurations to ensure comparability of declarations. E.g certification of energy use should reflect real world use of renewable energy and must not rely on purchase of green certificates (Guarantees of Origin).
3. The confidentiality of the declared primary data is respected.

As an additional means to accelerate the transition to climate-neutrality, we support positive measures such as preferential taxation for frontrunners.

The Platform strongly supports the introduction of rules for the responsible sourcing of raw materials for batteries. Similar due diligence requirements must also be applied as soon as possible to the fossil fuel sector as part of the upcoming horizontal due diligence legislation.

The Platform highlights that economic operators must have sufficient time to adapt to new data sharing requirements. The chosen method, be it battery passport or QR Code, should be streamlined with a focus on a single, innovative, and digital approach. The Commission must identify which data sets are essential to boost the data-sharing economy while ensuring confidentiality.

The Platform welcomes the Regulation's intention to provide a regulatory framework for the transfer of liability and safety requirements for second-life EV batteries. The current provisions, however, require clarifications as regards access to BMS, conditions for the safe treatment of batteries, property rights protection, as well as ownership of data created by EVs. Moreover, the waste status of batteries

is vital: the collection of waste batteries potentially suitable for repurposing should be designed in such a way that a second life business model can develop without creating a free pass for illegal waste transport. In particular, a clear-cut transfer of extended producer responsibility is pivotal to avoiding the risk of illegal export.

On end-of-life management, we welcome the recognition of batteries within a circular economy. Also, the Batteries Regulation now better differentiates between battery chemistries. However, the future regulatory framework should be aligned and consistent with EC 1907/2006 (REACH). To work towards a level playing field, we propose including a deadline for the adoption of equivalent conditions criteria for export of waste batteries to third countries. Minimum recycling conditions outside Europe must be set, including environmental and social criteria.

