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REGULATION (EU) 2023/1542 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 12 July 2023

concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof and Article 192(1) thereof in relation to Articles 54 to 76 of this Regulation,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ([1]),

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ([2]),

Whereas:

(1) The Communication of the Commission of 11 December 2019 on ‘The European Green Deal’ (the ‘European Green Deal’) is Europe’s growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy where there are no net greenhouse gas emissions in 2050 and where economic growth is decoupled from resource use. A shift from the use of fossil fuels in vehicles to electromobility is one of the prerequisites for reaching the climate neutrality goal in 2050. In order for the Union’s product policies to contribute to lowering carbon emissions on a global level, it needs to be ensured that products marketed and sold in the Union are sourced and manufactured in a sustainable manner.

(2) Batteries are thus an important source of energy and one of the key enablers for sustainable development, green mobility, clean energy and climate neutrality. It is expected that the demand for batteries will grow rapidly in the coming years, notably for electric road transport vehicles and light means of transport using batteries for traction, making the market for batteries an increasingly strategic one at the global level. Significant scientific and technical progress in the field of battery technology will continue. In view of the strategic importance of batteries, to provide legal certainty to all operators involved and to avoid discrimination, barriers to trade and distortions on the market for batteries, it is necessary to set out rules on the sustainability, performance, safety, collection, recycling and second life of batteries as well as on information

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about batteries for end-users and economic operators. It is necessary to create a harmonised regulatory framework for dealing with the entire life cycle of batteries that are placed on the market in the Union.

(3) It is also necessary to update Union law on the management of waste batteries and to take measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste, by reducing the impact of resource use and by improving resource efficiency. Such measures are crucial for the transition to a circular and climate-neutral economy and toxic-free environment, and for the Union's long-term competitiveness and strategic autonomy. They can create important economic opportunities, increasing synergies between the circular economy and energy, climate, transport, industry and research policies, and protecting the environment and reducing greenhouse gas emissions.

(4) Directive 2006/66/EC of the European Parliament and of the Council ([3]) has brought about an improvement in the environmental performance of batteries and established some common rules and obligations for economic operators, in particular through harmonised rules for the heavy metal content and labelling of batteries and rules and targets for the management of all waste batteries, based on extended producer responsibility.

(5) The Commission's reports on the implementation, impact and evaluation of Directive 2006/66/EC submitted in 2019 highlighted not only the achievements but also the limitations of that Directive, in particular against a fundamentally changed context characterised by the strategic importance of batteries and their increased use.

(6) The Communication of the Commission of 17 May 2018 on 'Europe on the move – Sustainable Mobility for Europe: safe, connected and clean' includes the Strategic Action Plan on Batteries. That action plan sets out measures to support efforts to build a battery value chain in Europe, covering raw materials extraction, sustainable sourcing and processing, sustainable battery materials, cell manufacturing as well as re-use and recycling of batteries.

(7) In the European Green Deal, the Commission confirmed its commitment to implement the Strategic Action Plan on Batteries and stated that it would propose legislation to ensure a safe, circular and sustainable battery value chain for all batteries, including to supply the growing market of electric vehicles.

(8) In its conclusions of 4 October 2019 on 'More circularity – Transition to a sustainable society', the Council called, inter alia, for coherent policies supporting the development of technologies that improve the sustainability and circularity of batteries to accompany the transition to electro-mobility. Furthermore, the Council called for an urgent revision of Directive 2006/66/EC, which should include all relevant battery materials and which should consider, in particular, specific requirements for lithium and cobalt as well as a mechanism allowing the adaptation of that Directive to future changes in battery technologies.

(9) The Communication of the Commission of 11 March 2020 on 'A new Circular Economy Action Plan – For a cleaner and more competitive Europe' states that the proposal for a new regulatory

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framework for batteries will consider rules on recycled content and measures to improve the collection and recycling rates of all batteries, in order to ensure the recovery of valuable materials and to provide guidance to consumers and will address the possible phasing out of non-rechargeable batteries where alternatives exist. Furthermore, it is stated that sustainability and transparency requirements will be considered, taking into account the carbon footprint of battery manufacturing, the ethical sourcing of raw materials and the security of supply in order to facilitate re-use, repurposing and recycling of batteries.

(10) Addressing the entire life cycle of all batteries placed on the Union market requires the setting up of harmonised product and marketing requirements, including conformity assessment procedures, as well as requirements to fully address the end-of-life stage of batteries. Requirements concerning the end-of-life stage are necessary to address the environmental implications of the batteries and, in particular, to support the creation of recycling markets for batteries and markets for secondary raw materials from waste batteries. In order to reach the envisaged objectives of addressing the whole life cycle of a battery in one legal instrument while avoiding barriers to trade and a distortion of competition and safeguarding the integrity of the internal market, the rules setting out the requirements for batteries should be of uniform application for all economic operators across the Union and not leave room for divergent implementation by Member States. Directive 2006/66/EC should therefore be replaced by a Regulation.

(11) This Regulation should apply to all categories of batteries placed on the market or put into service within the Union, regardless of whether they were produced in the Union or imported. It should apply regardless of whether a battery is incorporated into appliances, light means of transport or other vehicles or otherwise added to products or whether a battery is placed on the market or put into service within the Union on its own. This Regulation should apply regardless of whether a battery is specifically designed for a product or is of general use and regardless of whether it is incorporated into a product or is supplied together with or separately from a product in which it is to be used. Placing on the market is considered to take place when the battery has been made available for the first time on the Union market, by being supplied by the manufacturer or importer for distribution, consumption or use in the course of a commercial activity, whether in return for payment or free of charge. Thus, batteries placed in stock in the Union by distributors, including retailers, wholesalers and sales divisions of manufacturers, before the date of application of relevant requirements of this Regulation do not need to meet those requirements.

(12) This Regulation should prevent and reduce adverse impacts of batteries on the environment and ensure a safe and sustainable battery value chain for all batteries, taking into account, for instance, the carbon footprint of battery manufacturing, ethical sourcing of raw materials and security of supply, and facilitating re-use, repurposing and recycling. It should seek to improve the environmental performance of batteries and of the activities of all operators involved in the life cycle of batteries, such as producers, distributors and end-users and, in particular, those operators directly involved in the treatment and recycling of waste batteries. Such measures will help to ensure the transition to a circular economy and the long-term competitiveness of the Union and should contribute to the efficient functioning of the internal market, while taking into account a

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high level of protection of the environment. This Regulation should also aim to prevent and reduce the adverse impacts of the generation and management of waste batteries on human health and the environment and it should aim to reduce the use of resources and favour the practical application of the waste hierarchy. Thus, to prevent divergences hampering the free circulation of batteries, by laying down uniform obligations and requirements throughout the internal market, Article 114 of the Treaty on the Functioning of the European Union (TFEU) is the appropriate legal basis for this Regulation. To the extent that this Regulation contains specific rules on the management of waste batteries, the appropriate legal basis, in so far as those specific rules are concerned, is Article 192(1) TFEU.

(13) Products placed on the market as battery packs, which are batteries or groups of cells that are connected or encapsulated within an outer casing to form a complete unit ready for use by end-users or in applications that the end-user is not intended to split up or open and which conform to the definition of batteries, or battery cells that conform to the definition of batteries, should be subject to requirements applicable to batteries.

(14) Batteries that can be made ready for use by the end-user with commonly available tools by using a ‘Do It Yourself’ kit, should be considered to be batteries for the purposes of this Regulation. The economic operator placing such kits on the market should be subject to this Regulation.

(15) Within the broad scope of this Regulation, it is appropriate to distinguish between different categories of batteries in accordance with their design and use, independently of their battery chemistry. The classification into portable batteries, on the one hand, and industrial batteries and automotive batteries on the other hand under Directive 2006/66/EC should be further developed to better reflect new developments in the use of batteries. Batteries that are used for traction in electric vehicles and which, under Directive 2006/66/EC, fall under the category of industrial batteries, constitute a large and growing part of the market due to the quick growth of electric road transport vehicles. It is therefore appropriate to classify those batteries that are used for traction in road vehicles as a new separate category of electric vehicle batteries. Batteries used for traction in light means of transport, such as e-bikes and e-scooters, were not classified as a separate category of battery under Directive 2006/66/EC. However, such batteries constitute a significant part of the market due to their growing use in urban sustainable mobility. It is therefore appropriate to classify those batteries as a new separate category of batteries, namely light means of transport batteries (LMT batteries). Batteries used for traction in other transport vehicles including rail, waterborne and aviation transport or off-road machinery, continue to fall under the category of industrial batteries under this Regulation. The industrial battery category encompasses a broad group of batteries, intended to be used for industrial activities, communication infrastructure, agricultural activities, or generation and distribution of electric energy. Batteries which are given industrial uses after being subject to preparation for repurposing or repurposing, even though they were initially designed for a different use, should be considered to be industrial batteries under this Regulation. In addition to this non exhaustive list of examples, any battery that weighs more than 5 kg that does not fall under any other categories under this Regulation should be considered to be an industrial battery. Batteries used for energy storage in private or domestic environments, should

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be considered to be industrial batteries for the purposes of this Regulation. Batteries used for traction in wheeled vehicles considered to be toys within the meaning of Directive 2009/48/EC of the European Parliament and of the Council ([4]), should, for the purposes of this Regulation, not be considered to be LMT batteries, but to be portable batteries.

(16) After being placed on the market or put into service within the Union for the first time, a battery can be subject to re-use, repurposing, remanufacturing, preparation for re-use or preparation for repurposing. For the purposes of this Regulation, in accordance with the Union framework on product regulation, a used battery, meaning a battery that has been subject to re-use, is considered to have already been placed on the market when it was first made available on the market for use or distribution. Conversely, batteries that have been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing, are considered to be placed on the market anew and should therefore comply with this Regulation. In addition, in accordance with the Union framework on product regulation, a used battery that has been imported from a third country is considered to be placed on the market when it enters the Union for the first time. Therefore, a battery that has been subject to re-use, repurposing, remanufacturing, preparation for re-use or preparation for repurposing and that has been imported from a third country should comply with this Regulation.

(17) Remanufacturing covers a wide range of technical operations that can be carried out on batteries or on waste batteries. As regards waste batteries, remanufacturing can be considered to be preparation for re-use or preparation for repurposing. For that reason, it is not necessary to provide in this Regulation a specific regime for the remanufacturing of waste batteries that is different from the regime on preparation for re-use or preparation for repurposing of waste batteries. As regards used batteries, remanufacturing has the objective of restoring the original performance of a battery. In that sense remanufacturing can be seen as an extreme case of re-use entailing the disassembly and evaluation of the cells and modules of the battery and the replacement of a certain amount of these cells and modules. In order to differentiate remanufacturing from mere re-use, the restoration of the battery capacity to at least 90 % of the original rated battery capacity should be considered to be remanufacturing and necessitates the application of a specific regime.

(18) Where the end-user is a consumer, and the battery has been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing, that battery should be covered by a sales contract that complies with Directive (EU) 2019/771 of the European Parliament and of the Council ([5]). In particular, the requirements of that Directive cover conformity of the product, liability of the seller, including the option of a shorter liability or limitation period, burden of proof, remedies for lack of conformity, repair or replacement of the goods, and commercial guarantees.

(19) Batteries should be designed and manufactured to optimise their performance, durability and safety and to minimise their environmental footprint. It is appropriate to lay down specific sustainability requirements for rechargeable industrial batteries with a capacity greater than

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2 kWh, LMT batteries and electric vehicle batteries, as such batteries represent the market segment which is expected to increase the most in the coming years.

(20) For the safety of electric vehicle batteries and starting, lighting and ignition batteries (SLI batteries), the continued validity of the EU type-approval for vehicles of categories M, N and O in accordance with Regulation (EU) 2018/858 of the European Parliament and of the Council ([6]) requires that any battery which has been repaired or exchanged continues to comply with the applicable safety requirements. Where safety particulars have changed, further inspections or tests are required to verify continued compliance with the requirements upon which the existing EU type-approval has been based.

(21) In line with the Communication of the Commission of 12 May 2021 on ‘Pathway to a Healthy Planet for All – EU Action Plan: “Towards Zero Pollution for Air, Water and Soil” ’, Union policies should be based on the principle that preventive action should be taken at source. In its Communication of 14 October 2020 on ‘Chemicals Strategy for Sustainability – Towards a Toxic-Free Environment’ (the ‘Chemicals Strategy for Sustainability’), the Commission underlines that the Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([7]) and Regulation (EC) No 1272/2008 of the European Parliament and of the Council ([8]) should be reinforced as the Union’s cornerstones for regulating chemicals in the Union and that they should be complemented by coherent approaches to assess and manage chemicals in existing sectorial legislation. The use of hazardous substances in batteries should therefore primarily be restricted at source in order to protect human health and the environment and to manage the presence of such substances in waste. This Regulation should complement the Regulation (EC) No 1907/2006 and Regulation (EC) No 1272/2008 and allow the adoption of risk management measures related to substances including the waste phase.

(22) In addition to the restrictions set out in Annex XVII to Regulation (EC) No 1907/2006, it is appropriate to set out restrictions for the presence of mercury, cadmium and lead in certain categories of batteries. Batteries used in vehicles which benefit from an exemption under Annex II to Directive 2000/53/EC of the European Parliament and of the Council ([9]) should be excluded from the prohibition to contain cadmium. With a view to further restrictions on substances present in batteries or used in their manufacturing, it is appropriate to carry out a mapping of substances of concern, defined in the Chemicals Strategy for Sustainability as substances having a chronic effect for human health or the environment, such as substances in the candidate list for eventual inclusion in Annex XIV to Regulation (EC) No 1907/2006 and in Annex VI to Regulation (EC) No 1272/2008, but also those which hamper recycling for safe and high quality secondary raw materials, in the context of the substance evaluation planned in the REACH Evaluation Joint Action Plan published on the website of the European Chemicals Agency set up under Regulation (EC) No 1907/2006 (‘the Agency’).

(23) In order to ensure that substances that pose an unacceptable risk to human health or to the environment when used in batteries or present in waste batteries, can be duly addressed, the power

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to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending restrictions on substances in batteries.

(24) The assessment procedure for adopting new and amending current restrictions on substances in batteries and waste batteries should be fully streamlined with Regulation (EC) No 1907/2006. To ensure effective decision-making, coordination and management of the related technical, scientific and administrative aspects of this Regulation, the Agency should carry out specified tasks with regard to the evaluation of risks from substances in the manufacture and use of batteries, as well as those that may occur after their end-of-life as well as the evaluation of the socioeconomic elements and the analysis of alternatives, in accordance with relevant guidance by the Agency. Consequently, the Committees for Risk Assessment and Socioeconomic Analysis of the Agency should facilitate the carrying out of certain tasks conferred on the Agency by this Regulation.

(25) In order to ensure that this Regulation is coherent with any future amendment of Regulation (EC) No 1907/2006 or of other future Union law concerning sustainability criteria for hazardous substances and chemicals, the Commission should assess whether an amendment of Articles 6, 86, 87 and 88 of this Regulation is required. Where appropriate, the Commission should propose amendments to this Regulation in a future regulation amending Regulation (EC) No 1907/2006 or in other future Union law concerning sustainably criteria for hazardous substances and chemicals.

(26) In order to promote a sustainable European economic model, the Commission should, where appropriate, propose amendments to the provisions of this Regulation regulating the restrictions on substances in batteries and in waste batteries, including the introduction of an export ban on batteries that are not compliant with those restrictions.

(27) The expected massive deployment of batteries in sectors like mobility and energy storage should reduce carbon emissions. However, to maximise that potential, it is necessary that their overall life cycle have a low carbon footprint. According to the Product Environmental Footprint Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications, climate change is the second highest related impact category for batteries after the mining and use of minerals and metals. Rechargeable industrial batteries with a capacity greater than 2 kWh, LMT batteries and electric vehicle batteries placed on the Union market should therefore be accompanied by a carbon footprint declaration. Harmonising the technical rules for calculating the carbon footprint for all rechargeable industrial batteries with a capacity greater than 2 kWh, LMT batteries and electric vehicle batteries placed on the Union market is a prerequisite for introducing a requirement for a carbon footprint declaration and subsequently for establishing carbon footprint performance classes that will enable batteries with lower overall carbon footprints to be identified. Information and clear labelling requirements on the carbon footprint of batteries is not expected in itself to lead to the behavioural change necessary to ensure that the Union’s objective to decarbonise the mobility and energy storage sectors is achieved, in line with the internationally agreed objectives on climate change. Therefore, maximum carbon thresholds should be introduced, further to a dedicated impact assessment to determine those values. In proposing the level of the maximum carbon footprint threshold, the Commission should, inter alia, take into account the relative

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distribution of the carbon footprint values in batteries on the market, the extent of progress in the reduction of carbon footprint of batteries placed on the Union market and the effective and potential contribution of this measure to the Union's objectives on sustainable mobility and climate neutrality by 2050 at the latest. In order to bring about transparency on the batteries' carbon footprint, and shift the Union market towards batteries with a lower carbon footprint, regardless of where they are produced, a gradual and cumulative increase in the carbon footprint requirements is justified. As a result of these requirements, the avoided carbon emissions in batteries' life cycle, will contribute to the Union's climate objectives, particularly that of reaching climate neutrality by 2050 at the latest. This could also contribute to other policies at Union and national level, such as by means of incentives or green public procurement criteria, fostering the production of batteries with lower environmental impacts.

(28) The maximum life cycle carbon footprint thresholds should be future-proof. Therefore, when adopting a delegated act determining the maximum life cycle carbon footprint threshold, the Commission should take into account the best available manufacturing and production processes and ensure that the technical criteria it selects are consistent with the objective of this Regulation of ensuring that batteries placed on the Union market guarantee a high level of protection of human health, safety of persons, and of property and the environment.

(29) Certain substances present in batteries, such as cobalt, lead, lithium or nickel, are acquired from scarce resources which are not easily available in the Union, and some are considered critical raw materials by the Commission. In line with the communication of the Commission of 5 May 2021 on 'Updating the 2020 New Industrial Strategy: Building a stronger Single Market for Europe's recovery', the Union needs to enhance its strategic autonomy and increase its resilience in preparation for potential disruptions in supply due to health or other crises. Enhancing circularity and resource efficiency with increased recycling and recovery of those raw materials, will contribute to reaching that goal.

(30) The increased use of recovered raw materials would support the development of the circular economy and allow a more resource-efficient use of raw materials, while reducing Union dependency on raw materials from third countries. For batteries, this is particularly relevant for cobalt, lead, lithium and nickel. Therefore, it is necessary to promote the recovery of such materials from waste, by establishing a requirement for the level of recycled content in batteries using cobalt, lead, lithium and nickel in active materials. This Regulation should therefore set mandatory recycled content targets for cobalt, lead, lithium and nickel, which should be met by 2031. For cobalt, lithium and nickel, increased targets should be established by 2036. All targets should take into account the availability of waste from which such materials can be recovered, the technical feasibility of the recovery and manufacture processes involved, as well as the time needed by the economic operators to adapt their supply and manufacturing processes. Therefore, before such mandatory targets become applicable, the requirement related to recycled content should be limited to disclosure of information on recycled content. Battery manufacturing waste is likely to be the main source of secondary raw materials for battery manufacturing due to the increase in the production of batteries and should be subject to the same recycling processes as

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post-consumer waste. Therefore, battery manufacturing waste should be counted as part of the recycled content targets with the objective of accelerating the development of the necessary recycling infrastructure. However, by-products of battery manufacturing that are re-used in the production process, such as manufacturing scrap, do not constitute waste and should therefore not be counted as part of the recycled content targets.

(31) In order to take into account the risk of short supply of cobalt, lead, lithium and nickel and to assess the availability of those raw materials, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the targets for the minimum share of recycled cobalt, lead, lithium or nickel present in active materials in batteries.

(32) In order to take into account changes in battery technologies, which impact the types of materials that can be recovered, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by inserting further raw materials and respective targets in the list of minimum shares of recycled content present in active materials in batteries.

(33) In order to ensure that the calculations and verifications of the percentage share of cobalt, lead, lithium and nickel recovered are accurate and reliable and ensure that there is greater legal certainty, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by establishing the methodology for the calculation and verification of the percentage share of cobalt, lithium or nickel that is present in active materials and that has been recovered from battery manufacturing waste or post-consumer waste and the percentage share of lead that is present in the battery and that has been recovered from waste and the format for the technical documentation on those percentage shares, for each battery model per year and per manufacturing plant. The reutilisation of materials, such as rework, regrind or scrap generated in the battery manufacturing process, which can be reclaimed within the same process that generated the material, should be excluded from that methodology.

(34) Batteries placed on the Union market should be durable and of high performance. It is therefore necessary to set out performance and durability parameters for portable batteries of general use as well as for rechargeable industrial batteries, LMT batteries and electric vehicle batteries. For electric vehicle batteries, the informal UNECE Working Group on Electric Vehicles and the Environment has developed in-vehicle durability requirements that are to apply in the Union through a future regulation on type-approval of motor vehicles and engines and of systems, components and separate technical units intended for such vehicles, with respect to their emissions and battery durability (Euro 7) (‘Euro 7 Regulation’). Therefore this Regulation should only set information requirements for the performance and durability of electric vehicle batteries. On the other hand, in the area of batteries for energy storage, existing measurement methods to test battery performance and durability are not considered to be sufficiently precise and representative to enable introducing minimum requirements. The introduction of minimum requirements related to performance and durability of these batteries should be accompanied by available adequate harmonised standards or common specifications.

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(35) In order to reduce the life cycle environmental impact of batteries, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the performance and durability parameters for portable batteries of general use and for rechargeable industrial batteries and establishing minimum values for those parameters. Those delegated acts should also establish how those minimum values are to apply to batteries that have been subject to remanufacturing.

(36) In order to ensure that the Union's rules on electrochemical performance and durability for electric vehicle batteries are consistent with the technical specifications of the informal UNECE Working Group on Electric Vehicles and the Environment and in view of technical and scientific progress, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the performance and durability parameters for electric vehicle batteries. For the minimum values of those parameters for electric vehicle batteries that are incorporated in motor vehicles, it is appropriate to set minimum performance requirements through a future Euro 7 Regulation, based on the minimum performance requirements set out in United Nations (UN) Global Technical Regulation No 22 on in-vehicle battery durability for electrified vehicles.

(37) Some non-rechargeable batteries of general use can be inefficient in terms of use of resources and energy. Objective requirements regarding the performance and durability of such batteries should be established in order to ensure that fewer low performing non-rechargeable portable batteries of general use are placed on the market, in particular, where, based on a life cycle assessment, the alternative use of rechargeable batteries would result in overall environmental benefits. For batteries that are incorporated in mobile phones and tablets it is appropriate to set performance and durability requirements regarding those batteries through a future eco-design regulation addressing phones and tablets and to update Commission Regulation (EU) No 617/2013 ([10]) on computers and computer servers. For other portable batteries that are incorporated in other appliances, such as gardening tools or cordless power tools, the possibility of setting minimum performance and durability requirements should be addressed in relevant product legal acts, such as implementing acts under Directive 2009/125/EC of the European Parliament and of the Council ([11]), or in other Union legal act.

(38) In order to ensure that portable batteries that were incorporated into appliances are subject to separate collection, treatment and high quality recycling once those appliances become waste, provisions to ensure the removability and replaceability of batteries in such appliances are necessary. Consumer safety should be ensured, in line with Union law and in particular Union safety standards, during the removal of portable batteries from or the replacement of portable batteries in an appliance. A portable battery should be considered to be removable by the end-user when it can be removed with the use of commercially available tools and without requiring the use of specialised tools, unless they are provided free of charge, or proprietary tools, thermal energy or solvents to disassemble it. Commercially available tools are considered to be tools available on the market to all end-users without the need for them to provide evidence of any proprietary rights and

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that can be used with no restriction, except health and safety-related restrictions. The general provisions of this Regulation should apply without prejudice to the safety and maintenance requirements for professional medical imaging and radiotherapy devices as defined in Regulation (EU) 2017/745 of the European Parliament and of the Council ([12]) and for *in vitro* diagnostic medical devices as defined in Regulation (EU) 2017/746 of the European Parliament and of the Council ([13]), and could be complemented with requirements laid down for particular products powered by batteries under implementing measures under Directive 2009/125/EC. Where other Union law lays down more specific requirements, for safety reasons, regarding the removal of batteries from products, such as toys, those specific rules should apply.

(39) To ensure the safety of end-users, this Regulation should provide for a limited derogation for portable batteries from the removability and replaceability requirements set for portable batteries concerning appliances that incorporate portable batteries and that are specifically designed to be used, for the majority of the active service of the appliance, in an environment that is regularly subject to splashing water, water streams or water immersion and that are intended to be washable or rinseable. This derogation should only apply when it is not possible, by way of redesign of the appliance, to ensure the safety of the end-user and the safe continued use of the appliance after the end-user has correctly followed the instructions to remove and replace the battery. Where the derogation applies, the product should be designed in such a way as to make the battery removable and replaceable only by independent professionals, and not by end-users.

(40) For repaired electric vehicle batteries and SLI batteries, the safety requirements of Regulation (EU) 2019/2144 of the European Parliament and of the Council ([14]) apply to type-approved vehicles of categories M, N and O and batteries designed and constructed for those vehicles. It is important that the safety of such batteries when repaired can be assessed based on non-destructive tests adapted to them. For repaired LMT batteries, the Commission will prepare rules on the safety of micromobility devices, building on experience at national and local levels of safety requirements, as announced in the communication of the Commission of 14 December 2021 on ‘The new EU Urban Mobility Framework’. For other repaired batteries intended for consumers or likely to be used by them, the requirements of Directive 2001/95/EC of the European Parliament and of the Council ([15]) apply.

(41) The interoperability of chargers for specific categories of batteries could reduce unnecessary waste and costs for the benefit of consumers and other end-users. It should be possible therefore to recharge LMT batteries and rechargeable batteries that are incorporated into specific categories of electrical and electronic equipment, by making use of common chargers that allow interoperability within each category of batteries. This Regulation should therefore require the Commission to assess how to introduce harmonised standards for common chargers for those categories of batteries, excluding charging devices for categories and classes of radio equipment under Directive 2014/53/EU of the European Parliament and of the Council ([16]).

(42) SLI batteries and electric vehicle batteries that are incorporated in motor vehicles should be removable and replaceable by independent professionals. It is appropriate to consider revising

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Directive 2000/53/EC to ensure that those batteries can be removed, replaced and disassembled, including as regards joining, fastening and sealing elements. For the purposes of the design, manufacturing and the repair of SLI batteries and electric vehicle batteries, manufacturers should provide the relevant vehicle on-board diagnostic information and vehicle repair and maintenance information on a non-discriminatory basis to any interested manufacturer, installer or repairer of equipment for vehicles of categories M, N and O, as provided for in Regulation (EU) 2018/858. Furthermore, the Commission should encourage the development of standards for design and assembly techniques that facilitate the maintenance, repair and repurposing of batteries and battery packs.

(43) Reliable batteries are fundamental for the operation and safety of many products, appliances and services. Therefore, batteries should be designed and manufactured to ensure they pose no risk to human health or the safety of persons, to property or the environment. This is particularly relevant for stationary battery energy storage systems, which are currently not covered by other Union law. Parameters to be considered in safety tests should therefore be laid down for those batteries and be complemented by applicable standards of the European standardisation organisations.

(44) Batteries should be labelled in order to provide end-users with transparent, reliable and clear information about batteries and waste batteries. That information would enable end-users to make informed decisions when buying and discarding batteries and waste operators to appropriately treat waste batteries. Batteries should be labelled with all the necessary information concerning their main characteristics, including their capacity and the amount of certain hazardous substances present. To ensure the availability of information over time, that information should also be made available by means of QR codes which are printed or engraved on batteries or are affixed to the packaging and to the documents accompanying the battery and should respect the guidelines of ISO/IEC Standard 18004:2015. The QR code should give access to a battery’s product passport. Labels and QR codes should be accessible to persons with disabilities, in accordance with Directive (EU) 2019/882 of the European Parliament and of the Council ([17]).

(45) The inclusion on the battery label of information about the performance of batteries is essential to ensure that end-users, especially consumers, before making their purchase are appropriately informed and in particular that they have a common basis to compare different batteries. Therefore, non-rechargeable portable batteries should be marked with a label indicating ‘non-rechargeable’ and containing the information on their minimum average duration when used in specific applications. Additionally, it is important to offer guidance to the end-user on how to discard waste batteries in an appropriate way.

(46) For stationary battery energy storage systems, LMT batteries and electric-vehicle batteries using a battery management system, it should be possible for the end-user or any other third party acting on behalf of that end-user to determine the state of health and expected lifetime of the batteries at any time from the data stored in the battery management system. Read-only access to those data should be provided to the person who purchased the battery or any third party acting on behalf of that person at any time for the purposes of evaluating the residual value of the battery, facilitating

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the preparation for re-use, preparation for repurposing, repurposing or remanufacturing of the battery or for making the battery available to independent aggregators, as defined in Directive (EU) 2019/944 of the European Parliament and of the Council ([18]), which operate virtual power plants in electricity grids. Therefore, the data should be up to date. It should be updated at least daily and more frequently where that is required for a specific purpose. Technical specifications that originate from the work of the informal UNECE Working Group on Electric Vehicles and the Environment on data access in electric vehicles should be considered to be a benchmark for the state of health and expected lifetime of electric vehicle batteries. These requirements should apply in addition to Union law on type-approval of vehicles, which is the appropriate legal framework for addressing, inter alia, smart charging functions such as vehicle-to-grid, vehicle-to-load, vehicle-to-vehicle, vehicle-to-powerbank and vehicle-to-building charging.

(47) A number of product-specific requirements under this Regulation, including on performance, durability, repurposing and safety, should be measured by using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art measurements, standards and calculation methodologies. In order to ensure that there are no barriers to trade on the internal market, standards should be harmonised at Union level. Such methods and standards should, to the extent possible, take into account the real-life usage of batteries, reflect the average range of consumer behaviour and be robust in order to deter intentional and unintentional circumvention. Once a reference to such a standard has been published in the *Official Journal of the European Union* in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council ([19]), batteries that meet that standard should be presumed to be in conformity with those product-specific requirements under this Regulation, provided that the minimum values established for those product-specific requirements are attained. In order to avoid the duplication of technical specifications on the one hand and to maximise efficiency and to take account of the highest levels of expertise and state-of the art knowledge on the other, the Commission should aim to request one or more European standardisation organisations to draft a standard where there is no standard in existence. In the absence of published standards at the time of the application of product-specific requirements, or in the event of an unsatisfactory response by the relevant European standardisation organisation the Commission should adopt, in exceptional and justified cases and after consultation with the relevant stakeholders, common specifications through implementing acts. The compliance with such specifications should also give rise to the presumption of conformity. In cases where the common specifications are, at a later stage, found to have shortcomings, the Commission should by implementing act amend or repeal the common specifications in question. After the references of harmonised standards are published in the *Official Journal of the European Union*, any common specification should be repealed within a reasonable period which allows manufacturers to take the changes into account.

(48) Active involvement in the work of international standardisation committees is an important strategic prerequisite for placing future battery technologies on the market. European involvement in some of those committees has been less effective than it could have been. European involvement should be improved to strengthen the Union’s voice in global standardisation, also

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with a view to enhance the competitiveness of Union companies, to reduce the Union's dependencies and to protect the interests, policy objectives and values of the Union. Therefore, the Commission and the Member States should monitor and coordinate the European approach to international standardisation. Harmonised standards that complement the implementation of this Regulation should take into account existing international standards, in particular at IEC and ISO level.

(49) The Commission should ensure that there is consistency regarding harmonised standards and common specifications under this Regulation, including when reviewing Regulation (EU) No 1025/2012.

(50) To ensure effective access to information for market surveillance purposes, to adapt to new technologies and to ensure resilience in case of global crises, such as the Covid-19 pandemic, it should be possible to provide information online regarding conformity with all Union acts applicable to batteries in the form of a single EU declaration of conformity.

(51) Regulation (EC) No 765/2008 of the European Parliament and of the Council ([20]) lays down rules on the accreditation of conformity assessment bodies, provides a framework for the market surveillance of products and for controls on products from third countries, and lays down the general principles of the CE marking. That Regulation should be applicable to batteries covered by this Regulation in order to ensure that products benefiting from the free movement of goods within the Union fulfil requirements providing a high level of protection of public interests such as human health, safety of persons and the environment.

(52) In order to enable economic operators to demonstrate and the competent authorities to verify that batteries made available on the market comply with this Regulation, it is necessary to provide for conformity assessment procedures. Decision No 768/2008/EC of the European Parliament and of the Council ([21]) establishes modules for conformity assessment procedures, ranging from the least to the most stringent depending on the level of risk involved and the level of safety required. In accordance with that Decision, where conformity assessment is required, the procedures to be used for that assessment are to be chosen from among those modules. Robust conformity assessment procedures are needed to ensure that batteries comply with the novel and complex carbon footprint and recycled content requirements and due diligence obligations laid down in this Regulation.

(53) The CE marking on a battery indicates the conformity of that battery with this Regulation. General principles governing the CE marking and its relationship to other markings are set out in Regulation (EC) No 765/2008. Those principles should apply to the CE marking on batteries. In order to ensure that batteries are stored, used and discarded in a manner which is safe from the point of view of protecting human health and the environment, specific rules governing the affixing of the CE marking for batteries should be laid down.

(54) The conformity assessment procedures set out in this Regulation require the intervention of conformity assessment bodies. In order to ensure a uniform implementation of the provisions in

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this Regulation, those bodies should be notified by the Member State authorities to the Commission.

(55) Due to the novelty and complexity of the sustainability, performance, safety, labelling and information requirements for batteries under this Regulation and in order to ensure a consistent level of quality of conformity assessment of batteries, it is necessary to set requirements for the notifying authorities that are involved in the assessment, notification and monitoring of conformity assessment bodies that have been notified to the Commission, thereby becoming notified bodies. In particular, it should be ensured that the notifying authority is objective and impartial with regard to its activities and has a sufficient number of technically competent members of staff to perform its tasks. Furthermore, notifying authorities should be required to safeguard the confidentiality of the information they obtain, but should nonetheless be able to exchange information on notified bodies with national authorities, the notifying authorities of other Member States and the Commission to ensure consistency in the conformity assessment.

(56) It is essential that all notified bodies perform their functions to the same level and under conditions of fair competition and autonomy. Therefore, this Regulation should lay down requirements for conformity assessment bodies wishing to be notified in order to carry out conformity assessment activities. Those requirements should continue to apply as a prerequisite for keeping the competence of the notified body up-to-date. To ensure its autonomy, the notified body and the staff it employs should be required to remain independent of economic operators in the battery value chain and from other companies, including business associations and parent companies and subsidiaries. The notified body should be required to provide documentary proof of its independence and provide that documentation to the notifying authority. The notified bodies should ensure rotation of the personnel carrying out different conformity assessment tasks.

(57) If a conformity assessment body demonstrates conformity of the battery with the criteria laid down in harmonised standards it should be presumed to comply with the corresponding requirements laid down in this Regulation.

(58) Conformity assessment bodies frequently subcontract parts of their activities linked to the assessment of conformity or have recourse to a subsidiary. Certain activities and decision-making processes, both regarding the conformity assessment of batteries and other activities internal to the notified body, should however be carried out exclusively by the notified body itself, in order to ensure its independence and autonomy. Furthermore, in order to safeguard the level of protection required for batteries to be placed on the Union market, conformity assessment subcontractors and subsidiaries should fulfil the same requirements as notified bodies in relation to the performance of conformity assessment tasks under this Regulation.

(59) Since the services offered by notified bodies in a Member State might relate to batteries made available on the market throughout the Union, it is appropriate to give the other Member States and the Commission the opportunity to raise objections concerning a notified body. The Commission, during its investigations, can seek the advice of a Union testing facility, designated in accordance with Regulation (EU) 2019/1020 of the European Parliament and of the

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Council ([22]). In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in order to request the notifying authority to take corrective action in case a notified body does not meet or no longer meets the requirements of this Regulation.

(60) In the interests of facilitating and accelerating the conformity assessment procedure, certification and ultimately market access, and in view of the novelty and complexity of the sustainability, safety, labelling and information requirements for batteries provided for in this Regulation, it is crucial that notified bodies have continuous access to all testing equipment and testing facilities needed and that they apply the procedures without creating an unnecessary burden for economic operators. For the same reasons, and to ensure equal treatment of economic operators, it is necessary that notified bodies apply the conformity assessment procedures consistently.

(61) Prior to taking a final decision on whether a battery can be granted a conformity certificate, the economic operator that wishes to place a battery on the market should be allowed to submit complementary documentation on the battery once.

(62) The Commission should enable appropriate coordination and cooperation between notified bodies.

(63) It is appropriate to lay down the obligations on the economic operators related to the placing on the market or putting into service of batteries. For the purposes of this Regulation the term ‘economic operator’ should be understood to cover the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service provider or any other natural or legal person who is subject to obligations in relation to the manufacture of batteries, making them available or placing them on the market or putting them into service. Batteries, for the purposes of this Regulation, should include batteries that have been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing.

(64) It is appropriate to provide that the requirements for batteries, which are put into service without being placed on the market beforehand, should be the same as for batteries that are placed on the market before being put into service. This concerns for example batteries that the manufacturer uses for its own purposes, or batteries that, because of their characteristics, can only be assembled and tested on-site in their final destination. However, to avoid the need to demonstrate compliance twice for the same product, batteries that are placed on the market should not be subject to the same requirements when they are put into service.

(65) Economic operators should be responsible for the compliance of batteries with the requirements of this Regulation, in relation to their respective roles in the supply chain, to ensure a high level of protection of public interests such as human health, safety of persons, the protection of property and the environment.

(66) All economic operators active in the supply and distribution chain should take appropriate measures to ensure that they only make available on the market batteries which are in conformity with this Regulation. It is necessary to provide for a clear and proportionate distribution of

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obligations which corresponds to the role of each economic operator in the supply and distribution chain.

(67) The manufacturer, having detailed knowledge of the design and production process, is best placed to carry out the conformity assessment procedure. Conformity assessment should therefore remain the obligation of the manufacturer alone.

(68) The manufacturer should provide sufficiently detailed information on the intended use of the battery to allow its correct and safe placing on the market, putting into service, use and waste management, including possible repurposing.

(69) In order to facilitate communication between economic operators, market surveillance authorities and end-users, economic operators should, as part of their contact details, indicate a postal and, if available, email and website address.

(70) The single market should ensure equal conditions of competition for all economic operators and protection against unfair competition. To that end, strengthened enforcement of Union harmonisation legislation on batteries is necessary. Good cooperation between economic operators and the market surveillance authorities is a key element of such strengthened enforcement, allowing immediate intervention and corrective action. It is important that there be an economic operator established in the Union so that there is someone to whom market surveillance authorities can address requests, including requests for information regarding a battery's compliance with Union harmonisation legislation, and who can cooperate with market surveillance authorities in making sure that immediate corrective action is taken to remedy instances of non-compliance. The economic operators who should perform those tasks are the manufacturer, or the importer when the manufacturer is not established in the Union, or an authorised representative mandated by the manufacturer for this purpose, or a fulfilment service provider established in the Union for batteries handled by it when no other economic operator is established in the Union.

(71) It is necessary to ensure that batteries from third countries entering the Union market comply with the requirements of this Regulation, and with other applicable Union law, whether imported on their own or incorporated into or added to products, and, in particular, that appropriate conformity assessment procedures have been carried out by manufacturers with regard to those batteries. Provision should therefore be made for importers to make sure that the batteries they place on the market and put into service comply with the requirements of this Regulation and that the CE marking on batteries and documentation drawn up by manufacturers are available for inspection by the national authorities, whether imported as new or used batteries or batteries that have been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing.

(72) When placing a battery on the market or putting it into service, every importer should indicate on the battery the importer's name, registered trade name or registered trade mark as well as the postal and, if available, email and website address. Exceptions should be provided for cases where the size of the battery is too small for that information to be affixed to it or where the importer would have to open the packaging in order to affix the importer's name, registered trade name or registered trade mark and the other contact details. In those exceptional cases, the importer should

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provide the information in a document accompanying the battery or in another immediately accessible way. Where packaging exists, the importer should indicate the information on that packaging.

(73) Where a distributor makes a battery available on the market after it has been placed on the market or put into service by the manufacturer or the importer, the distributor should act with due care to ensure that its handling of the battery does not adversely affect its compliance with the requirements of this Regulation.

(74) Any importer or distributor that places a battery on the market or puts it into service under the importer's or distributor's own name or trademark, or modifies a battery in such a way that compliance with the requirements of this Regulation could be affected or modifies the purpose of a battery that is already placed on the market should be considered to be the manufacturer and should assume the obligations of the manufacturer provided for in this Regulation.

(75) Distributors, importers and fulfilment service providers, being close to the market place, should be involved in market surveillance tasks carried out by the national authorities, and should be ready to participate actively, providing those authorities with all necessary information relating to the battery concerned.

(76) Ensuring traceability of a battery throughout the whole supply chain helps to make market surveillance simpler and more efficient, and provides transparency to consumers. An efficient traceability system facilitates the market surveillance authorities' task of tracing economic operators who have placed on the market, made available on the market or put into service non-compliant batteries. Economic operators should therefore be required to keep information on their transactions involving batteries for a certain period, including in electronic form.

(77) The extraction, processing and trading of natural mineral resources is fundamental in providing the necessary raw materials for the production of batteries. Battery manufacturers, regardless of their position or leverage over suppliers and of their geographical location, could inadvertently contribute to adverse impacts in the mineral supply chain. For some raw materials, over half of global production is intended for use in battery applications. For example, over 50 % of the global demand for cobalt and over 60 % of the world's lithium is used for battery production. About 8 % of global natural graphite production and 6 % of global nickel production goes into battery manufacturing.

(78) Only a few countries supply the raw materials used in battery manufacture and, in some cases, low standards of governance in those countries can exacerbate environmental and social problems. Both cobalt and nickel mining and refining are connected with a large range of social and environmental issues. While the social and environmental impacts for natural graphite are less severe, the mining of natural graphite can have serious health and environmental impacts since it is mainly carried out by artisanal and small scale operations, mostly in informal settings. This, together with the absence of regularly updated mine closure plans and rehabilitation, can result in the destruction of ecosystems and soils. The expected increase in the use of lithium in battery manufacturing is likely to put additional pressure on extraction and refining operations. It is

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therefore appropriate that lithium be included in the scope of battery due diligence obligations. The expected massive increase in demand for batteries in the Union should not contribute to an increase of such environmental and social risks.

(79) Some of the raw materials used in battery manufacturing, such as cobalt, lithium and natural graphite, are considered to be critical raw materials for the Union, as indicated by the Commission in its communication of 3 September 2020 on ‘Critical Raw Materials Resilience: Charting a Path towards greater Security and Sustainability’, and their sustainable sourcing is required for the Union battery ecosystem to perform adequately.

(80) A number of voluntary efforts from actors in the battery supply chain are already in place in order to encourage adherence to sustainable sourcing practices, including the Initiative for Responsible Mining Assurance, the Responsible Minerals Initiative and the Cobalt Industry Responsible Assessment Framework. However, it is not certain that voluntary efforts to set up due diligence schemes will ensure that all economic operators placing batteries in the Union market abide by the same set of minimum rules.

(81) In the Union, general requirements on due diligence in relation to certain minerals and metals were introduced by Regulation (EU) 2017/821 of the European Parliament and of the Council ([23]). That Regulation does not, however, address the minerals and materials used for battery production.

(82) Therefore, in view of the expected exponential growth in battery demand in the Union, an economic operator that places a battery on the Union market should set up a battery due diligence policy. Requirements therefore should be laid down in this Regulation, in order to address the social and environmental risks inherent in the extraction, processing and trading of certain raw materials and secondary raw materials used for the purposes of battery manufacturing. Such policy should encompass all operators in the supply chain, and their subsidiaries and subcontractors, that extract, process and trade certain raw materials and secondary raw materials.

(83) When putting in place a risk-based battery due diligence policy, the economic operator should base it on internationally recognised due diligence standards and principles, such as those in the United Nations Guiding Principles on Business and Human Rights, the Ten Principles of the United Nations Global Compact, the United Nations Environment programme (UNEP) Guidelines for Social Life Cycle Assessment of Products, the International Labour Organisation (ILO) Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, the Organisation for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises and the OECD Due Diligence Guidance for Responsible Business Conduct. Those standards and principles which each economic operator should tailor to its specific context and circumstances, reflect a common understanding amongst governments and stakeholders. In relation to the extraction, processing and trading of natural mineral resources used for battery production, the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas represents an internationally acknowledged standard

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addressing the specific risks of gross human rights violations, and a long-standing effort by governments and stakeholders to establish good practice in this area.

(84) According to the UN, ILO and OECD standards and principles, due diligence is an on-going, proactive and reactive process through which companies can ensure that they respect human rights and the environment and do not contribute to conflict. Risk-based due diligence refers to the steps companies should take to identify, prevent, mitigate and otherwise address adverse impacts associated with their activities or sourcing decisions. Economic operators should hold informed, effective and meaningful consultations with affected communities. A company can assess the risks posed by its activities and relationships and adopt risk-mitigation measures, which can include requiring additional information, negotiating with a view to redressing the situation, or suspending or discontinuing engagement with suppliers, in line with relevant standards provided under national and international law, recommendations on responsible business conduct by international organisations, government-backed tools, private sector voluntary initiatives and a company's internal policies and systems. This approach also helps to scale the due diligence exercise in proportion to the size of the company's activities or supply chain relationships.

(85) While private sector due diligence schemes can support economic operators in fulfilling their battery due diligence obligations in line with the OECD Guidelines for Multinational Enterprises and the United Nations Guiding Principles on Business and Human Rights, economic operators should be individually responsible for fulfilment of the due diligence obligations laid down in this Regulation.

(86) Mandatory battery due diligence policies should be adopted or changed and should address, at least the most prevalent social and environmental risk categories. Such a policy should cover the current and foreseeable impacts on social issues, in particular human rights, human health and safety of persons as well as occupational health and safety, and labour rights, on the one hand, and on the environment, in particular on water use, soil protection, air pollution, climate change and biodiversity, as well as protection of community life, on the other.

(87) As regards the social risk categories, battery due diligence policies should address the risks in relation to the protection of human rights, including human health, community life, including that of indigenous peoples, the protection of children and gender equality, in line with international human rights law. The battery due diligence policies should include information on how the economic operator has contributed to the prevention of human rights abuses and on the instruments in place within the operator's business structure to fight corruption and bribery. The battery due diligence policies should also ensure proper implementation of the rules of fundamental conventions of the ILO as listed in Annex I to the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy.

(88) Human rights abuses are common in resource-rich conflict-affected and high-risk areas. Therefore, such areas deserve specific attention in the battery due diligence policy of economic operators. Regulation (EU) 2017/821 includes provisions for an indicative, non-exhaustive, regularly

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updated list of conflict-affected and high-risk areas. That list is also relevant for the implementation of the battery due diligence provisions of this Regulation.

(89) As regards the environmental risk categories, the battery due diligence policies should address the risks for the protection of the natural environment and biological diversity, in line with the Convention on Biological Diversity, which includes the consideration of local communities and the protection and the development of those communities. Battery due diligence policies should also address the risks related to climate change, in line with the Paris Agreement ([24]), adopted on 12 December 2015 under the United Nations Framework Convention on Climate Change (the 'UN Paris Agreement'), as well as environmental risks covered by other international environmental conventions.

(90) The battery due diligence obligations on the identification and mitigation of social and environmental risks associated with raw materials used in battery manufacturing should contribute to the implementation of UNEP Resolution 4/19 on Mineral Resource Governance, which recognises the important contribution of the mining sector towards the achievement of the 2030 Agenda and the Sustainable Development Goals.

(91) Other Union legal acts that lay down requirements regarding supply chain due diligence should apply to batteries in so far as there are no specific provisions with the same objective, nature and effect in this Regulation which can be adapted in the light of future legislative amendments. Such legal acts might address the civil liability of companies for damages arising due to their failure to comply with due diligence requirements. Where such legal acts do not or not completely address the civil liability consequences of battery due diligence obligations of this Regulation, it should be possible for them to be addressed by national rules.

(92) In order to adapt to developments in the battery value chain, including to changes in the scope and nature of the relevant environmental and social risks, as well as to technical and scientific progress in batteries and battery chemistries, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending the list of raw materials and risk categories, the list of international instruments and the battery due diligence obligations.

(93) In order to establish the equivalence of due diligence schemes that have been developed by governments, industry associations and groupings of interested organisations, implementing powers should be conferred on the Commission.

(94) In order to enable proper, sound and consistent evaluation of the due diligence schemes, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by establishing the criteria and the methodology for determining whether the due diligence schemes enable economic operators to fulfil the due diligence requirements of this Regulation.

(95) Harmonised rules for waste management are necessary to ensure that producers and other economic operators are subject to the same rules across the Member States in the implementation of the extended producer responsibility for batteries and to ensure a high level of protection of

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human health and the environment across the Union. Extended producer responsibility can contribute to reducing overall resource use, in particular by reducing the generation of waste batteries and the adverse impacts linked to the management of waste batteries. Maximising the separate collection of waste batteries and ensuring that all waste batteries that are collected are recycled through processes that meet common minimum recycling efficiencies is necessary in order to attain high levels of recovery of materials. In its evaluation of Directive 2006/66/EC, the Commission found that one of the shortcomings of that Directive is that its provisions were insufficiently detailed, leading to uneven implementation and creating significant barriers to the functioning of recycling markets and suboptimal levels of recycling. Consequently, more detailed and harmonised rules would avoid distortions of the market for the collection, treatment and recycling of waste batteries and ensure even implementation of the requirements across the Union. It would also result in further harmonisation of the quality of waste management services provided by economic operators and facilitate the functioning of the market for secondary raw materials.

(96) In order to ensure that the obligations under this Regulation are carried out and to monitor and verify compliance by producers and producer responsibility organisations with this Regulation, it is necessary that Member States designate one or more competent authorities.

(97) This Regulation builds on the waste management rules and general principles laid down in Directive 2008/98/EC of the European Parliament and of the Council ([25]), which should be adapted to reflect the specific nature of waste batteries. For the collection of waste batteries to be organised in the most effective way, it is important that it be done both near to the place where the batteries are sold and to the end-user. Waste batteries should be collected separately from other waste streams, such as metals, paper and cardboard, glass, plastics, wood, textiles and bio-waste. Also, it should be possible for waste batteries to be collected both together with waste electrical and electronic equipment and with end-of-life vehicles, by way of national collection schemes set up on the basis of Directive 2012/19/EU of the European Parliament and of the Council ([26]), and of Directive 2000/53/EC. While Directive 2006/66/EC sets up specific rules for batteries, there is a need for a coherent and complementary approach, building upon and further harmonising existing waste management structures. Consequently, and in order to effectively implement extended producer responsibility related to the waste management, obligations should be laid down with respect to the Member State where batteries are made available on the market for the first time.

(98) In order to monitor fulfilment by producers of their obligations as regards the waste treatment of batteries made available on the market for the first time within the territory of a Member State, it is necessary that a register be established and managed by the competent authority in each Member State. The information in the register should be accessible to those entities that play a role in monitoring compliance with and enforcement of the extended producer responsibility. It should be possible for that register to be the same as the national register set up pursuant to Directive 2006/66/EC. Producers should be required to register, in order to provide the necessary information to allow the competent authorities to monitor fulfilment by producers of their obligations. Registration requirements should be simplified across the Union.

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(99)In the case of state-run producer responsibility organisations, as there is no represented producer's mandate, the requirements provided in this Regulation concerning such mandates do not apply.

(100)In view of the polluter pays principle, it is appropriate to impose obligations on producers as regards the management of waste batteries. In this context, producers should be understood to include any manufacturer, importer or distributor who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2, point (7), of Directive 2011/83/EU of the European Parliament and of the Council ([27]), supplies a battery for the first time for distribution or use, including when incorporated into appliances, light means of transport or other vehicles, within the territory of a Member State on a commercial basis.

(101)Producers should have extended producer responsibility for the management of their batteries at the end-of-life stage. Accordingly, they should finance the costs of collecting, treating and recycling all collected batteries, carrying out compositional surveys of mixed collected municipal waste, reporting on batteries and waste batteries, and of providing information to end-users and waste operators about batteries and appropriate re-use and management of waste batteries. The new rules on extended producer responsibility under this Regulation are intended to ensure a high level of environmental and health protection in the Union by maximising separate collection of waste batteries and ensuring that all collected batteries are recycled through processes that reach high rates of recycling efficiency and recovery of materials in light of technical and scientific progress. The obligations related to extended producer responsibility should apply to all forms of supply, including distance selling. Producers should be able to exercise those obligations collectively, by means of producer responsibility organisations taking responsibility on their behalf. Producers or producer responsibility organisations should be subject to authorisation and they should demonstrate that they have the financial means to cover the costs entailed by the extended producer responsibility. When laying down administrative and procedural rules for authorisation of producers for individual compliance and of producer responsibility organisations for collective compliance, Member States should be able to differentiate processes for individual producers and producer responsibility organisations to limit the administrative burden on individual producers. In this context, it should be possible to consider permits issued in accordance with Directive 2008/98/EC to be an authorisation for the purposes of this Regulation. Where necessary to avoid distortion of the internal market and in order to ensure uniform conditions for the modulation of the financial contributions paid to producer responsibility organisations by producers, implementing powers should be conferred on the Commission. Waste management operators carrying out collection and treatment in accordance with this Regulation should be subject to a selection procedure by producers of the relevant batteries or by producer responsibility organisations acting on their behalf, in accordance with Directive 2008/98/EC. Where waste management operations take place in a Member State other than that in which a battery was made available on the market for the first time, producers should cover the costs incurred by the waste management operators in the Member State where the waste operations take place. In the discussion on possible proposals for Union legislative acts on end-of-life vehicles and waste electrical and electronic equipment, the establishment of a

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cross-border extended producer responsibility mechanism for waste batteries, including those incorporated into vehicles or appliances, between the relevant actors, should be considered. Furthermore, the adoption of other measures should be considered, such as information management and verification tools, including, as appropriate, authorised representatives for extended producer responsibility, waste management operators, producer responsibility organisations, digital product passports and registers of producers, and national vehicle registration systems when covering electric vehicle batteries.

(102) Extended producer responsibility should apply also to economic operators placing on the market a battery that results from preparation for re-use, preparation for repurposing, repurposing or remanufacturing operations. Therefore, the economic operator that originally placed the battery on the market should not bear the additional costs that could result from the waste management arising from the subsequent life of that battery. It should be possible for the economic operators subject to extended producer responsibility to establish a cost-sharing mechanism based on the attribution of the actual waste management costs.

(103) This Regulation is a *lex specialis* in relation to Directive 2008/98/EC for the extended producer responsibility minimum requirements on collection and recycling targets, distributor take-back and second life. Member States should be required to define the extended producer responsibility provided for in this Regulation, in accordance with Directive 2008/98/EC and national law transposing that Directive. In addition, where this Regulation does not provide for full harmonisation in Chapter VIII, Member States should be able to provide for additional measures on those specific topics, provided such further regulation is in accordance with Directive 2008/98/EC and consistent both with national law transposing that Directive and with this Regulation.

(104) This Regulation should specify how the traceability of traders' obligations laid down in Regulation (EU) 2022/2065 of the European Parliament and of the Council ([28]) is to be applied to online platforms allowing consumers to conclude distance contracts with producers offering batteries, including batteries that are incorporated in appliances, light means of transport or other vehicles, and to consumers located in the Union in relation to the registers of producers established pursuant to this Regulation. For the purposes of this Regulation, any producer offering batteries, including those incorporated in appliances, light means of transport or other vehicles, by means of distance contracts directly to consumers located in a Member State, whether established in a Member State or a third country, should be considered to be a trader as defined in Regulation (EU) 2022/2065. Pursuant to that Regulation, providers of online platforms, falling within the scope of Section 4 of Chapter III thereof and who allow consumers to conclude distance contracts with producers, should obtain from those producers information on the register of producers where they are registered as well as their registration number and a self-certification committing to comply with the extended producer responsibility requirements laid down in this Regulation. The implementation of the rules on the traceability of traders for the sale of batteries online are subject to the enforcement rules laid down in Regulation (EU) 2022/2065.

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(105) In order to ensure high quality recycling in the battery supply chain, boost the uptake of quality secondary raw materials and protect the environment, there should be high rates of waste battery collection and recycling. The collection of waste batteries is a fundamental crucial step in the recovery of valuable materials present in batteries through their recycling and in keeping the battery supply chain in the Union, boosting the Union's strategic autonomy in this sector. Such recycling thus also facilitates access to materials recovered that can be used to manufacture new products.

(106) Producers should be responsible for financing and organising the separate collection of waste batteries. They should do so by establishing a take-back and collection network and related information campaigns that cover the whole territory of each Member State. Such networks should be close to the end-user and should not only target areas and batteries where collection of waste batteries is profitable. The collection network should include distributors, authorised treatment facilities for waste electrical and electronic equipment and end-of-life vehicles and civic amenity sites, and, on a voluntary basis other actors, such as public authorities and schools. In order to verify and improve the effectiveness of the collection network and related information campaigns, regular compositional surveys at least at NUTS 2 level, which is provided for in Regulation (EC) No 1059/2003 of the European Parliament and of the Council ([29]) should be carried out on mixed municipal waste and waste electrical and electronic equipment collected to determine the amount of waste portable batteries therein.

(107) It should be possible for waste batteries to be collected together with waste electrical and electronic equipment, by way of national collection schemes set up on the basis of Directive 2012/19/EU and with end-of-life vehicles in accordance with Directive 2000/53/EC. In such cases, as an obligatory minimum treatment requirement, batteries should be removed from the collected waste appliances and end-of-life vehicles. After having been removed from the collected waste appliances and end-of-life vehicles, batteries should be subject to the requirements of this Regulation. In particular, such waste batteries should be counted towards the attainment of the collection target for that category of battery and be subject to the treatment and recycling requirements laid down in this Regulation.

(108) Considering the environmental impact and the loss of materials due to waste batteries not being separately collected, and consequently not being treated in an environmentally sound way, the collection target for waste portable batteries established under Directive 2006/66/EC should continue to apply and should be gradually increased. In view of the current increase in sales of LMT batteries and the fact that they have a longer lifetime than portable batteries, it is appropriate to set a specific collection target for waste LMT batteries, separate from the collection target applicable to waste portable batteries. Due to the expected development of the market for LMT batteries and portable batteries and increase in their expected lifetime, the methodology for calculating and verifying collection targets should be reviewed in order to better ascertain the actual volume of waste LMT batteries and waste portable batteries available for collection. Therefore, the power to adopt acts in accordance with Article 290 TFEU should be

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delegated to the Commission in respect of amending such methodology and of amending the collection targets accordingly. It is crucial that a new ‘Available for collection’ methodology maintains or increases the level of environmental ambition with regard to the collection of waste LMT batteries and waste portable batteries compared to the existing methodology. Based on a Joint Research Centre study on alternative collection targets for waste portable and light means of transport batteries, it is estimated that a collection target for waste LMT batteries of 51 % by 31 December 2028 and 61 % by 31 December 2031, calculated on the basis of the quantities of LMT batteries made available on the market in a Member State, will correspond to a collection target for waste LMT batteries of 79 % by 31 December 2028 and 85 % by 31 December 2031, calculated on the basis of the quantities of LMT batteries available for collection in a Member State. The collection targets for waste portable batteries and waste LMT batteries should be reviewed. It should be possible for such review to also address the possibility of adding two sub-categories of portable batteries: rechargeable and non-rechargeable, with separate collection rates. The Commission should prepare a report to accompany those reviews.

(109)In order to maximise collection and reduce safety risks, the Commission should assess the feasibility and potential benefits of establishing a deposit return system for batteries, in particular for portable batteries of general use. National and harmonised Union-wide deposit return systems should be taken into account in that assessment.

(110)The collection rate of waste portable batteries should continue to be calculated on the basis of average annual sales in the preceding years to have targets proportionate to the level of battery consumption in a Member State. In order to best reflect changes in what is comprised in the portable batteries category, as well as in the lifetime and consumption patterns of batteries, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to amend the methodology for calculation and verification of the collection rate for waste portable batteries, as well as for waste LMT batteries.

(111)The obligation on Member States to adopt measures concerning the achievement by producers and, where appointed, producer responsibility organisations, of collection targets for waste portable batteries and waste LMT batteries, reflects the general principle that Member States are to ensure the effectiveness of Union law.

(112)All waste SLI batteries, waste industrial batteries and waste electric vehicles batteries should be collected. For that purpose the producers of SLI batteries, industrial batteries and electric vehicle batteries should be required to accept and take back free of charge, all waste batteries for their respective category from end-users. Detailed reporting obligations should be established for all producers, waste management operators and waste holders involved in the collection of waste SLI batteries, waste industrial batteries and waste electric vehicles batteries.

(113)In view of the waste hierarchy as established by Directive 2008/98/EC which prioritises prevention, preparation for re-use and recycling and in line with Directive 2008/98/EC and Council Directive 1999/31/EC ([30]), waste batteries collected should not be disposed of or be subject to an energy recovery operation.

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(114) Any permitted facility carrying out treatment of batteries should comply with minimum requirements to prevent adverse impacts on the environment and human health and to allow a high degree of recovery of materials present in batteries. Directive 2010/75/EU of the European Parliament and of the Council ([31]) regulates a number of industrial activities involved in the treatment of waste batteries, for which it provides for specific authorisation requirements and controls reflecting best available techniques. Where industrial activities relating to the treatment and recycling of batteries are not covered by Directive 2010/75/EU, operators should in any case be obliged to apply best available techniques, defined in Article 3, point (10), of that Directive, and the specific requirements laid down in this Regulation. The requirements in this Regulation regarding the treatment and recycling of batteries should, where relevant, be adapted by the Commission in the light of scientific and technical progress and emerging new technologies in waste management. Therefore, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of amending those requirements.

(115) Targets for the efficiency of the recycling processes and recovery of materials should be established to ensure high quality of recovery of materials for the battery industry, while at the same time ensuring clear and common rules for recyclers and avoiding distortions of competition or other impediments to the smooth functioning of the internal market for secondary raw materials from waste batteries. Targets for recycling efficiency, as a measure of the total amount of materials recycled, should be established for lead-acid batteries, nickel-cadmium batteries, lithium-based batteries and other batteries. Targets for recovery of materials should also be established for cobalt, lead, lithium and nickel, in order to attain a high rate of recovery of materials throughout the Union. The rules on the calculation and reporting on recycling efficiency laid down in Commission Regulation (EU) No 493/2012 ([32]) should continue to apply. In order to ensure that the calculations and verifications of recycling efficiency and recovery of materials rates are accurate and reliable and ensure that there is greater legal certainty, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by establishing the methodology for calculation and verification of recycling efficiency and material recovery rates in the recycling processes for batteries and the format for the documentation on recycling efficiency and material recovery for waste batteries and on destination and yield of the final output fractions, in accordance with Part A of Annex XII. The Commission should also review Regulation (EU) No 493/2012 to properly reflect technological developments and changes in industrial recovery processes, to extend their scope to cover existing and new targets, and to provide tools for the characterisation of intermediate products. Treatment facilities should be encouraged to introduce certified environmental management schemes in accordance with Regulation (EC) No 1221/2009 of the European Parliament and of the Council ([33]).

(116) It should only be possible to carry out treatment of waste batteries outside the Member State where the waste was collected or outside the Union, where the shipment of waste batteries is in compliance with Regulation (EC) No 1013/2006 of the European Parliament and of the

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Council ([34]) and Commission Regulation (EC) No 1418/2007 ([35]) and where the treatment meets the requirements applicable for this type of waste, according to their classification in Commission Decision 2000/532/EC ([36]). That Decision should be revised to reflect all battery chemistries, in particular the codes for lithium-based waste batteries, in order to enable proper sorting and reporting of such waste batteries. This Regulation is without prejudice to the possible classification of waste batteries as hazardous waste under Directive 2008/98/EC. Where such treatment takes place outside the Union, in order to be counted towards the recycling efficiencies and targets, the waste management operator on whose behalf it is carried out should be obliged to report on that treatment to the competent authority of the Member State in which those waste batteries were collected and to prove that the treatment took place in conditions that are equivalent to those required under this Regulation and in line with other Union law regarding human health and environmental protection. In order to lay down what are the requirements for such treatment to be considered equivalent, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement this Regulation by laying down detailed rules containing criteria for the assessment of equivalent conditions.

(117) In the event waste batteries are exported from the Union for preparation for re-use, preparation for repurposing, or recycling, Member States' competent authorities should make effective use of the powers provided for in Regulation (EC) No 1013/2006 to require documentary evidence to ascertain compliance with the requirements laid down in this Regulation.

(118) It should be possible for industrial batteries and electric vehicle batteries that are no longer fit for the original purpose for which they were manufactured to be used for a different purpose as stationary energy storage batteries. A market for used industrial batteries and used electric vehicle batteries is emerging and in order to support the practical application of the waste hierarchy, specific rules should thus be established to allow responsible repurposing of used batteries while taking into account the precautionary principle and ensuring safety of use for end-users. Any such used battery should undergo an assessment of its state of health and available capacity to ascertain its suitability for a purpose other than its original purpose. Batteries that are found to be suitable for a purpose other than their original purpose should ideally be repurposed. In order to ensure uniform conditions for the implementation of requirements that waste industrial batteries, waste LMT batteries or waste electric vehicle batteries should fulfil to cease to be waste, implementing powers should be conferred on the Commission.

(119) Producers and distributors should be actively involved in providing information to end-users concerning the mandatory separate collection of waste batteries and the availability of collection schemes. They should also inform end-users about the important role end-users have in ensuring the environmentally optimal management of waste batteries. Producers and distributors should make use of up-to-date information technology for the purposes of communicating information to all end-users as well as reporting on batteries. The information should be provided either by classical means, such as outdoor advertising, posters, through social media campaigns, or by more innovative means, such as electronic access to websites provided by QR codes affixed to

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the battery. Such information should be accessible for persons with disabilities in accordance with Directive (EU) 2019/882.

(120) To enable the verification of fulfilment of and the effectiveness of the obligations regarding the collection and treatment of waste batteries, it is necessary for operators to report to the competent authorities. Producers of batteries and other waste management operators collecting waste batteries should report for each calendar year, where applicable, the data on batteries sold and waste batteries collected. Regarding treatment, reporting obligations should be imposed upon the waste management operators and recyclers respectively.

(121) For each calendar year, Member States should provide the Commission with information on the amount of batteries supplied within their territory and the amount of waste batteries collected, by category and chemistry. With regard to waste portable batteries and waste LMT batteries data should be reported separately, allowing the respective collection targets to be adapted, considering the market share of such batteries and their specific purpose and characteristics. Such information should be provided electronically and be accompanied by a quality check report. In order to ensure uniform conditions for the reporting of those data and information to the Commission, as well as for the verification methods, implementing powers should be conferred on the Commission.

(122) For each calendar year, Member States should report to the Commission the rates for recycling efficiency and recovery of materials achieved taking into account all the individual steps of the recycling process and the output fractions.

(123) In order to enhance transparency along supply and value chains for all stakeholders, it is necessary to provide for a battery passport that maximises the exchange of information, enables tracking and tracing of batteries and provides information about the carbon intensity of their manufacturing processes as well as the origin of the materials used and whether renewable material, such as material produced from lignin to substitute graphite, is used, about composition of batteries, including raw materials and hazardous chemicals, about repair, repurposing and dismantling operations and possibilities, and about the treatment, recycling and recovery processes to which the batteries could be subject to at the end of their lifetime. The battery passport should provide the public with information about batteries placed on the market and their sustainability requirements. It should provide remanufacturers, second-life operators and recyclers with up-to-date information for the handling of batteries and specific actors with tailored information such as on the state of health of batteries. It should be possible for the battery passport to support market surveillance authorities in carrying out their tasks under this Regulation, but it should not replace or modify the responsibilities of market surveillance authorities, which should, in line with Regulation (EU) 2019/1020, check the information provided in battery passports.

(124) Certain information in the battery passport should not be public, such as sensitive commercial information to which only a limited number of persons with a legitimate interest would need to have access. This applies to information on dismantling, including safety, and detailed

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information regarding the composition of the battery, which is essential for repairers, remanufacturers, second-life operators and recyclers. It also applies to information concerning individual batteries, which is essential to those who have purchased the battery or parties acting on their behalf for the purpose of making the battery available to independent energy aggregators or energy market participants, evaluating its residual value or remaining lifetime for further use, and facilitating the preparation for re-use, preparation for repurposing, repurposing or remanufacturing of the battery. Results of test reports should only be accessible to notified bodies, market surveillance authorities and the Commission.

(125) The battery passport should allow economic operators to gather and re-use in a more efficient way the information and data on individual batteries placed on the market and to make better informed choices in their planning activities. Once the battery is placed on the market it might, in certain cases, be more practical for another legal person, such as a vehicle manufacturer, to update information in the passport. The economic operator that places the battery on the market should therefore be allowed to give written authorisation to any other operator to act on its behalf. The responsibility of compliance with the provisions for the battery passport should lie with the economic operator that places the battery on the market. In order to ensure uniform conditions for the implementation of the battery passport, implementing powers should be conferred on the Commission.

(126) To ensure that the battery passport is flexible, dynamic and market-driven and evolves in line with business models, markets and innovation, it should be based on a decentralised data system, set up and maintained by economic operators. To ensure the effective roll-out of the battery passport, the technical design, data requirements and operation of the battery passport should adhere to a set of essential technical requirements. Such requirements should be developed hand-in-hand with those for digital product passports required by other Union law concerning eco-design for sustainable products. Technical specifications, for which the Commission's Connecting Europe Facility principles for the eDelivery Network should be considered, should be established to ensure the effective implementation of those essential requirements, either in the form of harmonised standards for which the references are published in the *Official Journal of the European Union* or, as a fall-back option, in the form of common specifications adopted by the Commission. The technical design should ensure that the battery passport carries data in a secure way which respects privacy rules.

(127) Regulation (EU) 2019/1020 lays down the general rules on market surveillance and control of products placed on the Union market or that enter the Union market from third countries. In order to ensure that batteries benefiting from the free movement of goods fulfil requirements providing for a high level of protection of public interests such as human health, safety of persons, protection of property and the environment, and to ensure full enforceability of the obligations, in particular relating to the battery due diligence policies, under this Regulation, Regulation (EU) 2019/1020 should also apply to the batteries and economic operators covered by this Regulation. Therefore, Annex I to Regulation (EU) 2019/1020 should be amended accordingly.

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(128)Regulation (EU) 2019/1020 requires market surveillance authorities to perform appropriate checks on the characteristics of products on an adequate scale. It confers powers on the Commission to adopt implementing acts to determine the uniform conditions for checks, criteria for determination of the frequency of checks and amount of samples to be checked in relation to certain products or categories of products. That conferral of powers also applies to the batteries covered by this Regulation where the conditions specified in Regulation (EU) 2019/1020 are met.

(129)Regulation (EU) 2019/1020 introduced new instruments to improve compliance and market surveillance, which are also relevant to batteries. It provides for the Commission to designate a public testing facility of a Member State as a Union testing facility for specific categories of products or for specific risks related to a category of products. The Commission is to include the batteries covered by this Regulation in its next call for expression of interest for the designation of Union testing facilities pursuant to Commission Implementing Regulation (EU) 2022/1267 ([37]). Regulation (EU) 2019/1020 also provides that market surveillance authorities can carry out joint activities with organisations representing economic operators or end-users, with a view to promoting compliance, identifying non-compliance, raising awareness and providing guidance in relation to specific categories of products. That possibility should also be provided in relation to the requirements of this Regulation. In that context, Member States or market surveillance authorities might explore setting up battery competence centres.

(130)Batteries should be placed on the market only if they do not present a risk to human health, safety of persons, property or the environment when stored and used for their intended purpose, or under conditions of use which can be reasonably foreseen, that is, when such conditions of use could result from lawful and readily predictable human behaviour.

(131)A procedure should exist under which interested parties are informed of measures intended to be taken with regard to batteries that present a risk to human health, safety of persons, property or the environment. Such a procedure should also allow market surveillance authorities in the Member States, in cooperation with the relevant economic operators, to act at an early stage in respect of such batteries. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in order to determine whether national measures in respect of non-compliant batteries are justified or not.

(132)The market surveillance authorities should be allowed to require an economic operator to take corrective action if they find either that a battery is not compliant with the requirements of this Regulation or that an economic operator has infringed the rules on the placing or making available on the market of a battery, or on sustainability, safety, labelling and information or on supply chain due diligence.

(133)Public procurement constitutes an important sector with regard to reducing the impacts on the environment of human activities and to stimulating market transformation towards more sustainable products. Contracting authorities, as defined in Directives 2014/24/EU ([38]) and

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2014/25/EU ([39]) of the European Parliament and of the Council, and contracting entities as defined in Directive 2014/25/EU should take account of the environmental impacts when procuring batteries or products containing batteries and should ensure effective compliance by the economic operators with social and environmental requirements, in order to promote and stimulate the market for clean and energy-efficient mobility and energy-storage and thus contribute to the environment, climate and energy policy objectives of the Union.

(134) When adopting delegated acts under this Regulation, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ([40]). In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

(135) The implementing powers that are conferred on the Commission by this Regulation should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ([41]).

(136) The advisory procedure should be used for the adoption of an implementing act in situations where the Commission ascertains that a notified body does not meet the requirements for its notification, in order to request the notifying authority to take the necessary corrective action, including withdrawal of the notification if necessary.

(137) The Commission should adopt immediately applicable implementing acts determining whether a national measure taken in respect of a compliant battery that presents a risk is justified or not where, in duly justified cases relating to the protection of human health or the safety of persons, or the protection of property or the environment, imperative grounds of urgency so require.

(138) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that those rules are implemented. The penalties provided for should be effective, proportionate and dissuasive. When imposing penalties, it is important that due regard be given to the nature, gravity, scope, intentional nature and repetition of the infringement and the level of cooperation of the natural or legal person held responsible with the competent authority. The imposition of penalties is to comply with Union and national law, including with applicable procedural safeguards and with the principles of the Charter of Fundamental Rights of the European Union.

(139) In view of the need to ensure a high level of environmental protection and the need to take into account new developments based on scientific facts, the Commission should submit to the European Parliament and to the Council a report on the application of this Regulation and its impact on the environment and the functioning of the internal market. The Commission should include, in its report, an evaluation of the provisions on sustainability, safety, labelling and

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information criteria, the waste batteries management measures and the supply chain due diligence requirements. Where appropriate, the report should be accompanied by a proposal to amend relevant provisions of this Regulation.

(140) It is necessary to provide for sufficient time for economic operators to fulfil their obligations under this Regulation, and for Member States to set up the administrative infrastructure necessary for its application. The application of this Regulation should therefore also be deferred to a date where those preparations can reasonably be finalised.

(141) In order to allow Member States to adapt the register of producers set up under Directive 2006/66/EC and to take the necessary administrative measures regarding the organisation of the authorisation procedures by the competent authorities, while keeping continuity for economic operators, Directive 2006/66/EC should be repealed as of 18 August 2025. Obligations under that Directive related to monitoring and reporting the collection rate of portable batteries should remain in force until 31 December 2023, and the related obligations for the transmission of data to the Commission should remain in force until 30 June 2025, obligations under that Directive related to monitoring and reporting the recycling efficiencies of recycling processes should remain in force until 31 December 2025, and the related obligations for the transmission of data to the Commission should remain in force until 30 June 2027, in order to ensure continuity until new calculation rules and reporting formats are adopted by the Commission under this Regulation.

(142) It is important that, in the implementation of this Regulation, environmental, social and economic impacts be considered. Moreover, in order to ensure that there is a level playing field, it is important that, in the implementation of this Regulation, all relevant available technologies are equally taken into consideration, provided that those technologies allow for full compliance of batteries with any relevant requirement set out in this Regulation. Furthermore, no excessive administrative burden should be imposed on economic operators, in particular on small- and medium-sized enterprises (SMEs).

(143) Since the objectives of this Regulation, namely to contribute to the functioning of the internal market and to prevent and reduce the adverse impacts of batteries and waste batteries to ensure a high level of protection of human health, safety of persons, property and the environment, cannot be sufficiently achieved by the Member States but can rather, by reason of the need for harmonisation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

General provisions

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Article 1

Subject matter and scope

1. This Regulation lays down requirements on sustainability, safety, labelling, marking and information to allow the placing on the market or putting into service of batteries within the Union. It also lays down minimum requirements for extended producer responsibility, the collection and treatment of waste batteries and for reporting.

2. This Regulation imposes battery due diligence obligations on economic operators placing batteries on the market or putting them into service. It also lays down requirements for green public procurement when procuring batteries or products into which batteries are incorporated.

3. This Regulation applies to all categories of batteries, namely portable batteries, starting, lighting and ignition batteries (SLI batteries), light means of transport batteries (LMT batteries), electric vehicle batteries and industrial batteries, regardless of their shape, volume, weight, design, material composition, chemistry, use or purpose. It shall also apply to batteries that are incorporated into or added to products or that are specifically designed to be incorporated into or added to products.

For the purposes of Chapter II, where batteries placed on the market can be considered to fall under more than one category, they shall be deemed to fall under the category to which the strictest requirements apply.

4. In cases where battery cells or battery modules are made available on the market for end use, without any further incorporation or assembly into larger battery packs or batteries, they shall be considered to have been placed on the market as batteries for the purposes of this Regulation, and the requirements for the most similar battery category shall apply. In cases where it can be considered that such battery cells or battery modules fall under more than one battery category, they shall be deemed to fall under the category to which the strictest requirements apply.

5. This Regulation does not apply to batteries that are incorporated into or that are specifically designed to be incorporated into:

(a) equipment connected with the protection of Member States' essential security interests, arms, munitions and war material, with the exclusion of products that are not intended for specifically military purposes; and

(b) equipment designed to be sent into space.

6. Chapters III and VIII of this Regulation do not apply to equipment specifically designed for the safety of nuclear installations, as defined in Article 3 of Council Directive 2009/71/Euratom ([42]).

Article 2

Objectives

The objectives of this Regulation are to contribute to the efficient functioning of the internal market, while preventing and reducing the adverse impacts of batteries on the environment, and to protect the

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environment and human health by preventing and reducing the adverse impacts of the generation and management of waste batteries.

Article 3

Definitions

1. For the purposes of this Regulation, the following definitions apply:

(1) ‘battery’ means any device delivering electrical energy generated by direct conversion of chemical energy, having internal or external storage, and consisting of one or more non-rechargeable or rechargeable battery cells, modules or of packs of them, and includes a battery that has been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing;

(2) ‘battery pack’ means any set of battery cells or modules that are connected together or encapsulated within an outer casing, to form a complete unit which is not meant to be split up or opened by the end-user;

(3) ‘battery module’ means any set of battery cells that are connected together or encapsulated within an outer casing to protect the cells against external impact, and which is meant to be used either alone or in combination with other modules;

(4) ‘battery cell’ means the basic functional unit in a battery, composed of electrodes, electrolyte, container, terminals and, if applicable, separators, and containing the active materials the reaction of which generates electrical energy;

(5) ‘active material’ means a material which reacts chemically to produce electric energy when the battery cell discharges or to store electric energy when the battery is being charged;

(6) ‘non-rechargeable battery’ means a battery that is not designed to be electrically recharged;

(7) ‘rechargeable battery’ means a battery that is designed to be electrically recharged;

(8) ‘battery with external storage’ means a battery that is specifically designed to have its energy stored exclusively in one or more attached external devices;

(9) ‘portable battery’ means a battery that is sealed, weighs 5 kg or less, is not designed specifically for industrial use and is neither an electric vehicle battery, an LMT battery, nor an SLI battery;

(10) ‘portable battery of general use’ means a portable battery, whether or not rechargeable, that is specifically designed to be interoperable and that has one of the following common formats 4,5 Volts (3R12), button cell, D, C, AA, AAA, AAAA, A23, 9 Volts (PP3);

(11) ‘light means of transport battery’ or ‘LMT battery’ means a battery that is sealed, weighs 25 kg or less and is specifically designed to provide electric power for the traction of wheeled vehicles that can be powered by an electric motor alone or by a combination of motor and human power, including type-approved vehicles of category L within the meaning of Regulation (EU) No 168/2013 of the European Parliament and of the Council ([43]), and that is not an electric vehicle battery;

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(12)‘starting, lighting and ignition battery’ or ‘SLI battery’ means a battery that is specifically designed to supply electric power for starting, lighting, or ignition and that can also be used for auxiliary or backup purposes in vehicles, other means of transport or machinery;

(13)‘industrial battery’ means a battery that is specifically designed for industrial uses, intended for industrial uses after having been subject to preparation for repurposing or repurposing, or any other battery that weighs more than 5 kg and that is neither an electric vehicle battery, an LMT battery, nor an SLI battery;

(14)‘electric vehicle battery’ means a battery that is specifically designed to provide electric power for traction in hybrid or electric vehicles of category L as provided for in Regulation (EU) No 168/2013, that weighs more than 25 kg, or a battery that is specifically designed to provide electric power for traction in hybrid or electric vehicles of categories M, N or O as provided for in Regulation (EU) 2018/858;

(15)‘stationary battery energy storage system’ means an industrial battery with internal storage that is specifically designed to store from and deliver electric energy to the grid or store for and deliver electric energy to end-users, regardless of where and by whom the battery is being used;

(16)‘placing on the market’ means the first making available of a battery on the Union market;

(17)‘making available on the market’ means any supply of a battery for distribution or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;

(18)‘putting into service’ means the first use, for its intended purpose, in the Union, of a battery, without having been previously placed on the market;

(19)‘battery model’ means a version of a battery all units of which share the same technical characteristics relevant for the requirements of this Regulation on sustainability, safety, labelling, marking and information, and the same model identifier;

(20)‘battery presenting a risk’ means a battery which has the potential to have adverse effects on human health or the safety of persons, on property or the environment to a degree which goes beyond that considered reasonable and acceptable in relation to the battery’s intended purpose or under the normal or reasonably foreseeable conditions of use of the battery concerned, including the duration of use, and, where applicable, to its putting into service, installation and maintenance requirements;

(21)‘carbon footprint’ means the sum of greenhouse gas emissions and greenhouse gas removals in a product system, expressed as carbon dioxide equivalents and based on a Product Environmental Footprint (PEF) study using the single impact category of climate change;

(22)‘economic operator’ means the manufacturer, the authorised representative, the importer, the distributor or the fulfilment service provider or any other natural or legal person who is subject to obligations in relation to the manufacture, preparation for re-use, preparation for repurposing, repurposing or remanufacturing of batteries, the making available or the placing of batteries on the

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market, including online, or the putting of batteries into service in accordance with this Regulation;

(23) ‘independent operator’ means a natural or legal person who is independent from the manufacturer and the producer and is directly or indirectly involved in the repair, maintenance or repurposing of batteries, and includes waste management operators, repairers, manufacturers or distributors of repair equipment, tools or spare parts, as well as publishers of technical information, operators offering inspection and testing services, operators offering training for installers, manufacturers and repairers of equipment for alternative-fuel vehicles;

(24) ‘QR code’ means a machine-readable matrix code that links to information as required by this Regulation;

(25) ‘battery management system’ means an electronic device that controls or manages the electric and thermal functions of a battery in order to ensure the battery’s safety, performance and service life, manages and stores the data for the parameters for determining the battery’s state of health and expected lifetime set out in Annex VII and communicates with the vehicle, light means of transport or appliance in which the battery is incorporated, or with a public or private charging infrastructure;

(26) ‘appliance’ means any electrical or electronic equipment, as defined in Article 3(1), point (a), of Directive 2012/19/EU, which is fully or partly powered by a battery or is capable of being so;

(27) ‘state of charge’ means the available energy in a battery expressed as a percentage of its rated capacity as declared by the manufacturer;

(28) ‘state of health’ means a measure of the general condition of a rechargeable battery and its ability to deliver the specified performance compared with its initial condition;

(29) ‘preparation for re-use’ means preparing for re-use as defined in Article 3, point (16), of Directive 2008/98/EC;

(30) ‘preparation for repurposing’ means any operation, by which a waste battery, or parts thereof, is prepared so that it can be used for a different purpose or application than that for which it was originally designed;

(31) ‘repurposing’ means any operation that results in a battery, that is not a waste battery, or parts thereof being used for a purpose or application other than that for which the battery was originally designed;

(32) ‘remanufacturing’ means any technical operation on a used battery that includes the disassembly and evaluation of all its battery cells and modules and the use of a certain number of battery cells and modules that are new, used or recovered from waste, or other battery components, to restore the battery capacity to at least 90 % of the original rated capacity, and where the state of health of all individual battery cells does not differ more than 3 % between cells, and results in the battery being used for the same purpose or application as the one for which the battery was originally designed;

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(33) ‘manufacturer’ means any natural or legal person who manufactures a battery or has a battery designed or manufactured, and markets that battery under its own name or trademark or puts it into service for its own purposes;

(34) ‘technical specifications’ means a document that prescribes technical requirements to be fulfilled by a product, process or service;

(35) ‘harmonised standard’ means a standard as defined in Article 2, point (1)(c), of Regulation (EU) No 1025/2012;

(36) ‘CE marking’ means a marking by which a manufacturer indicates that the battery is in conformity with the applicable requirements laid down in Union harmonisation legislation providing for its affixing;

(37) ‘accreditation’ means accreditation as defined in Article 2, point (10), of Regulation (EC) No 765/2008;

(38) ‘national accreditation body’ means a national accreditation body as defined in Article 2, point (11), of Regulation (EC) No 765/2008;

(39) ‘conformity assessment’ means the process demonstrating whether the sustainability, safety, labelling, information and due diligence requirements of this Regulation have been fulfilled;

(40) ‘conformity assessment body’ means a body that performs conformity assessment activities including calibration, testing, certification and inspection;

(41) ‘notified body’ means a conformity assessment body that has been notified in accordance with Chapter V;

(42) ‘battery due diligence’ means the obligations of an economic operator in relation to its management system, risk management, third-party verifications and surveillance by notified bodies and disclosure of information, for the purpose of identifying, preventing and addressing actual and potential social and environmental risks linked to the sourcing, processing and trading of the raw materials and secondary raw materials required for battery manufacturing, including by suppliers in the chain and their subsidiaries or subcontractors;

(43) ‘subsidiary’ means a legal person through which the activity of a controlled undertaking within the meaning of Article 2(1), point (f), of Directive 2004/109/EC of the European Parliament and of the Council ([44]) is exercised;

(44) ‘parent company’ means a company which controls one or more subsidiaries;

(45) ‘conflict-affected and high-risk areas’ means conflict-affected and high-risk areas as defined in Article 2, point (f), of Regulation (EU) 2017/821;

(46) ‘distance contracts’ means distance contracts as defined in Article 2, point (7), of Directive 2011/83/EU;

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(47) ‘producer’ means any manufacturer, importer or distributor or other natural or legal person that, irrespective of the selling technique used, including by means of distance contracts, either:

(a) is established in a Member State and manufactures batteries under its own name or trademark, or has batteries designed or manufactured and supplies them for the first time under its own name or trademark, including those incorporated in appliances, light means of transport or other vehicles, within the territory of that Member State;

(b) is established in a Member State and resells within the territory of that Member State, under its own name or trademark, batteries, including those incorporated in appliances, light means of transport or other vehicles, manufactured by others, on which the name or trademark of those other manufacturers does not appear;

(c) is established in a Member State and supplies for the first time in that Member State on a professional basis, batteries, including those incorporated in appliances, light means of transport or other vehicles, from another Member State or from a third country; or

(d) sells batteries, including those incorporated in appliances, light means of transport or other vehicles, by means of distance contracts directly to end-users, whether or not they are private households, in a Member State, and is established in another Member State or in a third country;

(48) ‘authorised representative for extended producer responsibility’ means a natural or legal person established in a Member State in which the producer places batteries on the market and which is different from the Member State where the producer is established, and is appointed by the producer in accordance with Article 8a(5), third subparagraph, of Directive 2008/98/EC to fulfil the obligations of that producer under Chapter VIII of this Regulation;

(49) ‘producer responsibility organisation’ means a legal entity that financially or financially and operationally organises the fulfilment of extended producer responsibility obligations on behalf of several producers;

(50) ‘waste battery’ means any battery which is waste as defined in Article 3, point (1), of Directive 2008/98/EC;

(51) ‘battery manufacturing waste’ means the materials or objects rejected during the battery manufacturing process, which cannot be re-used as an integral part in the same process and need to be recycled;

(52) ‘hazardous substance’ means a substance classified as hazardous pursuant to Article 3 of Regulation (EC) No 1272/2008;

(53) ‘treatment’ means any operation carried out on waste batteries after they have been handed over to a facility for sorting, preparation for re-use, preparation for repurposing, preparation for recycling or for recycling;

(54) ‘preparation for recycling’ means the treatment of waste batteries prior to any recycling process, including, inter alia, the storage, handling and dismantling of battery packs or the separation of

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fractions that are not part of the battery itself;

(55) ‘voluntary collection point’ means any non-profit, commercial or other economic undertaking or public body involved on its own initiative in the separate collection of waste portable batteries and waste LMT batteries, generated by it or by other end-users, before handing those waste batteries over to producers, to producer responsibility organisations or to waste management operators for subsequent treatment;

(56) ‘waste management operator’ means any natural or legal person dealing on a professional basis with the separate collection or treatment of waste batteries;

(57) ‘permitted facility’ means an establishment or undertaking that is permitted in accordance with Directive 2008/98/EC to carry out the treatment of waste batteries;

(58) ‘recycler’ means any natural or legal person who carries out recycling in a permitted facility;

(59) ‘lifetime of a battery’ means the period that starts when the battery is manufactured and ends when the battery becomes waste;

(60) ‘recycling efficiency’ means the ratio, expressed as a percentage, obtained by dividing the mass of output fractions accounting for recycling by the mass of the waste batteries’ input fraction, in relation to a recycling process;

(61) ‘Union harmonisation legislation’ means any Union legislation harmonising the conditions for the marketing of products;

(62) ‘national authority’ means an approval authority or any other authority involved in and responsible for market surveillance in a Member State in respect of batteries;

(63) ‘authorised representative’ means any natural or legal person established in the Union who has received a written mandate from a manufacturer to act on its behalf in relation to specified tasks with regard to the manufacturer’s obligations under Chapters IV and VI;

(64) ‘importer’ means any natural or legal person established within the Union who places on the market a battery from a third country;

(65) ‘distributor’ means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a battery available on the market;

(66) ‘unique identifier’ means a unique string of characters for the identification of batteries that also enables a web link to the battery passport;

(67) ‘online platform’ means an online platform as defined in Article 3, point (i), of Regulation (EU) 2022/2065;

(68) ‘market participant’ means a market participant as defined in Article 2, point (25), of Regulation (EU) 2019/943 of the European Parliament and of the Council ([45]).

2. In addition to the definitions referred to in paragraph 1, the following definitions apply:

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(a) ‘waste’, ‘waste holder’, ‘waste management’, ‘prevention’, ‘collection’, ‘separate collection’, ‘extended producer responsibility scheme’, ‘re-use’ and ‘recycling’, laid down in Article 3 of Directive 2008/98/EC;

(b) ‘market surveillance’, ‘market surveillance authority’, ‘fulfilment service provider’, ‘corrective action’, ‘end-user’, ‘recall’ and ‘withdrawal’, as well as ‘risk’ in relation to requirements of Chapters I, IV, VI, VII and IX of and Annexes V, VIII and XIII to this Regulation, laid down in Article 3 of Regulation (EU) 2019/1020;

(c) ‘independent aggregator’ and ‘energy storage’, laid down in Article 2 of Directive (EU) 2019/944.

Article 4

Free movement

1. Member States shall not, for reasons relating to the sustainability, safety, labelling and information requirements for batteries covered by this Regulation, prohibit, restrict or impede the making available on the market or the putting into service of batteries that comply with this Regulation.

2. At trade fairs, exhibitions, demonstrations or similar events, Member States shall not prevent the showing of batteries which do not comply with this Regulation, provided that a visible sign clearly indicates that those batteries do not comply with this Regulation and that they cannot be made available on the market or put into service until they have been brought into conformity with this Regulation. During demonstrations of such batteries, the relevant economic operator shall take adequate measures to ensure the safety of persons.

Article 5

Sustainability, safety, labelling and information requirements for batteries

1. Batteries shall only be placed on the market or put into service if they meet the following requirements:

(a) the sustainability and safety requirements laid down in Articles 6 to 10 and 12; and

(b) the labelling and information requirements laid down in Chapter III.

2. For any aspects not covered by Chapters II and III, batteries placed on the market or put into service pursuant to paragraph 1 shall not present a risk to human health, to the safety of persons, to property or to the environment.

CHAPTER II

Sustainability and safety requirements

Article 6

Restrictions on substances

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1. In addition to the restrictions set out in Annex XVII to Regulation (EC) No 1907/2006 and in Article 4(2), point (a), of Directive 2000/53/EC, batteries shall not contain substances for which Annex I to this Regulation contains a restriction unless the conditions of that restriction are complied with.

2. In the event of an unacceptable risk to human health or the environment, arising from the use of a substance in the manufacture of batteries or from the presence of a substance in the batteries when they are placed on the market, or arising during their subsequent life cycle stages, including during repurposing or the treatment of waste batteries, that is not adequately controlled and needs to be addressed on a Union-wide basis, the Commission shall adopt a delegated act in accordance with Article 89 to amend the restrictions in Annex I, pursuant to the procedure laid down in Articles 86, 87 and 88.

3. Restrictions adopted pursuant to paragraph 2 of this Article shall not apply to the use of a substance in scientific research and development as defined in Article 3, point (23), of Regulation (EC) No 1907/2006, carried out in relation to batteries.

4. Where a restriction adopted pursuant to paragraph 2 of this Article does not apply to product and process orientated research and development, as defined in Article 3, point (22), of Regulation (EC) No 1907/2006, that exemption, as well as the maximum quantity of the substance exempted, shall be specified in Annex I to this Regulation.

5. By 31 December 2027, the Commission, assisted by the European Chemicals Agency set up under Regulation (EC) No 1907/2006 (‘the Agency’), shall prepare a report on substances of concern, namely substances having an adverse effect on human health or the environment or hampering recycling for safe and high quality secondary raw materials, present in batteries or used in their manufacture. The Commission shall submit that report to the European Parliament and to the Council detailing its findings and shall consider the appropriate follow-up measures including the adoption of delegated acts as referred to in paragraph 2 of this Article.

Article 7

Carbon footprint of electric vehicle batteries, rechargeable industrial batteries and LMT batteries

1. For electric vehicle batteries, rechargeable industrial batteries with a capacity greater than 2 kWh and LMT batteries a carbon footprint declaration shall be drawn up for each battery model per manufacturing plant, in accordance with the implementing act referred to in the fourth subparagraph and containing, at least, the following information:

(a) administrative information about the manufacturer;

(b) information about the battery model;

(c) information about the geographic location of the battery manufacturing plant;

(d) the carbon footprint of the battery, calculated as kg of carbon dioxide equivalent per one kWh of the total energy provided by the battery over its expected service life;

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(e) the carbon footprint of the battery differentiated according to life cycle stage as described in point 4 of Annex II;

(f) the identification number of the EU declaration of conformity of the battery;

(g) a web link giving access to a public version of the study supporting the carbon footprint values referred to in points (d) and (e).

The carbon footprint declaration shall apply from:

(a) 18 February 2025 or 12 months after the date of entry into force either of the delegated act or of the implementing act respectively referred to in the fourth subparagraph, points (a) and (b), whichever is the latest, for electric vehicle batteries;

(b) 18 February 2026 or 18 months after the date of entry into force either of the delegated act or of the implementing act respectively referred to in the fourth subparagraph, points (a) and (b), whichever is the latest, for rechargeable industrial batteries except those with exclusively external storage;

(c) 18 August 2028 or 18 months after the date of entry into force either of the delegated act or of the implementing act respectively referred to in the fourth subparagraph, points (a) and (b), whichever is the latest, for LMT batteries;

(d) 18 August 2030 or 18 months after the date of entry into force either of the delegated act or of the implementing act respectively referred to in the fourth subparagraph, points (a) and (b), whichever is the latest, for rechargeable industrial batteries with external storage.

Until it becomes accessible via the QR code referred to in Article 13(6), the carbon footprint declaration shall accompany the battery.

The Commission shall, by 18 February 2024 for electric vehicle batteries, 18 February 2025 for rechargeable industrial batteries, except those with external storage, 18 February 2027 for LMT batteries and 18 February 2029 for industrial batteries with external storage, adopt:

(a) a delegated act in accordance with Article 89 to supplement this Regulation by establishing the methodology for the calculation and verification of the carbon footprint of the battery referred to in the first subparagraph, point (d), in accordance with the essential elements set out in Annex II;

(b) an implementing act establishing the format for the carbon footprint declaration referred to in the first subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 90(3).

2. Electric vehicle batteries, rechargeable industrial batteries with a capacity greater than 2 kWh and LMT batteries shall bear a conspicuous, clearly legible and indelible label indicating the carbon footprint of the battery referred to in paragraph 1, first subparagraph, point (d) and declaring the carbon footprint performance class to which the relevant battery model per manufacturing plant corresponds.

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For batteries referred to in the first subparagraph, the technical documentation referred to in Annex VIII shall demonstrate that the carbon footprint declared and the related classification into a carbon footprint performance class have been calculated in accordance with the methodology set out in the delegated acts adopted by the Commission pursuant to paragraph 1, fourth subparagraph, point (a) and the fourth subparagraph, point (a), of this paragraph.

The carbon footprint performance class requirements in the first subparagraph shall apply from:

(a) 18 August 2026 or 18 months after the date of entry into force either of the delegated act or of the implementing act respectively referred to in the fourth subparagraph, points (a) and (b), whichever is the latest, for electric vehicle batteries;

(b) 18 August 2027 or 18 months after the date of entry into force either of the delegated act or of the implementing act respectively referred to in the fourth subparagraph, points (a) and (b), whichever is the latest, for rechargeable industrial batteries except those with exclusively external storage;

(c) 18 February 2030 or 18 months after the date of entry into force either of the delegated act or of the implementing act respectively referred to in the fourth subparagraph, points (a) and (b), whichever is the latest, for LMT batteries;

(d) 18 February 2032 or 18 months after the date of entry into force either of the delegated act or of the implementing act respectively referred to in the fourth subparagraph, points (a) and (b), whichever is the latest, for rechargeable industrial batteries with external storage.

The Commission shall, by 18 February 2025 for electric vehicle batteries, 18 August 2026 for rechargeable industrial batteries except those with exclusively external storage, 18 August 2028 for LMT batteries and 18 August 2030 for rechargeable industrial batteries with external storage, adopt:

(a) a delegated act in accordance with Article 89 to supplement this Regulation by establishing the carbon footprint performance classes referred to in the first subparagraph. In preparing that delegated act, the Commission shall take into account the conditions set out in point 8 of Annex II;

(b) an implementing act establishing the formats for the labelling referred to in the first subparagraph and the format for the declaration on the carbon footprint performance class referred to in that subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 90(3).

The Commission shall, in accordance with the conditions set out in point 8 of Annex II, review the number of performance classes and the thresholds between them, every three years and, where appropriate, adopt delegated acts in accordance with Article 89 to amend the number of performance classes and thresholds between them with a view to keeping them representative of the market reality and expected developments in the market.

3. For electric vehicle batteries, rechargeable industrial batteries with a capacity greater than 2 kWh and LMT batteries, the technical documentation referred to in Annex VIII shall demonstrate that the declared life cycle carbon footprint value for the relevant battery model per manufacturing plant, is

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below the maximum threshold established in the delegated act adopted pursuant to the third subparagraph.

The requirement for a maximum life cycle carbon footprint threshold referred to in the first subparagraph shall apply as of:

(a) 18 February 2028 or 18 months after the date of entry into force of the delegated act referred to in the third subparagraph, whichever is the latest, for electric vehicle batteries;

(b) 18 February 2029 or 18 months after the date of entry into force of the delegated act referred to in the third subparagraph, whichever is the latest, for rechargeable industrial batteries except those with exclusively external storage;

(c) 18 August 2031 or 18 months after the date of entry into force of the delegated act referred to in the third subparagraph, whichever is the latest, for LMT batteries;

(d) 18 August 2033 or 18 months after the date of entry into force of the delegated act referred to in the third subparagraph, whichever is the latest, for rechargeable industrial batteries with external storage.

The Commission shall, by 18 August 2026 for electric vehicle batteries, 18 February 2028 for rechargeable industrial batteries, except those with external storage, 18 February 2030 for LMT batteries and 18 February 2032 for industrial batteries with external storage, adopt a delegated act in accordance with Article 89 to supplement this Regulation by determining the maximum life cycle carbon footprint threshold referred to in the first subparagraph. In preparing that delegated act, the Commission shall take into account the relevant conditions set out in point 9 of Annex II.

The introduction of a maximum life cycle carbon footprint threshold shall trigger, if necessary, a reclassification of the carbon footprint performance classes referred to in paragraph 2.

4. By 31 December 2030, the Commission shall assess the feasibility of extending the requirements in this Article to portable batteries, and the requirement laid down in paragraph 3 to rechargeable industrial batteries with a capacity of 2 kWh or less. To that end, the Commission shall submit a report to the European Parliament and the Council and consider taking the appropriate measures, including the adoption of legislative proposals.

5. Paragraphs 1, 2 and 3 shall not apply to a battery that has been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing, if the battery had already been placed on the market or put into service before undergoing such operations.

Article 8

Recycled content in industrial batteries, electric vehicle batteries, LMT batteries and SLI batteries

1. From 18 August 2028 or 24 months after the date of entry into force of the delegated act referred to in the third subparagraph, whichever is the latest, industrial batteries with a capacity greater than 2 kWh, except those with exclusively external storage, electric vehicle batteries and SLI batteries that

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contain cobalt, lead, lithium or nickel in active materials, shall be accompanied by documentation containing information about the percentage share of cobalt, lithium or nickel that is present in active materials and that has been recovered from battery manufacturing waste or post-consumer waste, and the percentage share of lead that is present in the battery and that has been recovered from waste, for each battery model per year and per manufacturing plant.

The first subparagraph shall apply from 18 August 2033 to LMT batteries that contain cobalt, lead, lithium or nickel in active materials.

By 18 August 2026, the Commission shall adopt a delegated act in accordance with Article 89 to supplement this Regulation by establishing, for the batteries referred to in the first and second subparagraphs, the methodology for the calculation and verification of the percentage share of cobalt, lithium or nickel that is present in active materials and that has been recovered from battery manufacturing waste or post-consumer waste, and the percentage share of lead that is present in the battery and that has been recovered from waste, and the format for the documentation.

2. From 18 August 2031, for industrial batteries with a capacity greater than 2 kWh, except those with exclusively external storage, electric vehicle batteries and SLI batteries that contain cobalt, lead, lithium or nickel in active materials, the technical documentation referred to in Annex VIII shall demonstrate that those batteries contain, in active materials, the following minimum percentage share of, respectively, cobalt, lithium or nickel that has been recovered from battery manufacturing waste or post-consumer waste, and the minimum percentage share of lead that is present in the battery and that has been recovered from waste, for each battery model per year and per manufacturing plant:

(a) 16 % cobalt;

(b) 85 % lead;

(c) 6 % lithium;

(d) 6 % nickel.

3. From 18 August 2036, for industrial batteries with a capacity greater than 2 kWh, except those with exclusively external storage, electric vehicle batteries, LMT batteries and SLI batteries that contain cobalt, lead, lithium or nickel in active materials, the technical documentation referred to in Annex VIII shall demonstrate that those batteries contain, in the active materials, the following minimum percentage share of, respectively, cobalt, lithium or nickel that has been recovered from battery manufacturing waste or post-consumer waste, and the minimum percentage share of lead that is present in the battery and that has been recovered from waste, for each battery model per year and per manufacturing plant:

(a) 26 % cobalt;

(b) 85 % lead;

(c) 12 % lithium;

(d) 15 % nickel.

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4. Paragraphs 1, 2 and 3 shall not apply to batteries that have been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing, if the batteries had already been placed on the market or put into service before undergoing such operations.

5. After the date of entry into force of the delegated act adopted under paragraph 1, and no later than 31 December 2028, the Commission shall assess whether, due to the existing availability, and the forecasted availability for 2030 and 2035, of cobalt, lead, lithium or nickel recovered from waste, or lack thereof, and in view of technical and scientific progress, it is appropriate to revise the targets laid down in paragraphs 2 and 3.

Where justified and appropriate on the basis of the assessment made under the first subparagraph or due to other considerable changes in battery technology impacting the type of materials recovered, the Commission shall adopt, by 18 August 2029, a delegated act in accordance with Article 89, to amend the targets laid down in paragraphs 2 and 3.

6. Where justified and appropriate due to market developments regarding battery chemistries impacting the type of materials that can be recovered, the Commission is empowered to adopt delegated acts in accordance with Article 89, to amend this Regulation by adding materials other than cobalt, lead, lithium and nickel, with specific minimum shares of recycled content per specific material in paragraphs 2 and 3 of this Article.

Article 9

Performance and durability requirements for portable batteries of general use

1. From 18 August 2028 or 24 months after the date of entry into force of the delegated act referred to in paragraph 2, whichever is the latest, portable batteries of general use, excluding button cells, shall meet the minimum values for the electrochemical performance and durability parameters set out in Annex III as laid down in the delegated act adopted pursuant to paragraph 2.

2. By 18 August 2027, the Commission shall adopt a delegated act in accordance with Article 89 to supplement this Regulation by establishing mandatory minimum values for the electrochemical performance and durability parameters set out in Annex III for portable batteries of general use, excluding button cells.

The Commission is empowered to adopt delegated acts in accordance with Article 89 to amend the minimum values referred to in the first subparagraph or add electrochemical performance and durability parameters to those set out in Annex III in view of technical and scientific progress.

In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of portable batteries of general use, including by means of increasing the resource efficiency thereof, and shall take into consideration relevant international standards and labelling schemes.

The Commission shall also ensure that the provisions laid down by the delegated act referred to in the first subparagraph do not have a significant adverse impact on the safety and functionality of those

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batteries or the appliances, light means of transport or other vehicles into which those batteries are incorporated, the affordability and the cost for end-users and the industry’s competitiveness.

3. By 31 December 2030, the Commission shall assess the feasibility of measures to phase out non-rechargeable portable batteries of general use with a view to minimising their environmental impact based on the life cycle assessment methodology and viable alternatives for end-users. To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking the appropriate measures, including the adoption of legislative proposals for either the phase out or the setting of eco-design requirements.

Article 10

Performance and durability requirements for rechargeable industrial batteries, LMT batteries and electric vehicle batteries

1. From 18 August 2024, rechargeable industrial batteries with a capacity greater than 2 kWh, LMT batteries and electric vehicle batteries shall be accompanied by a document containing values for the electrochemical performance and durability parameters set out in Part A of Annex IV.

For batteries referred to in the first subparagraph, the technical documentation referred to in Annex VIII shall contain an explanation of the technical specifications, standards and conditions used to measure, calculate or estimate the values for the electrochemical performance and durability parameters. That explanation shall include, at least, the elements set out in Part B of Annex IV.

2. From either 18 August 2027 or 18 months after the date of entry into force of the delegated act referred to in the first subparagraph of paragraph 5, whichever is the latest, rechargeable industrial batteries with a capacity greater than 2 kWh, except those with exclusively external storage, shall meet the minimum values laid down in the delegated act adopted pursuant to the first subparagraph of paragraph 5 for the electrochemical performance and durability parameters set out in Part A of Annex IV.

3. From either 18 August 2028 or 18 months after the date of entry into force of the delegated act referred to in the second subparagraph of paragraph 5, whichever is the latest, LMT batteries shall meet the minimum values laid down in the delegated act adopted pursuant to the second subparagraph of paragraph 5 for the electrochemical performance and durability parameters set out in Part A of Annex IV.

4. Paragraphs 1, 2 and 3 shall not apply to a battery that has been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing, where the economic operator placing that battery on the market or putting it into service demonstrates that the battery, before undergoing such operations, has been placed on the market or put into service before the dates on which those obligations become applicable in accordance with those paragraphs.

5. By 18 February 2026, the Commission shall adopt a delegated act in accordance with Article 89 to supplement this Regulation by establishing minimum values for the electrochemical performance and

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durability parameters set out in Part A of Annex IV that rechargeable industrial batteries with a capacity greater than 2 kWh, except those with exclusively external storage, shall attain.

By 18 February 2027, the Commission shall adopt a delegated act in accordance with Article 89 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters set out in Part A of Annex IV that LMT batteries shall attain.

In preparing the delegated acts referred to in the first and second subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of rechargeable industrial batteries with a capacity greater than 2 kWh, except of those with exclusively external storage, and of LMT batteries, and ensure that the requirements laid down therein do not have a significant adverse impact on the functionality of those batteries or the appliances, light means of transport or other vehicles into which those batteries are incorporated, their affordability and industry’s competitiveness.

6. The Commission is empowered to adopt delegated acts in accordance with Article 89 to amend the electrochemical performance and durability parameters set out in Annex IV in light of market developments and technical and scientific progress, including, in particular, related to technical specifications of the informal UNECE Working Group on Electric Vehicles and the Environment.

Article 11

Removability and replaceability of portable batteries and LMT batteries

1. Any natural or legal person that places on the market products incorporating portable batteries shall ensure that those batteries are readily removable and replaceable by the end-user at any time during the lifetime of the product. That obligation shall only apply to entire batteries and not to individual cells or other parts included in such batteries.

A portable battery shall be considered readily removable by the end-user where it can be removed from a product with the use of commercially available tools, without requiring the use of specialised tools, unless provided free of charge with the product, proprietary tools, thermal energy, or solvents to disassemble the product.

Any natural or legal person that places on the market products incorporating portable batteries shall ensure that those products are accompanied with instructions and safety information on the use, removal and replacement of the batteries. Those instructions and that safety information shall be made available permanently online, on a publicly available website, in an easily understandable way for end-users.

This paragraph shall be without prejudice to any specific provisions ensuring a higher level of protection of the environment and human health relating to the removability and replaceability of portable batteries by end-users laid down in any Union law on electrical and electronic equipment as defined in Article 3(1), point (a), of Directive 2012/19/EU.

2. By way of derogation from paragraph 1, the following products incorporating portable batteries may be designed in such a way as to make the battery removable and replaceable only by independent professionals:

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(a) appliances specifically designed to operate primarily in an environment that is regularly subject to splashing water, water streams or water immersion, and that are intended to be washable or rinseable;

(b) professional medical imaging and radiotherapy devices, as defined in Article 2, point (1), of Regulation (EU) 2017/745, and *in vitro* diagnostic medical devices, as defined in Article 2, point (2), of Regulation (EU) 2017/746.

The derogation set out in point (a) of this paragraph shall only be applicable where such derogation is required to ensure the safety of the user and the appliance.

3. The obligations laid down in paragraph 1 shall not apply where continuity of power supply is necessary and a permanent connection between the product and the respective portable battery is required to ensure the safety of the user and the appliance or, for products that collect and supply data as their main function, for data integrity reasons.

4. The Commission is empowered to adopt delegated acts in accordance with Article 89 to amend paragraph 2 of this Article by adding further products to be exempted from the removability and replaceability requirements laid down in paragraph 1 of this Article. Such delegated acts shall be adopted only on account of market developments and technical and scientific progress, and provided that there are scientifically grounded concerns over the safety of end-users removing or replacing the portable battery, or in cases where there is a risk that the removal or the replacement of the battery by end-users would be in violation of any product safety requirements provided for by applicable Union law.

5. Any natural or legal person that places on the market products incorporating LMT batteries shall ensure that those batteries, as well as individual battery cells included in the battery pack, are readily removable and replaceable by an independent professional at any time during the lifetime of the product.

6. For the purposes of paragraphs 1 and 5, a portable battery or LMT battery shall be considered readily replaceable where, after its removal from an appliance or light means of transport, it can be substituted by another compatible battery without affecting the functioning, the performance or the safety of that appliance or light means of transport.

7. Any natural or legal person that places on the market products incorporating portable batteries or LMT batteries shall ensure that those batteries are available as spare parts of the equipment that they power for a minimum of five years after placing the last unit of the equipment model on the market, with a reasonable and non-discriminatory price for independent professionals and end-users.

8. Software shall not be used to impede the replacement of a portable battery or LMT battery, or of their key components, with another compatible battery or key components.

9. The Commission shall publish guidelines to facilitate the harmonised application of this Article.

Article 12

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Safety of stationary battery energy storage systems

1. Stationary battery energy storage systems placed on the market or put into service shall be safe during their normal operation and use.

2. By 18 August 2024, the technical documentation referred to in Annex VIII shall:

(a) demonstrate that the stationary battery energy storage systems are compliant with paragraph 1 and include evidence that they have been successfully tested for the safety parameters set out in Annex V, for which state-of-the-art testing methodologies shall be used. The safety parameters shall only apply in so far as a corresponding hazard exists for the stationary battery energy storage system in question when it is used under the conditions envisaged by the manufacturer;

(b) include an assessment of possible safety hazards of the stationary battery energy storage system that are not addressed in Annex V;

(c) include evidence that the hazards referred to in point (b) have been successfully mitigated and tested; state-of-the-art testing methodologies shall be used for such testing;

(d) include mitigation instructions in case the identified hazards could occur, for example a fire or explosion.

The technical documentation shall be reviewed if a battery is prepared for re-use, prepared for repurposing, remanufactured or repurposed.

3. The Commission is empowered to adopt delegated acts in accordance with Article 89 to amend the safety parameters set out in Annex V in view of technical and scientific progress.

CHAPTER III

Labelling, marking and information requirements

Article 13

Labelling and marking of batteries

1. From 18 August 2026 or 18 months after the date of entry into force of the implementing act referred to in paragraph 10, whichever is the latest, batteries shall bear a label containing the general information on batteries set out in Part A of Annex VI.

2. From 18 August 2026 or 18 months after the date of entry into force of the implementing act referred to in paragraph 10, whichever is the latest, rechargeable portable batteries, LMT batteries and SLI batteries shall bear a label containing information on their capacity.

3. From 18 August 2026 or 18 months after the date of entry into force of the implementing act referred to in paragraph 10, whichever is the latest, non-rechargeable portable batteries shall bear a label containing information on their minimum average duration when used in specific applications and a label indicating ‘non-rechargeable’.

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4. From 18 August 2025, all batteries shall be marked with the symbol for separate collection of batteries (‘separate collection symbol’) as shown in Part B of Annex VI.

The separate collection symbol shall cover at least 3 % of the area of the largest side of the battery up to a maximum size of 5 × 5 cm.

In the case of cylindrical battery cells, the separate collection symbol shall cover at least 1,5 % of the surface area of the battery and shall have a maximum size of 5 × 5 cm.

Where the size of the battery is such that the separate collection symbol would be smaller than 0,47 × 0,47 cm, the battery does not need to be marked with that symbol. Instead, a separate collection symbol measuring at least 1 × 1 cm shall be printed on the packaging.

5. All batteries containing more than 0,002 % cadmium or more than 0,004 % lead, shall be marked with the chemical symbol for the metal concerned: Cd or Pb.

The relevant chemical symbol indicating the heavy metal content shall be printed beneath the separate collection symbol and shall cover an area of at least one-quarter the size of that symbol.

6. From 18 February 2027, all batteries shall be marked with a QR code as described in Part C of Annex VI. The QR code shall provide access to the following:

(a) for LMT batteries, industrial batteries with a capacity greater than 2kWh and electric vehicles batteries, the battery passport in accordance with Article 77;

(b) for other batteries, the applicable information referred to in paragraphs 1 to 5 of this Article, the declaration of conformity referred to in Article 18, the report referred to in Article 52(3) and the information regarding the prevention and management of waste batteries laid down in Article 74(1), points (a) to (f);

(c) for SLI batteries, the amount of cobalt, lead, lithium or nickel recovered from waste and present in active materials in the battery, calculated in accordance with Article 8.

This information shall be complete, up-to-date and accurate.

7. The labels and the QR code referred to in paragraphs 1 to 6 shall be printed or engraved visibly, legibly and indelibly on the battery. Where this is not possible or not warranted on account of the nature and size of the battery, the labels and the QR code shall be affixed to the packaging and to the documents accompanying the battery.

8. The Commission is empowered to adopt delegated acts in accordance with Article 89 to amend this Regulation to provide for alternative types of smart labels for use instead of or in addition to the QR code, in view of technical and scientific progress.

9. Batteries that have been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing shall bear new labels or shall be marked with markings in accordance with this Article, and containing information on their change of status in accordance with point 4 of Annex XIII, which shall be accessible through the QR code.

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10. The Commission shall, by 18 August 2025, adopt implementing acts to establish harmonised specifications for the labelling requirements referred to in paragraphs 1, 2 and 3 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 90(3).

Article 14

Information on the state of health and expected lifetime of batteries

1. From 18 August 2024, up-to-date data for the parameters for determining the state of health and expected lifetime of batteries as set out in Annex VII shall be contained in the battery management system of stationary battery energy storage systems, LMT batteries and electric vehicle batteries.

2. Read-only access to the data for the parameters set out in Annex VII through the battery management system referred to in paragraph 1 shall be provided, respecting the intellectual property rights of the battery manufacturer, on a non-discriminatory basis to the natural or legal person who has legally purchased the battery, including independent operators or waste management operators, or any third party acting on their behalf at any time, for the purpose of:

(a) making the battery available to independent aggregators or market participants through energy storage;

(b) evaluating the residual value or remaining lifetime of the battery and capability for further use, based on the estimation of the state of health of the battery;

(c) facilitating the preparation for re-use, preparation for repurposing, repurposing or remanufacturing of the battery.

3. The battery management system shall include a software reset function, in case economic operators carrying out preparation for re-use, preparation for repurposing, repurposing or remanufacturing need to upload different battery management system software. If the software reset function is used, the original battery manufacturer shall not be held liable for any breach of the safety or functionality of the battery that could be attributed to battery management system software uploaded after that battery was placed on the market.

4. The Commission is empowered to adopt a delegated act in accordance with Article 89 to amend the parameters for determining the state of health and expected lifetime of batteries set out in Annex VII in view of market developments and technical and scientific progress and to ensure synergies with parameters set in UN Global Technical Regulation No 22 on in-vehicle battery durability for electrified vehicles, with due regard to the intellectual property rights of the battery manufacturer.

5. The provisions of this Article shall apply in addition to those laid down in Union law on type approval of vehicles.

CHAPTER IV

Conformity of batteries

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Article 15

Presumption of conformity of batteries

1. For the purposes of compliance and verification of compliance of batteries with the requirements laid down in Articles 9, 10, 12, 13, 14 and 78, tests, measurements and calculations shall be made using reliable, accurate and reproducible methods which take into account the generally recognised state-of-the-art methods, and the results of which are deemed to be of low uncertainty, including methods set out in standards for which references have been published for those purposes in the *Official Journal of the European Union*.

2. Harmonised standards shall aim to simulate real-life usage as far as possible while maintaining standard tests.

3. Batteries which are in conformity with harmonised standards, or parts thereof, for which references have been published in the *Official Journal of the European Union* shall be presumed to be in conformity with the requirements laid down in Articles 9, 10, 12, 13, 14 and 78 to the extent that those requirements are covered by such harmonised standards or parts thereof, and, if applicable, to the extent that the minimum values established for those requirements pursuant to Articles 9 and 10 are attained.

Article 16

Common specifications

1. In exceptional cases, the Commission may adopt implementing acts laying down common specifications for the requirements laid down in Articles 9, 10, 12, 13, 14 and 78 or tests referred to in Article 15(1), where:

(a) those requirements or tests are not covered by harmonised standards, or parts thereof, for which references have been published in the *Official Journal of the European Union*;

(b) the Commission has requested one or more European standardisation organisations to draft a harmonised standard for those requirements or tests; and

(c) at least one of the following conditions has been fulfilled:

  (i) the request of the Commission has not been accepted by any of the European standardisation organisations,

  (ii) the Commission observes undue delays in the adoption of the requested harmonised standards, or

  (iii) a European standardisation organisation has delivered a standard that does not entirely correspond to the request of the Commission.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 90(3).

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When preparing the draft implementing act establishing the common specifications, the Commission shall take into account the views of relevant bodies or the expert group and shall duly consult all relevant stakeholders.

2. Batteries which are in conformity with common specifications or parts thereof shall be presumed to be in conformity with the requirements laid down in Articles 9, 10, 12, 13, 14 and 78 to the extent that those requirements are covered by such common specifications or parts thereof, and, if applicable, to the extent that the minimum values established for those requirements pursuant to Articles 9 and 10 are attained.

3. Where a harmonised standard is adopted by an European standardisation organisation and proposed to the Commission for the purpose of publishing its reference in the *Official Journal of the European Union*, the Commission shall assess the harmonised standard in accordance with Regulation (EU) No 1025/2012. When the reference of a harmonised standard is published in the *Official Journal of the European Union*, the Commission shall repeal the implementing acts referred to in paragraph 1, or parts thereof which cover the same requirements or tests referred to in paragraph 1.

Article 17

Conformity assessment procedures

1. Conformity assessment of batteries with the requirements laid down in Articles 6, 9, 10, 12, 13 and 14 shall be carried out in accordance with one of the following procedures:

(a) for batteries manufactured in series:

  (i) ‘Module A – Internal production control’, set out in Part A of Annex VIII, or

  (ii) ‘Module D1 – Quality assurance of the production process’, set out in Part B of Annex VIII;

(b) for batteries not manufactured in series:

  (i) ‘Module A – Internal production control’, set out in Part A of Annex VIII, or

  (ii) ‘Module G – Conformity based on unit verification’, set out in Part C of Annex VIII.

2. Conformity assessment of batteries with requirements laid down in Articles 7 and 8 shall be carried out in accordance with one of the following procedures:

(a) ‘Module D1 – Quality assurance of the production process’ set out in Part B of Annex VIII for batteries manufactured in series; or

(b) ‘Module G – Conformity based on unit verification’ set out in Part C of Annex VIII for batteries not manufactured in series.

3. An additional conformity assessment of batteries that have been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing, shall be carried out in accordance with the procedure ‘Module A – Internal production control’, set out in Part A of Annex VIII, taking into account the requirements laid down in Articles 6, 9, 10, 12, 13 and 14.

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4. Records and correspondence relating to the conformity assessment procedures of batteries shall be drawn up in the official language or languages of the Member State where the notified body carrying out the conformity assessment procedures is established, or in one or more languages accepted by that body.

Article 18

EU declaration of conformity

1. The EU declaration of conformity shall state that the compliance with the requirements laid down in Articles 6 to 10 and Articles 12, 13 and 14 has been demonstrated.

2. The EU declaration of conformity shall have the model structure set out in Annex IX, shall contain the elements specified in the relevant modules set out in Annex VIII, and shall be kept up to date. It shall be translated into the language or languages required by the Member State in which the battery is placed or made available on the market or put into service. It shall be drawn up in electronic format and, where requested, it shall be provided in paper format.

3. Where a battery is subject to more than one Union act requiring an EU declaration of conformity, a single EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall state the Union acts concerned and their publication references.

4. By drawing up the EU declaration of conformity, the manufacturer shall assume responsibility for the compliance of the battery with the requirements laid down in this Regulation.

5. Without prejudice to paragraph 3, a single EU declaration of conformity may be made up of one or more individual EU declarations of conformity already drawn up in compliance with a different Union act or acts, in order to reduce the administrative burden on economic operators.

Article 19

General principles of the CE marking

The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.

Article 20

Rules and conditions for affixing the CE marking

1. The CE marking shall be affixed visibly, legibly and indelibly to the battery. Where that is not possible or not warranted due to the nature of the battery, it shall be affixed to the packaging and to the documents accompanying the battery.

2. The CE marking shall be affixed before the battery is placed on the market or put into service.

3. The CE marking shall be followed by the identification number of the notified body where required under Annex VIII. That identification number shall be affixed by the notified body itself or,

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under its instructions, by the manufacturer or by its authorised representative.

4. The CE marking and the identification number referred to in paragraph 3 may be followed, if applicable, by any pictogram or other mark indicating a special risk, use or any danger linked to the use, storage, treatment or transport of the battery.

5. Member States shall build upon existing mechanisms to ensure correct application of the regime governing the CE marking and shall take appropriate action in the event of improper use of that marking.

CHAPTER V

Notification of conformity assessment bodies

Article 21

Notification

Member States shall notify the Commission and the other Member States of the conformity assessment bodies authorised to carry out conformity assessment tasks in accordance with this Regulation.

Article 22

Notifying authorities

1. Member States shall designate a notifying authority that shall be responsible for setting up and carrying out the necessary procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, including compliance with Article 27.

2. Member States may decide that the assessment and monitoring referred to in paragraph 1 shall be carried out by a national accreditation body as defined in Regulation (EC) No 765/2008 and in accordance with the provisions of that Regulation.

3. Where the notifying authority delegates or otherwise entrusts the assessment, notification or monitoring referred to in paragraph 1 of this Article to a body, which is not a governmental entity, that body shall be a legal entity, comply *mutatis mutandis* with the requirements laid down in Article 23 and have arrangements to cover liabilities arising from its activities.

4. The notifying authority shall take full responsibility for the tasks performed by the body referred to in paragraph 3.

Article 23

Requirements relating to notifying authorities

1. A notifying authority shall be established in such a way that no conflict of interest with conformity assessment bodies occurs.

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2. A notifying authority shall be organised and operated in such a way that the objectivity and impartiality of its activities are safeguarded.

3. A notifying authority shall be organised in such a way that each decision relating to notification of a conformity assessment body is taken by competent persons different from those who carried out the assessment of the conformity assessment bodies applying for notification in accordance with Article 28.

4. A notifying authority shall not offer or provide any activities that conformity assessment bodies perform and shall not provide consultancy services on a commercial or competitive basis.

5. A notifying authority shall safeguard the confidentiality of the information it obtains. However, it shall exchange information on notified bodies with the Commission as well as with notifying authorities of other Member States and other relevant national authorities.

6. A notifying authority shall have a sufficient number of competent personnel and sufficient funding at its disposal for the proper performance of its tasks.

Article 24

Information obligation on notifying authorities

Member States shall inform the Commission of their procedures for the assessment and notification of conformity assessment bodies and for the monitoring of notified bodies, and of any changes thereto.

The Commission shall make that information publicly available.

Article 25

Requirements relating to notified bodies

1. For the purposes of notification, a conformity assessment body shall meet the requirements laid down in paragraphs 2 to 11.

2. A conformity assessment body shall be established under the national law of a Member State and shall have legal personality.

3. A conformity assessment body shall be a third-party body independent from business and as regards the batteries it assesses, in particular from battery manufacturers, the battery manufacturers' trade partners, shareholding investors on the battery manufacturers' plants and from other notified bodies and the notified bodies' business associations, parent companies or subsidiaries.

4. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, importer, distributor, installer, purchaser, owner, user or maintainer of the batteries which they assess, nor the representative of any of those parties. That prohibition shall not preclude the use of assessed batteries that are necessary for the operations of the conformity assessment body or the use of such batteries for personal purposes.

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A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design, manufacture, marketing, importation, distribution, installation, use or maintenance of those batteries, or represent the parties engaged in those activities. They shall not engage in any activity that could conflict with their independence of judgement or their integrity in relation to conformity assessment activities for which they are notified. This shall in particular apply to consultancy services.

A conformity assessment body shall ensure that the activities of its parent or sister companies, subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of its conformity assessment activities.

5. A conformity assessment body and its personnel shall carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of their conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.

6. A conformity assessment body shall be capable of carrying out all the conformity assessment tasks assigned to it in Annex VIII, periodical audits in accordance with Article 48(2) and third-party verification in accordance with Article 51 in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

At all times, and for each conformity assessment procedure set out in Annex VIII, for periodical audits in accordance with Article 48(2) and third-party verification in accordance with Article 51, and for each category of batteries in relation to which it has been notified, a conformity assessment body shall have at its disposal:

(a) the necessary personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment tasks;

(b) the necessary descriptions of procedures in accordance with which conformity assessment is carried out, ensuring the transparency of those procedures and their ability to be reproduced;

(c) appropriate policies and procedures to distinguish between activities that it carries out as a notified body and other tasks;

(d) the necessary procedures for the performance of conformity assessment tasks which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the battery technology in question and the mass or serial nature of the production process.

A conformity assessment body shall have the means necessary to perform the technical and administrative tasks related to its conformity assessment activities in an appropriate manner and shall have access to all necessary information, testing equipment or facilities. This shall include establishment and the supervision of internal procedures, general policies, codes of conduct or other internal rules, the assignment of personnel to specific tasks, and conformity assessment decisions, without delegating them to a subcontractor or a subsidiary.

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7. The personnel responsible for carrying out conformity assessment tasks shall have the following:

(a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified;

(b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments;

(c) appropriate knowledge and understanding of the requirements and obligations laid down in Articles 6 to 10 and Articles 12, 13 and 14 and in Articles 48 to 52, of the applicable harmonised standards referred to in Article 15 and common specifications referred to in Article 16 and of the relevant provisions of Union harmonisation legislation and of national law;

(d) the ability to draw up certificates, records and reports demonstrating that conformity assessments have been carried out.

8. The impartiality of a conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall be guaranteed.

The remuneration of the top-level management and the personnel responsible for carrying out the conformity assessments tasks shall not depend on the number of conformity assessments carried out or on the results of those assessments.

9. A conformity assessment body shall take out liability insurance unless liability is assumed by the state in accordance with national law in the notifying Member State, or the Member State itself is directly responsible for the conformity assessment.

10. The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out the conformity assessment tasks in accordance with Annex VIII, periodical audits in accordance with Article 48(2), or third-party verification in accordance with Article 51, except in relation to the notifying authority and national authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.

11. A conformity assessment body shall participate in, or ensure that its personnel responsible for carrying out the conformity assessment tasks is informed of, the relevant standardisation activities and the activities of the sectoral coordination group of notified bodies established pursuant to Article 37 and shall apply as general guidance the administrative decisions and documents produced by that group.

Article 26

Presumption of conformity of notified bodies

Where a conformity assessment body demonstrates its conformity with the criteria laid down in the relevant harmonised standards, or parts thereof, for which references have been published in the *Official Journal of the European Union*, it shall be presumed to comply with the requirements laid down in Article 25 in so far as the applicable harmonised standards cover those requirements.

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Article 27

Subsidiaries of and subcontracting by notified bodies

1. Where a notified body subcontracts specific tasks related to conformity assessment or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements laid down in Article 25 and shall inform the notifying authority accordingly.

2. A notified body shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever those are established.

3. A notified body may subcontract activities or have activities carried out by a subsidiary only with the agreement of the client.

4. A notified body shall keep at the disposal of the notifying authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and concerning the work carried out by them under Article 48(2) and Article 51 and under Annex VIII.

Article 28

Application for notification

1. A conformity assessment body shall submit an application for notification to the notifying authority of the Member State in which it is established.

2. The application for notification shall be accompanied by a description of the conformity assessment activities, of the conformity assessment module or modules set out in Annex VIII or the procedures set out in Article 48(2) and Article 51, and of the batteries for which the conformity assessment body claims to be competent, as well as by an accreditation certificate, where applicable, issued by a national accreditation body attesting that the conformity assessment body meets the requirements laid down in Article 25.

3. Where the conformity assessment body concerned cannot provide an accreditation certificate as referred to in paragraph 2 of this Article, it shall provide the notifying authority with all the documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements laid down in Article 25, including appropriate documentation demonstrating that the conformity assessment body is independent within the meaning of Article 25(3).

Article 29

Notification procedure

1. A notifying authority shall only notify conformity assessment bodies which meet the requirements laid down in Article 25.

2. The notifying authority shall send a notification to the Commission and the notifying authorities of the other Member States of each conformity assessment body referred to in paragraph 1 using the

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electronic notification tool developed and managed by the Commission.

3. The notification shall include full details of the conformity assessment activities, the conformity assessment module or modules or the procedures set out in Article 48(2) and Article 51, the categories of batteries concerned and the relevant attestation of competence.

4. Where a notification is not based on an accreditation certificate as referred to in Article 28(2), the notifying authority shall provide the Commission and the other Member States with documentary evidence which attests to the conformity assessment body's competence and the arrangements in place to ensure that that body will be monitored regularly and will continue to meet the requirements laid down in Article 25.

5. The conformity assessment body concerned shall perform the activities of a notified body only where no objections are raised by the Commission or the other Member States within two weeks of the notification, where it includes an accreditation certificate referred to in Article 28(2), or within two months of the notification, where it includes documentary evidence referred to in paragraph 4 of this Article. Only such a conformity assessment body shall be considered to be a notified body for the purposes of this Regulation.

6. The notifying authority shall inform the Commission and the other Member States of any subsequent changes to the notification referred to in paragraph 2.

Article 30

Identification numbers and lists of notified bodies

1. The Commission shall assign an identification number to each notified body. It shall assign a single number even where the body is notified under several Union acts.

2. The Commission shall make publicly available and keep updated a list of bodies notified under this Regulation, including the identification numbers that have been assigned to them and the conformity assessment activities for which they have been notified.

Article 31

Changes to notifications

1. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 25 or that it is failing to fulfil its obligations, the notifying authority shall restrict, suspend or withdraw the notification, as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. It shall immediately inform the Commission and the other Member States accordingly.

2. In the event of restriction, suspension or withdrawal of notification pursuant to paragraph 1, or where a notified body has ceased its activity, the notifying authority shall take appropriate steps to ensure that the files of that body are either processed by another notified body or kept available for the responsible notifying and market surveillance authorities at their request.

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Article 32

Challenge to the competence of notified bodies

1. The Commission shall investigate all cases where it has a doubt, or a doubt is brought to its attention, in particular by economic operators and other relevant stakeholders, regarding the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject.

2. The notifying authority shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the notified body concerned.

3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.

4. Where the Commission ascertains that a notified body does not meet or no longer meets the requirements for its notification, it shall adopt an implementing act requiring the notifying Member State to take the necessary corrective action, including withdrawal of the notification if necessary. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article 74(2).

Article 33

Operational obligations of notified bodies

1. A notified body shall carry out conformity assessments in accordance with the conformity assessment procedures set out in Article 48(2), Article 51 or Annex VIII, as determined by the scope of the notification made in accordance with Article 29.

2. A notified body shall carry out conformity assessments in a proportionate manner, avoiding the creation of an unnecessary burden for economic operators, and taking due account of the size of an undertaking, the sector in which the undertaking operates, the structure of the undertaking, the degree of complexity of the battery to be assessed and the mass or serial nature of the production process. The notified body shall nevertheless respect the degree of rigour and the level of protection required for the compliance of the battery and of economic operators with this Regulation.

3. Where a notified body finds that the applicable requirements laid down in Articles 6 to 10 and Articles 12, 13, 14, 49 and 50, in corresponding harmonised standards referred to in Article 15, common specifications referred to in Article 16 or other technical specifications have not been met, it shall require the manufacturer or other relevant economic operator to take appropriate corrective action in anticipation of a second and final conformity assessment, unless the deficiencies cannot be remedied. Where the deficiencies cannot be remedied, the notified body shall not issue the certificate of conformity or approval decision.

4. Where, in the course of the monitoring of conformity following the issue of an approval decision, a notified body finds that there is no longer compliance, it shall require the manufacturer or the

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economic operator referred to in Article 48(1) as applicable, to take appropriate corrective action and shall suspend or withdraw the approval decision, if necessary.

5. Where corrective action as referred to in paragraph 4 is not taken or does not have the required effect, the notified body shall restrict, suspend or withdraw the approval decision, as appropriate.

Article 34

Appeal against decisions of notified bodies

Member States shall ensure that an appeal procedure against the decisions of notified bodies is available.

Article 35

Information obligation on notified bodies

1. A notified body shall inform the notifying authority of the following:

(a) any refusal, restriction, suspension or withdrawal of a certificate of conformity or approval decision;

(b) any circumstances affecting the scope of, or the conditions for, its notification;

(c) any request for information which it has received from market surveillance authorities regarding its conformity assessment activities;

(d) on request, any conformity assessment activities performed within the scope of its notification and any other activity performed, including cross-border activities and subcontracting.

2. A notified body shall provide other notified bodies carrying out similar conformity assessment activities covering the same categories of batteries with relevant information on issues relating to:

(a) negative and, on request, positive conformity assessments; and

(b) any restriction, suspension or withdrawal of an approval decision.

Article 36

Exchange of experience and good practice

The Commission shall provide for the organisation of exchange of experience and good practice between the Member States' authorities responsible for notification policy.

Article 37

Coordination of notified bodies

The Commission shall ensure that appropriate coordination and cooperation between notified bodies are put in place and properly operated in the form of a sectoral coordination group of notified bodies.

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Notified bodies shall participate in the work of the sectoral coordination group, directly or by means of designated representatives.

CHAPTER VI

Obligations of economic operators other than the obligations in Chapters VII and VIII

Article 38

Obligations of manufacturers

1. When placing a battery on the market or putting it into service, including for the manufacturers' own purposes, manufacturers shall ensure that the battery:

(a) has been designed and manufactured in accordance with Articles 6 to 10 and Articles 12 and 14, and is accompanied by clear, understandable and readable instructions and safety information in a language or languages which can be easily understood by end-users, as determined by the Member State in which the battery is to be placed on the market or put into service; and

(b) is marked and labelled in accordance with Article 13.

2. Before placing a battery on the market or putting it into service, manufacturers shall draw up the technical documentation referred to in Annex VIII and carry out the relevant conformity assessment procedure, referred to in Article 17, or have it carried out.

3. Where compliance of a battery with the applicable requirements has been demonstrated by the relevant conformity assessment procedure referred to in Article 17, manufacturers shall draw up an EU declaration of conformity in accordance with Article 18 and affix the CE marking in accordance with Articles 19 and 20.

4. Manufacturers shall keep the technical documentation referred to in Annex IX and the EU declaration of conformity at the disposal of national authorities for 10 years after the battery has been placed on the market or put into service.

5. Manufacturers shall ensure that procedures are in place for a battery that is part of a series production to remain in conformity with this Regulation. In doing so, manufacturers shall adequately take into account changes in the production process or in battery design or characteristics and changes in the harmonised standards referred to in Article 15, common specifications referred to in Article 16 or other technical specifications by reference to which the conformity of the battery is declared or by application of which its conformity is verified.

6. Manufacturers shall ensure that batteries which they place on the market bear a model identification and batch or serial number, or product number or another element allowing their identification. Where the size or nature of the battery does not allow it, the required information shall be provided on the packaging or in a document accompanying the battery.

7. Manufacturers shall indicate on the battery their name, registered trade name or registered trade mark, their postal address, indicating a single contact point, and, if available, web and email address.

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Where that is not possible, the required information shall be provided on the packaging or in a document accompanying the battery. The contact details shall be indicated in a language or languages which can be easily understood by end-users and market surveillance authorities, as determined by the Member State in which the battery is to be placed on the market or put into service, and shall be clear, understandable and legible.

8. Manufacturers shall provide access to the data for the parameters set out in Annex VII in the battery management system referred to in Article 14(1), in accordance with the requirements laid down in that Article.

9. Manufacturers who consider or have reason to believe that a battery which they have placed on the market or put into service is not in conformity with one or more of the applicable requirements laid down in Articles 6 to 10 and Articles 12, 13 and 14 shall immediately take the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate. Furthermore, where the battery presents a risk, manufacturers shall immediately inform the market surveillance authority of the Member State in which they made the battery available on the market, giving details, in particular, of the non-compliance and of any corrective action taken.

10. Manufacturers shall, further to a reasoned request from a national authority, provide it with all the information and documentation necessary to demonstrate the conformity of the battery with the requirements laid down in Articles 6 to 10 and Articles 12, 13 and 14, in a language or languages which can be easily understood by that national authority. That information and documentation shall be provided in electronic format and, on request, in paper format. Manufacturers shall cooperate with the national authority, at its request, on any action taken to eliminate the risks posed by a battery which they have placed on the market or put into service.

11. Economic operators that carry out preparation for re-use, preparation for repurposing, repurposing or remanufacturing, and place on the market or put into service a battery that has undergone any of those operations, shall be considered to be manufacturers for the purposes of this Regulation.

Article 39

Obligations of suppliers of battery cells and battery modules

Suppliers of battery cells and battery modules shall provide the information and documentation necessary to comply with the requirements of this Regulation when supplying battery cells or modules to a manufacturer. That information and documentation shall be provided free of charge.

Article 40

Obligations of authorised representatives

1. A manufacturer may, by a written mandate, designate an authorised representative.

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The authorised representative's mandate shall be valid only when accepted in writing by the authorised representative.

2. The obligations laid down in Article 38(1) and Articles 48 to 52 and the obligation to draw up technical documentation shall not form part of the authorised representative's mandate.

3. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The authorised representative shall have the appropriate means to perform the tasks specified in the mandate. The authorised representative shall provide a copy of the mandate to the market surveillance authority, upon request, in a Union language determined by that authority. The mandate shall include at least the following tasks:

(a) keep the EU declaration of conformity, the technical documentation, the verification report and approval decision referred to in Article 51(2) and the audit reports referred to in Article 48(2) at the disposal of national authorities for 10 years after the battery has been placed on the market or put into service;

(b) further to a reasoned request from a national authority, provide it with all the information and documentation necessary to demonstrate the conformity of the battery. That information and the documentation shall be provided in electronic format and, on request, in paper format;

(c) cooperate with the national authorities, at their request, on any action taken to eliminate the risks posed by batteries covered by the authorised representative's mandate.

4. Where the battery presents a risk, authorised representatives shall immediately inform the market surveillance authorities thereof.

Article 41

Obligations of importers

1. Importers shall only place on the market a battery which is compliant with Articles 6 to 10 and Articles 12, 13 and 14.

2. Before placing a battery on the market, importers shall verify that:

(a) the EU declaration of conformity and technical documentation referred to in Annex VIII have been drawn up and that the relevant conformity assessment procedure referred to in Article 17 has been carried out by the manufacturer;

(b) the battery bears the CE marking referred to in Article 19, and is marked and labelled in accordance with Article 13;

(c) the battery is accompanied by the documents required pursuant to Articles 6 to 10 and Articles 12, 13 and 14 and by instructions and safety information in a language or languages which can be easily understood by end-users, as determined by the Member State in which the battery is to be made available on the market; and

(d) the manufacturer has complied with the requirements laid down in Article 38(6) and (7).

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Where an importer considers or has reason to believe that a battery is not in conformity with Articles 6 to 10 and Articles 12, 13 and 14, the importer shall not place that battery on the market until it has been brought into conformity. Furthermore, where the battery presents a risk, the importer shall inform the manufacturer and the market surveillance authorities giving details of the non-compliance and of any corrective action taken.

3. Importers shall indicate on the battery their name, registered trade name or registered trade mark, their postal address, indicating a single contact point, and, if available, web and email address. Where that is not possible, the required information shall be provided on the packaging or in a document accompanying the battery. The contact details shall be in a language or languages which can be easily understood by end-users, as determined by the Member State in which the battery is to be made available on the market, and shall be clear, understandable and legible.

4. Importers shall ensure that, while a battery is under their responsibility, storage or transport conditions do not jeopardise its compliance with Articles 6 to 10 and Articles 12, 13 and 14.

5. When deemed appropriate with regard to the risks presented by a battery, importers shall, to protect the human health and safety of consumers, carry out sample testing of marketed batteries, investigate, and, if necessary, keep a register of complaints, of non-conforming batteries and battery recalls, and shall keep distributors informed of such monitoring.

6. Importers who consider or have reason to believe that a battery which they have placed on the market is not in conformity with Articles 6 to 10 and Articles 12, 13 and 14, shall immediately take the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate. Furthermore, where the battery presents a risk, importers shall immediately inform the market surveillance authority of the Member State in which they made the battery available on the market, giving details, in particular, of the non-compliance and of any corrective action taken.

7. Importers shall, for 10 years after the battery has been placed on the market, keep a copy of the EU declaration of conformity at the disposal of the national authorities and ensure that the technical documentation referred to in Annex VIII is made available to those authorities, upon request.

8. Importers shall, further to a reasoned request from a national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of a battery with Articles 6 to 10 and Articles 12, 13 and 14, in a language or languages which can be easily understood by that authority. That information and the documentation shall be provided in electronic format and, on request, in paper format. Importers shall cooperate with the national authority, at its request, on any action taken to eliminate the risks posed by batteries, which they have placed on the market.

Article 42

Obligations of distributors

1. When making a battery available on the market, distributors shall act with due care in relation to the requirements of this Regulation.

2. Before making a battery available on the market, distributors shall verify that:

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(a) the producer is registered in the register of producers referred to in Article 55;

(b) the battery bears the CE marking referred to in Article 19 and is marked and labelled in accordance with Article 13;

(c) the battery is accompanied by the documents required pursuant to Articles 6 to 10 and Articles 12, 13 and 14 and by instructions and safety information in a language or languages which can be easily understood by end-users, as determined by the Member State in which the battery is to be made available on the market or put into service; and

(d) the manufacturer and the importer have complied with the requirements laid down in Article 38(6) and (7) and Article 41(3) respectively.

3. Where a distributor considers or has reason to believe that a battery is not in conformity with Articles 6 to 10 or Article 12, 13 or 14, the distributor shall not make the battery available on the market until it has been brought into conformity. Furthermore, where the battery presents a risk, the distributor shall inform the manufacturer or the importer as well as the market surveillance authorities.

4. Distributors shall ensure that, while a battery is under their responsibility, storage or transport conditions do not jeopardise its compliance with Articles 6 to 10 and Articles 12, 13 and 14.

5. Distributors who consider or have reason to believe that a battery which they have made available on the market is not in conformity with Articles 6 to 10 or Article 12, 13 or 14 shall make sure that the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate, is taken. Furthermore, where the battery presents a risk, distributors shall immediately inform the market surveillance authorities of the Member States in which they made the battery available on the market, giving details, in particular, of the non-compliance and of any corrective action taken.

6. Distributors shall, further to a reasoned request from a national authority, provide it with all the information and the documentation necessary to demonstrate the conformity of a battery with Articles 6 to 10 and Articles 12, 13 and 14 in a language or languages which can be easily understood by that national authority. That information and the documentation shall be provided in electronic format and, on request, in paper format. Distributors shall cooperate with the national authority, at its request, on any action taken to eliminate the risks posed by batteries that they have made available on the market.

Article 43

Obligations of fulfilment service providers

Fulfilment service providers shall ensure that, for batteries that they handle, the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the batteries' compliance with Articles 6 to 10 and Articles 12, 13 and 14.

Without prejudice to the obligations of the relevant economic operators laid down in this Chapter, fulfilment service providers shall, in addition to the requirement referred to in the first paragraph, perform the tasks laid down in Article 40(3), point (c), and Article 40(4).

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Article 44

Case in which obligations of manufacturers apply to importers and distributors

An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of a manufacturer under Article 38, where any of the following applies:

(a) a battery is placed on the market or put into service under that importer's or distributor's own name or trademark;

(b) a battery already placed on the market or put into service is modified by that importer or distributor in such a way that compliance with the relevant requirements of this Regulation could be affected; or

(c) the purpose of a battery already placed on the market or put into service is modified by that importer or distributor.

Article 45

Obligations of economic operators placing on the market or putting into service batteries that have been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing

1. Economic operators placing on the market or putting into service batteries that have been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing shall ensure that the examination, performance testing, packing and shipment of those batteries, and of such batteries' components subject to any of those operations, is carried out following adequate quality control and safety instructions.

2. Economic operators placing on the market or putting into service batteries that have been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing shall ensure that the battery complies with the requirements of this Regulation, any relevant product, environmental, human health protection and transport safety requirements in other Union law, taking into account the fact that, as a result of those operations, the battery might fall under a different battery category. For remanufacturing operations, such economic operators shall provide, upon request, market surveillance authorities with the documentation necessary to demonstrate that the battery has been subject to remanufacturing in accordance with this Regulation.

Article 46

Identification of economic operators

1. Economic operators shall, upon a request of a national authority, provide the following information to the market surveillance authorities:

(a) the identity of any economic operator that has supplied them with a battery;

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(b) the identity of any economic operator to which they have supplied a battery, as well as the quantity and exact models.

2. Economic operators shall ensure that they are able to provide the information referred to in paragraph 1 for 10 years after they have been supplied with the battery and for 10 years after they have supplied the battery.

CHAPTER VII

Obligations of economic operators as regards battery due diligence policies

Article 47

Scope of this Chapter

This Chapter does not apply to economic operators that had a net turnover of less than EUR 40 million in the financial year preceding the last financial year, and that are not part of a group, consisting of parent and subsidiary undertakings, which, on a consolidated basis, exceeds the limit of EUR 40 million.

This Chapter does not apply to economic operators in relation to the placing on the market or putting into service of batteries that have been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing, if such batteries had already been placed on the market or put into service before undergoing such operations.

This Chapter applies without prejudice to the provisions laid down in Union law on due diligence obligations in relation to minerals and metals originating from conflict-affected and high-risk areas.

Article 48

Battery due diligence policies

1. From 18 August 2025, economic operators that place batteries on the market or put them into service shall fulfil the due diligence obligations laid down in paragraphs 2 and 3 of this Article, and in Articles 49, 50 and 52 and shall, to that end, set up and implement battery due diligence policies.

2. Economic operators referred to in paragraph 1 of this Article shall have their battery due diligence policies verified by a notified body in accordance with Article 51 (‘third-party verification’) and periodically audited by that notified body to make sure that the battery due diligence policies are maintained and applied in accordance with Articles 49, 50 and 52. The notified body shall provide the audited economic operator with an audit report.

3. Economic operators referred to in paragraph 1 of this Article shall keep documentation demonstrating their fulfilment of the obligations laid down in Articles 49, 50 and 52, including the verification report and approval decision referred to in Article 51 and the audit reports referred to in paragraph 2 of this Article, for 10 years after the last battery manufactured under the relevant battery due diligence policy has been placed on the market.

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4. Without prejudice to the individual responsibility of economic operators for their battery due diligence policies, economic operators referred to in paragraph 1 of this Article may, for the purposes of compliance with the requirements laid down in Articles 48, 49, 50 and 52, collaborate with other actors, including through due diligence schemes recognised under this Regulation.

5. By 18 February 2025, the Commission shall publish guidelines as regards the application of the due diligence requirements laid down in Articles 49 and 50, with regard to the risks referred to in point 2 of Annex X, and in line, in particular, with the international instruments referred to in points 3 and 4 of Annex X.

6. Member States may, in order to provide information and support to economic operators in fulfilling the due diligence obligations under this Regulation, set up and operate, individually or jointly, dedicated websites, platforms or portals.

7. The Commission may complement the Member State support measures referred to in paragraph 6, by building on existing Union action to support due diligence in the Union and in third countries, and may devise new measures to help economic operators fulfil their obligations under this Regulation.

8. The Commission shall regularly assess the need to update the list of raw materials and risk categories set out in Annex X.

The Commission is empowered to adopt delegated acts in accordance with Article 89 to:

(a) amend the list of raw materials in point 1 of Annex X and of risk categories in point 2 of Annex X, in view of scientific and technological progress in battery manufacturing and chemistries and amendments to Regulation (EU) 2017/821;

(b) amend the list of international instruments in point 3 of Annex X, in accordance with developments within the relevant international fora concerning standards related to due diligence policies and to protection of the environment and of social rights;

(c) amend the obligations on the economic operators referred to in paragraph 1 of this Article which are laid down in Articles 49 and 50 in view of amendments to Regulation (EU) 2017/821, and amend the list of internationally recognised due diligence instruments set out in point 4 of Annex X.

Article 49

Economic operator’s management system

1. Each economic operator referred to in Article 48(1) shall:

(a) adopt, and clearly communicate to suppliers and the public, a company battery due diligence policy, concerning raw materials listed in point 1 of Annex X, and associated social and environmental risk categories listed in point 2 of Annex X;

(b) incorporate in its battery due diligence policy standards that are consistent with the standards set out in the internationally recognised due diligence instruments listed in point 4 of Annex X;

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(c) structure its internal management system to support its battery due diligence policy by assigning responsibility to its top management level to oversee its battery due diligence policy as well as maintain records of that system for a minimum of 10 years;

(d) establish and operate a system of controls and transparency regarding the supply chain, including a chain of custody or traceability system, identifying upstream actors in the supply chain;

(e) incorporate its battery due diligence policy, including risk management measures, into contracts and agreements with suppliers; and

(f) establish a grievance mechanism, including an early-warning risk-awareness system and a remediation mechanism, or provide for such mechanisms through collaborative agreements with other economic operators or organisations or by facilitating recourse to an external expert or body, such as an ombudsman; such mechanisms shall be based on the UN Guiding Principles on Business and Human Rights.

2. The system referred to in paragraph 1, point (d), shall be supported by documentation that provides at least the following information:

(a) a description of the raw material, including its trade name and type;

(b) the name and address of the supplier that supplied the raw material present in the batteries to the economic operator that places the batteries containing the raw material in question on the market;

(c) the country of origin of the raw material and the market transactions from the raw material's extraction to the immediate supplier to the economic operator that places the battery on the market;

(d) the quantities of the raw material present in the battery placed on the market, expressed in percentage or weight;

(e) third-party verification reports issued by a notified body and concerning the suppliers as referred to in Article 50(3);

(f) if the reports referred to in point (e) are not available and where the raw material originates from a conflict-affected and high-risk area, additional information in accordance with the specific recommendations for upstream economic operators, as set out in the OECD Due diligence guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, where relevant, such as the mine of origin, locations where the raw material is consolidated, traded and processed, and taxes, fees and royalties are paid.

Third party verification reports referred to in point (e) of the first subparagraph shall be made available by suppliers as referred to in Article 50(3) to the downstream operators of the supply chain.

Article 50

Risk management obligations

1. The economic operator referred to in Article 48(1) shall:

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(a) identify and assess the risk of adverse impacts in its supply chain, associated with the risk categories listed in point 2 of Annex X as part of its management plan, including on the basis of the information provided pursuant to Article 49 and any other relevant information that is either publicly available or provided by stakeholders, by reference to its battery due diligence policy;

(b) design and implement a strategy to respond to the identified risks to prevent, mitigate and otherwise address adverse impacts by:

(i) reporting findings of its risk assessment to its top management level assigned in accordance with Article 49(1), point (c);

(ii) adopting risk management measures that are consistent with the internationally recognised due diligence instruments listed in point 4 of Annex X, considering its ability to influence, and where necessary take steps to exert pressure on, suppliers, including their subsidiaries and subcontractors, who can most effectively prevent or mitigate the identified risk;

(iii) designing and implementing a risk management plan, monitoring and tracking performance of risk mitigation efforts, reporting back to its top management level assigned in accordance with Article 49(1), point (c), and considering suspending or discontinuing engagement with a supplier or its subsidiary or subcontractor after failed attempts at mitigation, based on relevant contracts and agreements referred to in Article 49(1), point (e);

(iv) undertaking additional fact and risk assessments for risks requiring mitigation, or after a change of circumstances.

2. If the economic operator referred to in Article 48(1) pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with suppliers and with the stakeholders concerned, including local and national government authorities, international or civil society organisations and affected third parties such as local communities, before establishing a strategy for measurable risk mitigation in the risk management plan referred to in paragraph 1, point (b)(iii), of this Article.

3. The economic operator referred to in Article 48(1) shall identify and assess the probability of adverse impacts in the risk categories listed in point 2 of Annex X, in its supply chain. That economic operator shall identify and assess the risks in its supply chain as part of its own risk management systems. The economic operator shall carry out third party verifications of its own due diligence chains via a notified body in accordance with Article 51. The economic operator may use third-party verification reports issued pursuant to Article 51(2) by such a notified body concerning battery due diligence policies implemented by suppliers in that chain in accordance with this Chapter. The economic operator may also use those third-party verification reports to assess, as appropriate, the due diligence practices of those suppliers.

4. The economic operator referred to in Article 48(1) shall report the findings of the risk assessment referred to in paragraph 3 of this Article to its top management level to which responsibility has been assigned in accordance with Article 49(1), point (c), and shall implement the strategy referred to in paragraph 1, point (b), of this Article.

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Article 51

Third-party verification of battery due diligence policies

1. The notified body shall carry out third-party verifications. Such third-party verifications shall:

(a) cover all activities, processes and systems used by economic operators to fulfil their due diligence obligations in accordance with Articles 49, 50 and 52;

(b) have as their objective the determination of conformity of the due diligence practices of economic operators placing batteries on the market in accordance with Articles 49, 50 and 52;

(c) where relevant, include checks on undertakings and gather information from stakeholders;

(d) identify, for the economic operators that place batteries on the market, areas of potential improvement in relation to their due diligence practices;

(e) respect the audit principles of independence, competence and accountability, as set out in the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.

2. The notified body shall issue a verification report that records the activities undertaken in accordance with paragraph 1 of this Article and their outcomes. Where the battery due diligence policies referred to in Article 48 fulfil the obligations laid down in Articles 49, 50 and 52, the notified body shall issue an approval decision.

Article 52

Disclosure of information on battery due diligence policies

1. The economic operator referred to in Article 48(1) shall make available upon request to Member States' market surveillance authorities or national authorities the verification report and approval decision issued in accordance with Article 51, the audit reports referred to in Article 48(2) and available evidence of compliance with a due diligence scheme recognised by the Commission in accordance with Article 53.

2. The economic operator referred to in Article 48(1) shall make available to its immediate downstream purchasers all relevant information gained and maintained pursuant to its battery due diligence policy, with due regard for business confidentiality and other competitive concerns.

3. The economic operator referred to in Article 48(1) shall on an annual basis review and make publicly available, including on the internet, a report on its battery due diligence policy. That report shall contain, in a manner that is easily comprehensible for end-users and clearly identifies the batteries concerned, the data and information on steps taken by that economic operator to comply with the requirements laid down in Articles 49 and 50, including findings of significant adverse impacts in the risk categories listed in point 2 of Annex X, and how they have been addressed, as well as a summary report of the third-party verifications carried out in accordance with Article 51, including the name of the notified body, with due regard for business confidentiality and other competitive concerns.

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That report shall also cover, where relevant, access to information, public participation in decision-making and access to justice in environmental matters in relation to the sourcing, processing and trading of the raw materials present in batteries.

4. Where the economic operator referred to in Article 48(1) can demonstrate that the raw materials listed in point 1 of Annex X, that are present in the battery are derived from recycled sources, it shall publicly disclose its conclusions in reasonable detail, with due regard for business confidentiality and other competitive concerns.

Article 53

Recognition of due diligence schemes

1. Governments, industry associations and groupings of interested organisations that have developed and oversee due diligence schemes (‘scheme owners’) may apply to have their due diligence schemes recognised by the Commission. The Commission is empowered to adopt implementing acts establishing the information requirements that the application for recognition is to contain. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 90(3).

2. Where, on the basis of the evidence and information provided pursuant to the paragraph 1 of this Article, the Commission determines that the due diligence scheme referred to in that paragraph, enables economic operators to meet the requirements laid down in Articles 48, 49, 50 and 52, it shall adopt an implementing act granting that scheme a recognition of equivalence with the requirements laid down in this Regulation. The OECD Centre for Responsible Business Conduct shall be consulted prior to the adoption of that implementing act. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 90(3).

When making a determination on the recognition of a due diligence scheme, the Commission shall take into account the diverse industry practices covered by that scheme and shall have regard to the risk-based approach and method used by that scheme to identify risks.

3. The Commission shall adopt delegated acts in accordance with Article 89 setting out the criteria and the methodology according to which the Commission is to determine, in accordance with paragraph 2 of this Article, whether due diligence schemes enable economic operators to meet the requirements laid down in Articles 48, 49, 50 and 52. The Commission shall also, as appropriate, periodically verify that recognised due diligence schemes continue to fulfil the criteria that led to a decision to grant recognition of equivalence pursuant to paragraph 2 of this Article.

4. The owner of a due diligence scheme for which the recognition of equivalence was granted in accordance with paragraph 2 shall inform the Commission without delay of any changes or updates made to that scheme. The Commission shall assess whether such changes or updates affect the recognition of equivalence of that scheme and take appropriate action.

5. If there is evidence of repeated or significant cases where economic operators implementing a scheme recognised in accordance with paragraph 2 of this Article have failed to meet the requirements

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laid down in Articles 48, 49, 50 and 52, the Commission shall examine, in consultation with the owner of the recognised due diligence scheme, whether those cases indicate deficiencies in the scheme.

6. Where the Commission identifies a failure to comply with the requirements laid down in Articles 48, 49, 50 and 52 or deficiencies in a recognised due diligence scheme, it may grant the scheme owner an appropriate period to take remedial action.

7. Where the scheme owner fails or refuses to take the necessary remedial action, and where the Commission has determined that the failure or deficiencies referred to in paragraph 6 of this Article compromise the ability of the economic operator referred to in Article 48(1) implementing the scheme to comply with the requirements laid down in Articles 48, 49, 50 and 52 or where repeated or significant cases of non-compliance by economic operators implementing a scheme are due to deficiencies in the scheme, the Commission shall adopt an implementing act withdrawing the recognition of equivalence of the scheme. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 90(3).

8. The Commission shall establish and keep up-to-date a register of recognised due diligence schemes. That register shall be made publicly available on the internet.

CHAPTER VIII

Management of waste batteries

Article 54

Competent authority

1. Member States shall designate one or more competent authorities responsible for the obligations under this Chapter, in particular for monitoring and verifying fulfilment by producers and producer responsibility organisations of their obligations under this Chapter.

2. Each Member State may also designate one contact point, among the competent authorities referred to in paragraph 1, for the purpose of communicating with the Commission pursuant to paragraph 4.

3. Member States shall lay down the details of the competent authority’s or authorities’ organisation and operation, including the administrative and procedural rules for:

(a) the registration of producers in accordance with Article 55;

(b) the authorisation of producers and producer responsibility organisations in accordance with Article 58;

(c) the oversight of implementation of extended producer responsibility obligations in accordance with Article 57;

(d) the collection of data on batteries and waste batteries in accordance with Article 75;

(e) making information available in accordance with Article 76.

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4. By 18 November 2025, Member States shall notify the Commission of the names and addresses of the competent authorities designated pursuant to paragraph 1. Member States shall inform the Commission without undue delay of any changes to the names or addresses of those competent authorities.

Article 55

Register of producers

1. Member States shall establish a register of producers which shall serve to monitor compliance of producers with the requirements of this Chapter.

2. Producers shall register in the register referred to in paragraph 1. They shall to that end submit an application for registration in each Member State where they make a battery available on the market for the first time.

Producers shall submit the application for registration via an electronic data-processing system as referred to in paragraph 9, point (a).

Producers shall only make available batteries, including those incorporated in appliances, light means of transport or other vehicles, on the market of a Member State, if they or, in the case of authorisation, their authorised representatives for extended producer responsibility, are registered in that Member State.

3. The application for registration shall include the following information:

(a) name, and brand names if available, under which the producer operates in the Member State and address of the producer, including postal code and place, street and number, country, telephone number, if any, web and email address, indicating a single contact point;

(b) national identification code of the producer, including its trade register number or equivalent official registration number and the European or national tax identification number;

(c) the category, or categories, of batteries that the producer intends to make available on the market for the first time within the territory of a Member State, namely portable batteries, industrial batteries, LMT batteries, electric vehicle batteries, or SLI batteries, and their chemistry;

(d) information on how the producer meets its responsibilities laid down in Article 56 and the requirements under Articles 59, 60 and 61, respectively:

(i) for portable batteries or LMT batteries, the requirements of point (d) shall be met by providing:

— information in written form on the measures put in place by the producer to fulfil the producer responsibility obligations laid down in Article 56, the measures put in place to fulfil the separate collection obligations laid down in Article 59(1) or Article 60(1) with regard to the amount of batteries the producer makes available on the market in the

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Member State, and on the system to ensure that the data reported to the competent authorities are reliable;

— where applicable, the name and contact details, including postal code and place, street and number, country, telephone number, web and email address and the national identification code of the producer responsibility organisation appointed by the producer to fulfil its extended producer responsibility obligations in accordance with Article 57(1) and (2), including the trade register number or an equivalent official registration number and the European or national tax identification number of the producer responsibility organisation, and the represented producer's mandate;

(ii) for SLI batteries, industrial batteries and electric vehicle batteries, the requirements of point (d) shall be met by providing:

— information in written form on the measures put in place by the producer to fulfil the producer responsibility obligations laid down in Article 56, the measures put in place to fulfil the collection obligations laid down in Article 61(1) with regard to the amount of batteries the producer makes available on the market in the Member State and on the system to ensure that the data reported to the competent authorities are reliable;

— where applicable, the name and contact details, including postal code and place, street and number, country, telephone number, web and email address and the national identification code of the producer responsibility organisation appointed by the producer to fulfil its extended producer responsibility obligations in accordance with Article 57(1) and (2), including the trade register number or an equivalent official registration number and the European or national tax identification number of the producer responsibility organisation, and the represented producer's mandate.

(e) a statement by the producer or, where applicable, authorised representative for extended producer responsibility or the producer responsibility organisation appointed in accordance with Article 57(1), stating that the information provided is true.

4. Without prejudice to paragraph 3 of this Article, the information laid down in point (d) of that paragraph shall be provided either in the application for registration under paragraph 3 of this Article or in the application for authorisation under Article 58. Such application for authorisation shall include at least information on either individual or collective fulfilment of the extended producer responsibility obligations.

5. Member States may request additional information or documents, as necessary, to use the register of producers in an efficient manner.

6. Where a producer has appointed a producer responsibility organisation in accordance with Article 57(1), the obligations under this Article shall be met by that organisation *mutatis mutandis* unless otherwise specified by the Member State.

7. The obligations under this Article may be fulfilled on a producer's behalf by an authorised representative for extended producer responsibility.

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Where obligations under this Article are fulfilled on a producer's behalf by an authorised representative for extended producer responsibility that represents more than one producer, in addition to the information required under paragraph 3, that authorised representative shall provide the name and the contact details for each of the represented producers separately.

8. Member States may decide that the registration procedure pursuant to this Article and the authorisation procedure pursuant to Article 58 constitute a single procedure, provided that the application meets the requirements laid down in paragraphs (3) to (7) of this Article.

9. The competent authority shall:

(a) make available on its website information about the application process via an electronic data-processing system;

(b) grant registrations and provide a registration number within a maximum period of 12 weeks from the moment that all the information required under paragraphs 2 and 3 is provided.

10. The competent authority may:

(a) lay down modalities with regard to the requirements and process of registration without adding substantive requirements to those laid down in paragraphs 2 and 3;

(b) charge cost-based and proportionate fees to producers for the processing of the applications referred to in paragraph 2.

11. The competent authority may refuse to register a producer or withdraw the producer's registration where the information referred to in paragraph 3 and related documentary evidence are not provided or are not sufficient, or where the producer no longer meets the requirements laid down in paragraph 3, point (d).

The competent authority shall withdraw the producer's registration if it has ceased to exist.

12. The producer, or, where applicable, authorised representative for extended producer responsibility or the producer responsibility organisation appointed on behalf of the producers it represents shall without undue delay notify the competent authority of any changes to the information contained in the registration and of any permanent cessation as regards the making available on the market within the territory of the Member State of the batteries referred to in the registration.

13. Where the information in the register of producers is not publicly accessible, Member States shall ensure that providers of online platforms allowing consumers to conclude distance contracts with producers are granted access, free of charge, to the information in the register.

Article 56

Extended Producer Responsibility

1. Producers shall have extended producer responsibility for batteries that they make available on the market for the first time within the territory of a Member State. Such producers shall comply with the requirements of Articles 8 and 8a of Directive 2008/98/EC and of this Chapter.

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2. An economic operator that makes available on the market for the first time within the territory of a Member State a battery that results from preparation for re-use, preparation for repurposing, repurposing or remanufacturing operations shall be considered to be the producer of such battery for the purposes of this Regulation and shall have extended producer responsibility.

3. A producer as defined in Article 3, point (47)(d) shall appoint an authorised representative for extended producer responsibility in each Member State in which it sells batteries. Such appointment shall be made by written mandate.

4. The financial contributions to be paid by the producer shall cover the following costs for the products that the producer makes available on the market in the Member State concerned:

(a) costs of separate collection of waste batteries and their subsequent transport and treatment, taking into account any revenues obtained from preparation for re-use or preparation for repurposing or from the value of secondary raw materials recovered from recycled waste batteries;

(b) costs of carrying out a compositional survey of collected mixed municipal waste in accordance with Article 69(5);

(c) costs of providing information on prevention and management of waste batteries in accordance with Article 74;

(d) costs of data gathering and reporting to the competent authorities in accordance with Article 75.

5. In the case of making available batteries that have been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing, both the producers of the original batteries and the producers of the batteries that are placed on the market as a result of those operations, may establish and adjust a cost sharing mechanism, based on the actual attribution of costs between the different producers, for the costs referred to in paragraph 4, points (a), (c) and (d).

Where a battery referred to in paragraph 2 is subject to more than one extended producer responsibility, the first producer making that battery available on the market shall not bear additional costs as a result of the cost sharing mechanism referred to in the first subparagraph.

The Commission shall facilitate the exchange of information and sharing of best practices among Member States regarding such cost sharing mechanisms.

Article 57

Producer Responsibility Organisation

1. Producers may appoint a producer responsibility organisation authorised in accordance with Article 58 to fulfil the extended producer responsibility obligations on their behalf. Member States may adopt measures to make the appointment of a producer responsibility organisation mandatory. Such measures shall be justified on the basis of the specific characteristics of a given category of batteries placed on the market and related waste management characteristics.

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2. In the case of a collective fulfilment of extended producer responsibility obligations, producer responsibility organisations shall ensure equal treatment of producers regardless of their origin or size, without placing a disproportionate burden on producers of small quantities of batteries, including small- and medium-sized enterprises. They shall also ensure that the financial contributions paid to them by producers:

(a) are modulated in accordance with Article 8a(4), point (b), of Directive 2008/98/EC and as a minimum by battery category and battery chemistry, taking into account as appropriate the rechargeability, the level of recycled content in the manufacture of batteries and whether the batteries were subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing, and their carbon footprint; and

(b) are adjusted to take account of any revenues obtained by the producer responsibility organisations from preparation for re-use or preparation for repurposing or from the value of secondary raw materials recovered from recycled waste batteries.

3. Where, in a Member State, multiple producer responsibility organisations are authorised to fulfil extended producer responsibility obligations on behalf of producers, they shall ensure coverage across the whole territory of the Member State of the activities referred to in Article 59(1), Article 60(1) and Article 61(1). Member States shall designate the competent authority or appoint an independent third party to ensure that producer responsibility organisations fulfil their obligations in coordinated manner.

4. Producer responsibility organisations shall ensure the confidentiality of the data in its possession as regards proprietary information or information directly attributable to individual producers or their authorised representatives for extended producer responsibility.

5. In addition to the information referred to in Article 8a(3), point (e), of Directive 2008/98/EC, producer responsibility organisations shall publish on their websites at least each year, subject to commercial and industrial confidentiality, the information on the rate of separate collection of waste batteries, recycling efficiencies and the levels of recovery of materials achieved by the producers which appointed the producer responsibility organisation.

6. In addition to the information referred to in paragraph 5, producer responsibility organisations shall make publicly available information on the selection procedure for waste management operators selected in accordance with paragraph 8.

7. Where necessary to avoid distortion of the internal market, the Commission is empowered to adopt an implementing act laying down criteria for the application of paragraph 2, point (a), of this Article. That implementing act shall not concern the precise determination of the level of the contributions and shall be adopted in accordance with the examination procedure referred to in Article 90(3).

8. Waste management operators shall be subject to a non-discriminatory selection procedure, based on transparent award criteria, carried out by producers or producer responsibility organisations and which does not place a disproportionate burden on small- and medium-sized enterprises.

Article 58

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Authorisation on fulfilment of extended producer responsibility

1. A producer, in the case of individual fulfilment of extended producer responsibility obligations, and producer responsibility organisations appointed in the case of collective fulfilment of extended producer responsibility obligations, shall apply for an authorisation on fulfilment of extended producer responsibility from the competent authority.

2. The authorisation shall be granted only where it is demonstrated:

(a) that requirements laid down in Article 8a(3), points (a) to (d), of the Directive 2008/98/EC are complied with and the measures put in place by the producer or producer responsibility organisation are sufficient to fulfil the obligations set out in this Chapter with regard to the amount of batteries made available on the market for the first time within the territory of a Member State by the producer or producers on whose behalf the producer responsibility organisation acts; and

(b) by providing documentary evidence, that the requirements of Article 59(1) and (2) or the requirements of Article 60(1), (2) and (4), are complied with and that all the arrangements are in place to make it possible to attain and maintain durably at least the collection target referred to in Article 59(3) and Article 60(3), respectively.

3. Member States shall, in their measures laying down administrative and procedural rules referred to in Article 54(3), point (b), include the details of the authorisation procedure, which may differ according to whether it relates to individual or collective fulfilment of the extended producer responsibility obligations, and the modalities for verifying compliance of producers or producer responsibility organisations, including the information to be provided by producers or producer responsibility organisations to that end. The authorisation procedure shall include requirements on the verification of the arrangements put in place to ensure compliance with the requirements laid down in Article 59(1) and (2) and in Article 60(1), (2) and (4), and timeframes for the verification, which shall not exceed 12 weeks from the submission of a complete application dossier. The verification may be carried out by an independent expert, which shall issue a verification report on the result of verification.

4. The producer or the producer responsibility organisations shall notify the competent authority without undue delay of any changes to the information contained in the authorisation, of any changes that concern the terms of the authorisation or of the permanent cessation of operations.

5. The self-control mechanism provided for in Article 8a(3), point (d), of Directive 2008/98/EC shall be carried out regularly, and at least every three years, and upon request by the competent authority, in order to verify that the provisions in that point are complied with and the conditions for authorisation referred to in paragraph 2 of this Article continue to be met. The producer or the producer responsibility organisation shall, upon request, present a self-control report and, where necessary, the draft corrective action plan to the competent authority. Without prejudice to the competencies under paragraph 6 of this Article, the competent authority may make observations on the self-control report and on the draft corrective action plan, and shall communicate any such observations to the producer

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or the producer responsibility organisation. The producer or the producer responsibility organisation shall draw up and implement the corrective action plan based on those observations.

6. The competent authority may decide to revoke the authorisation if collection targets laid down in Article 59(3) or Article 60(3) are not met or the producer or producer responsibility organisation no longer meets the requirements with regard to the organisation of the collection and treatment of waste batteries or fails in relation to reporting to the competent authority or fails to notify it of any changes that concern the terms of the authorisation, or has ceased operations.

7. A producer, in the case of individual fulfilment of extended producer responsibility obligations, and producer responsibility organisations appointed in the case of collective fulfilment of extended producer responsibility, shall provide a guarantee intended to cover the costs related to waste management operations due by the producer, or the producer responsibility organisation, in the event of non-compliance with the extended producer responsibility obligations, including in the event of permanent cessation of their operations or insolvency. Member States may specify additional requirements concerning such guarantee. In the case of a state-run producer responsibility organisation, such guarantee may be provided otherwise than by the organisation itself and may take the form of a public fund that is financed by producers' fees and for which the Member State running the organisation is jointly and severally liable.

Article 59

Collection of waste portable batteries

1. Producers of portable batteries or, where appointed in accordance with Article 57(1), producer responsibility organisations, shall ensure that all waste portable batteries, regardless of their nature, chemical composition, condition, brand or origin, are collected separately in the territory of a Member State where they make portable batteries available on the market for the first time. For that purpose they shall:

(a) establish a waste portable battery take-back and collection system;

(b) offer the collection of waste portable batteries, free of charge, to the entities referred to in paragraph 2, point (a), and provide for the collection of waste portable batteries from all entities that have made use of that offer ('connected collection points for waste portable batteries');

(c) provide for the necessary practical arrangements for collection and transport of waste portable batteries, including the provision, free of charge, of suitable collection and transport containers meeting the requirements of Directive 2008/68/EC of the European Parliament and of the Council ([46]), to the connected collection points for waste portable batteries;

(d) collect, free of charge, the waste portable batteries collected at the connected collection points, with a frequency that is proportionate to the area covered and the volume and hazardous nature of the waste portable batteries usually collected through the connected collection points for waste portable batteries;

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(e) collect, free of charge, the waste portable batteries removed from waste electrical and electronic equipment, with a frequency that is proportionate to the volume and hazardous nature of the waste portable batteries;

(f) ensure that the waste portable batteries collected from the connected collection points for waste portable batteries and removed from waste electrical and electronic equipment are subsequently subject to treatment in a permitted facility by a waste management operator in accordance with Article 70.

2. Producers of portable batteries or, where appointed in accordance with Article 57(1), producer responsibility organisations, shall ensure that the waste portable battery take-back and collection system:

(a) consists of collection points set up by them in cooperation with one or more of the following:

(i) distributors in accordance with Article 62;

(ii) end-of-life vehicle treatment facilities subject to Directive 2000/53/EC;

(iii) public authorities, or third parties carrying out waste management on their behalf, in accordance with Article 66;

(iv) voluntary collection points in accordance with Article 67;

(v) waste electrical and electronic equipment treatment facilities subject to Directive 2012/19/EU; and

(b) covers the whole territory of the Member State taking into account population size and density, expected volume of waste portable batteries, accessibility for and proximity to end-users, not being limited to areas where the collection and subsequent management of waste portable batteries is profitable.

3. Producers of portable batteries or, where appointed in accordance with Article 57(1), producer responsibility organisations, shall attain, and maintain durably, at least the following collection targets for waste portable batteries:

(a) 45 % by 31 December 2023;

(b) 63 % by 31 December 2027;

(c) 73 % by 31 December 2030.

Producers or, where appointed in accordance with Article 57(1), producer responsibility organisations, shall calculate the collection rate referred to in this paragraph in accordance with Annex XI.

4. End-users shall be able to discard waste portable batteries at collection points referred to in paragraph 2, point (a), and shall not be charged or be obliged to buy a new battery or to have bought the portable battery from the producers who set up the collection points.

5. Collection points set up in accordance with paragraph 2, points (a)(i), (iii) and (iv), shall not be subject to the registration or permit requirements of Directive 2008/98/EC.

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6. Member States may adopt measures to require that the collection points referred to in paragraph 2, point (a), of this Article may collect waste portable batteries only if they have concluded a contract with the producers or, where appointed in accordance with Article 57(1), producer responsibility organisations.

7. In view of the expected development of the market and increase of the expected lifetime of rechargeable portable batteries, and in order to better ascertain the actual volume of waste portable batteries available for collection, the Commission is empowered to adopt, by 18 August 2027 delegated acts in accordance with Article 89 to amend the methodology to calculate the collection rate of portable batteries set out in Annex XI and to amend the collection target laid down in paragraph 3 of this Article to adapt that collection target to the new methodology while maintaining equivalent ambition and timelines.

Article 60

Collection of waste LMT batteries

1. Producers of LMT batteries or, where appointed in accordance with Article 57(1), producer responsibility organisations, shall ensure that all waste LMT batteries, regardless of their nature, chemical composition, condition, brand or origin, are collected separately in the territory of a Member State where they make batteries available on the market for the first time. For that purpose they shall:

(a) establish a waste LMT battery take back and collection system;

(b) offer the collection of waste LMT batteries, free of charge, to the entities referred to in paragraph 2, point (a), and provide for the collection of waste LMT batteries from all entities that have made use of that offer (‘connected collection points for LMT batteries’);

(c) provide for the necessary practical arrangements for collection and transport of waste LMT batteries, including the provision, free of charge, of suitable collection and transport containers meeting the requirements of Directive 2008/68/EC, to the connected collection points for LMT batteries;

(d) collect, free of charge, the waste LMT batteries collected at the connected collection points for LMT batteries, with a frequency that is proportionate to the area covered and the volume and hazardous nature of the waste LMT batteries usually collected at those collection points;

(e) collect, free of charge, the waste LMT batteries removed from waste electrical and electronic equipment, with a frequency that is proportionate to the volume and hazardous nature of the waste LMT batteries;

(f) ensure that the waste LMT batteries collected from the connected collection points for LMT batteries and removed from waste electrical and electronic equipment are subsequently subject to treatment in a permitted facility by a waste management operator in accordance with Article 70.

2. Producers of LMT batteries or, where appointed in accordance with Article 57(1), producer responsibility organisations, shall ensure that the take back and collection system for waste LMT

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batteries:

(a) consists of collection points set up by them in cooperation with one or more of the following:

(i) distributors in accordance with Article 62;

(ii) end-of-life vehicle treatment facilities subject to Directive 2000/53/EC;

(iii) public authorities, or third parties carrying out waste management on their behalf, in accordance with Article 66;

(iv) voluntary collection points in accordance with Article 67;

(v) waste electrical and electronic equipment treatment facilities subject to Directive 2012/19/EU; and

(b) covers the whole territory of the Member State taking into account population size and density, expected volume of waste LMT batteries, accessibility for and proximity to end-users, not being limited to areas where the collection and subsequent management of waste LMT batteries is profitable.

3. Producers of LMT batteries or, where appointed in accordance with Article 57(1), producer responsibility organisations, shall attain, and maintain durably, at least the following collection targets of waste LMT batteries:

(a) 51 % by 31 December 2028;

(b) 61 % by 31 December 2031.

Producers of LMT batteries or, where appointed in accordance with Article 57(1), producer responsibility organisations shall calculate the collection rate referred to in this paragraph in accordance with Annex XI.

4. Producers of LMT batteries or, where appointed in accordance with Article 57(1), producer responsibility organisations, shall:

(a) set up the collection points referred to in paragraph 2, point (a), with suitable collection infrastructure for the separate collection of waste LMT batteries meeting the applicable safety requirements and cover the necessary costs incurred by those collection points in relation to the take back activities; the containers for collection and temporary storage of such waste batteries at the collection points shall be suitable in view of the volume and hazardous nature of waste LMT batteries that are likely to be collected through those collection points;

(b) collect waste LMT batteries from the collection points referred to in paragraph 2, point (a), with a frequency that is proportionate to the storage capacity of the separate collection infrastructure and the volume and hazardous nature of waste batteries that are usually collected through those collection points; and

(c) provide for the delivery of waste LMT batteries collected from the collection points referred to in paragraph 2, point (a), of this Article to permitted facilities for treatment in accordance with

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Articles 70 and 73.

5. End-users shall be able to discard waste LMT batteries at collection points referred to in paragraph 2, point (a), and shall not be charged or be obliged to buy a new battery or to have bought the LMT battery from the producers who set up the collection points.

6. Collection points set up in accordance with paragraph 2, points (a)(i), (iii) and (iv), shall not be subject to the registration or permit requirements of Directive 2008/98/EC.

7. Member States may adopt measures to require that the collection points referred to in paragraph 2, point (a), of this Article may collect waste LMT batteries only if they have concluded a contract with the producers or, where appointed in accordance with Article 57(1), producer responsibility organisations.

8. In view of the expected development of the market and increase of the expected lifetime of LMT batteries, and in order to better ascertain the actual volume of waste LMT batteries available for collection, the Commission is empowered to adopt, by 18 August 2027, delegated acts in accordance with Article 89 to amend the methodology to calculate the collection rate of waste LMT batteries set out in Annex XI and to amend the collection target laid down in paragraph 3 of this Article to adapt the collection target to the new methodology while maintaining equivalent ambition and timelines.

Article 61

Collection of waste SLI batteries, waste industrial batteries and waste electric vehicle batteries

1. Producers of SLI batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article 57(1), producer responsibility organisations, shall take back, free of charge and without an obligation on the end-user to buy a new battery, nor to have bought the battery from them, and shall ensure that all waste SLI batteries, waste industrial batteries and waste electric vehicle batteries regardless of their nature, chemical composition, condition, brand, or origin of the respective category that they have made available on the market for the first time in the territory of that Member State are collected separately. For that purpose, they shall accept to take back waste SLI batteries, waste industrial batteries and waste electric vehicle batteries from end-users, or from take-back and collection systems which include collection points set up by them in cooperation with:

(a) distributors of SLI batteries, industrial batteries and electric vehicle batteries in accordance with Article 62(1);

(b) operators carrying out remanufacturing or repurposing of SLI batteries, industrial batteries and electric vehicle batteries;

(c) waste electrical and electronic equipment and end-of-life vehicle treatment facilities referred to in Article 65 for the waste SLI batteries, waste industrial batteries and waste electric vehicle batteries arising from their operations;

(d) public authorities or third parties carrying out waste management on their behalf in accordance with Article 66.

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Member States may adopt measures to require that the entities referred to in the first subparagraph, points (a) to (d), may collect waste SLI batteries, waste industrial batteries and waste electric vehicle batteries only if they have concluded a contract with the producers or, where appointed in accordance with Article 57(1), producer responsibility organisations.

Where waste industrial batteries require prior dismantling at the premises of private, non-commercial users, the obligation of the producer to take back those waste batteries shall not result in any costs related to the dismantling and collection of those waste batteries being borne by those users.

2. The take-back arrangements put in place in accordance with paragraph 1 shall cover the whole territory of a Member State taking into account population size and density, expected volume of waste SLI batteries, waste industrial batteries and waste electric vehicle batteries, accessibility for and proximity to end-users, not being limited to areas where the collection and subsequent management of waste SLI batteries, waste industrial batteries and waste electric vehicle batteries is profitable.

3. Producers of SLI batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article 57(1), producer responsibility organisations, shall:

(a) provide the take back and collection systems referred to in paragraph 1 with suitable collection infrastructure for the separate collection of waste SLI batteries, waste industrial batteries and waste electric vehicle batteries meeting the applicable safety requirements, and cover the necessary costs incurred by those take back and collection systems in relation to the take back activities; the containers for collection and temporary storage of such waste batteries at the take back and collection systems shall be suitable in view of the volume and hazardous nature of waste SLI batteries, waste industrial batteries and waste electric vehicle batteries that are likely to be collected through those collection points;

(b) collect waste SLI batteries, waste industrial batteries and waste electric vehicle batteries from the take back and collection systems referred to in paragraph 1 with a frequency that is proportionate to the storage capacity of the separate collection infrastructure and the volume and hazardous nature of waste batteries that are usually collected through those take back and collection systems; and

(c) provide for the delivery of waste SLI batteries, waste industrial batteries and waste electric vehicle batteries collected from end-users and from the take back and collection systems referred to in paragraph 1 of this Article to permitted facilities for treatment in accordance with Articles 70 and 73.

4. The entities referred to in paragraph 1, points (a) to (d), of this Article may hand over collected waste SLI batteries, waste industrial batteries and waste electric vehicle batteries to waste management operators selected in accordance with Article 57(8) with a view to their treatment in accordance with Article 70. In such cases, the obligation of producers pursuant to paragraph 3, point (c), of this Article shall be deemed to be met.

Article 62

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Obligations of distributors

1. Distributors shall take back waste batteries from the end-user free of charge and without imposing an obligation on the end-user to buy or to have bought a new battery, regardless of their chemical composition, brand or origin as follows:

(a) for waste portable batteries, at or in the immediate vicinity of the distributor's retail outlet;

(b) for waste LMT batteries, waste SLI batteries, waste industrial batteries and waste electric vehicle batteries, at or in the vicinity of the distributor's retail outlet.

2. The take back obligation laid down in paragraph 1:

(a) shall not apply to waste products containing batteries;

(b) shall be limited to the categories of waste batteries which the distributor has or had as batteries in its offer and, for waste portable batteries, to the quantity that non-professional end-users normally discard.

3. Distributors shall hand over waste batteries that they have taken back to the producers or producer responsibility organisations who are responsible for collecting those waste batteries in accordance with Articles 59, 60 and 61 respectively, or to a waste management operator selected in accordance with Article 57(8) with a view to their treatment in accordance with Article 70.

4. The obligations under this Article shall apply *mutatis mutandis* to distributors that supply batteries by means of distance contracts to end-users. Those distributors shall provide for a sufficient number of collection points covering the whole territory of a Member State and taking into account population size and density, expected volume of waste portable batteries, waste LMT batteries, waste SLI batteries, waste industrial batteries and waste electric vehicle batteries respectively, and accessibility for and proximity to end-users, allowing end-users to return batteries.

5. In the case of sales with delivery, distributors shall offer to take back waste portable batteries, waste LMT batteries, waste industrial batteries, waste SLI batteries and waste electric vehicle batteries free of charge at the point of delivery to the end-user or at a local collection point. The end-user shall be informed when ordering a battery of the take back arrangements for a waste battery.

6. For the purposes of compliance with Article 30(1), points (d) and (e), of Regulation (EU) 2022/2065, providers of online platforms, falling within the scope of Section 4 of Chapter III of that Regulation, that allow consumers to conclude distance contracts with producers shall obtain the following information from producers offering batteries, including batteries incorporated in appliances, light means of transport or other vehicles, to consumers located in the Union:

(a) details concerning the register of producers referred to in Article 55 and the producer's registration number or registration numbers in that register;

(b) a self-certification by the producer committing to only offer batteries, including those incorporated in appliances, light means of transport or other vehicles, with regard to which the extended producer responsibility requirements referred to in Article 56(1), (2), (3) and (4), Article 57(1) and Article 58(1), (2) and (7) are complied with.

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Article 63

Deposit return systems for batteries

By 31 December 2027, the Commission shall assess the feasibility and potential benefits of establishment of deposit return systems for batteries, in particular for portable batteries of general use. To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking appropriate measures, including the adoption of legislative proposals.

Article 64

Obligations of end-users

1. End-users shall discard waste batteries separately from other waste streams, including from mixed municipal waste.

2. End-users shall discard waste batteries in designated separate collection points set up by, or in accordance with the specific arrangements concluded with, the producer or a producer responsibility organisation, in accordance with Articles 59, 60 and 61.

Article 65

Obligations of operators of treatment facilities

1. Operators of treatment facilities subject to Directives 2000/53/EC or 2012/19/EU shall hand over waste batteries resulting from the treatment of end-of-life vehicles or waste electrical and electronic equipment to producers of the relevant category of batteries or, where appointed in accordance with Article 57(1), producer responsibility organisations, or to waste management operators selected in accordance with Article 57(8) with a view to their treatment in accordance with Article 70.

2. The operators of treatment facilities referred to in paragraph 1 shall keep records of those handover transactions.

Article 66

Participation of public waste management authorities

1. Waste batteries originating from private, non-commercial end-users may be discarded in separate collection points set up by public waste management authorities.

2. Public waste management authorities shall ensure that collected waste batteries are treated in accordance with Article 70, either by:

(a) handing them over to producers of the relevant category of batteries or, where appointed in accordance with Article 57(1), to producer responsibility organisations, or to waste management operators selected in accordance with Article 57(8); or

(b) carrying out the treatment of the collected waste batteries themselves in accordance with Article 68(2).

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Article 67

Participation of voluntary collection points

1. Voluntary collection points for waste portable batteries shall hand over collected waste portable batteries to the producers of portable batteries or third parties acting on their behalf, including producer responsibility organisations, or to waste management operators selected in accordance with Article 57(8) with a view to their treatment in accordance with Article 70.

2. Voluntary collection points for waste LMT batteries shall hand over collected waste LMT batteries to the producers of LMT batteries or third parties acting on their behalf, including producer responsibility organisations, or to waste management operators selected in accordance with Article 57(8) with a view to their treatment in accordance with Article 70.

Article 68

Restrictions regarding handover of waste portable batteries and waste LMT batteries

1. Member States may restrict the ability of distributors, operators of waste treatment facilities referred to in Article 65, public waste management authorities referred to in Article 66 and voluntary collection points referred to in Article 67 to hand over collected waste portable batteries and waste LMT batteries either to producers or producer responsibility organisations, or to a waste management operator to carry out treatment in accordance with Article 70. Member States shall ensure that such restrictions do not have an adverse impact on the collection and recycling systems.

2. Member States may also adopt measures to allow public waste management authorities referred to in Article 66 to carry out treatment in accordance with Article 70 themselves.

Article 69

Obligations for Member States regarding collection targets for waste portable batteries and waste LMT batteries

1. Member States shall adopt the necessary measures for the achievement by producers or, where appointed in accordance with Article 57(1), producer responsibility organisations, of the collection targets laid down in Article 59(3), first subparagraph, points (a), (b) and (c), with regard to waste portable batteries, and laid down in Article 60(3), first subparagraph, points (a) and (b), with regard to waste LMT batteries.

2. In particular, Member States shall regularly, at least once a year, monitor producers' or, where appointed in accordance with Article 57(1), producer responsibility organisations' collection rates to verify that they have taken adequate measures to achieve the collection targets laid down in Article 59(3), first subparagraph, points (a), (b) and (c) with regard to waste portable batteries, and laid down in Article 60(3), first subparagraph, points (a) and (b) with regard to waste LMT batteries. Such monitoring shall be based in particular on the information reported to the competent authorities in accordance with Article 75 and shall include the verification of that information, and of whether the

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producer has complied with the calculation methodology set out in Annex XI and the results of the compositional survey referred to in paragraph 5 of this Article and any other information available to the Member State.

3. Where, on the basis of the monitoring referred to in paragraph 2 of this Article, a Member State finds that a producer or, where appointed in accordance with Article 57(1), a producer responsibility organisation, has not taken measures consistent with the achievement of the collection targets laid down in Article 59(3), first subparagraph, points (a), (b) and (c) with regard to waste portable batteries, or laid down in Article 60(3), first subparagraph, points (a) and (b) with regard to waste LMT batteries, the competent authority of that Member State shall request that producer or producer responsibility organisation to take appropriate corrective action ensuring that it can achieve the collection targets laid down in either of those Articles, as applicable.

4. Without prejudice to the self-control mechanism referred to in Article 58(5), the producer or, where appointed in accordance with Article 57(1), producer responsibility organisation shall present a draft corrective action plan to the competent authority within three months of the request by the competent authority referred to in paragraph 3 of this Article. That competent authority may make observations on the draft plan, and shall communicate any such observations to the producer or the producer responsibility organisation within one month of the reception of the draft corrective action plan.

Where the competent authority communicates its observations on the draft corrective action plan, the producer or the producer responsibility organisations shall, within one month of receipt of those observations, draw up the corrective action plan, taking into account those observations, and shall implement it accordingly.

The content of the corrective action plan and the compliance with it by the producer or the producer responsibility organisation shall be taken into account when evaluating whether the conditions for the registration laid down in Article 55 and, where applicable, the authorisation laid down in Article 58 continue to be met.

5. By 1 January 2026 and every five years thereafter, Member States shall carry out a compositional survey of collected mixed municipal waste and waste electrical and electronic equipment streams for the preceding calendar year to determine the share of waste portable batteries and waste LMT batteries therein. On the basis of those surveys, the competent authorities may require that the producers of portable batteries, producers of LMT batteries or, where appointed in accordance with Article 57(1), the respective producer responsibility organisations take corrective action to increase their network of connected collection points and carry out information campaigns in accordance with Article 74(1).

Article 70

Treatment

1. Collected waste batteries shall not be disposed of or be the subject of an energy recovery operation.

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2. Without prejudice to Directive 2010/75/EU, permitted facilities shall ensure that treatment for waste batteries complies, as a minimum, with Part A of Annex XII to this Regulation and with best available techniques defined in Article 3, point (10), of Directive 2010/75/EU.

3. Where batteries are collected while still incorporated in a waste appliance, a waste light means of transport or an end-of-life vehicle, they shall be removed from the waste appliance, waste light means of transport or end-of-life vehicle in accordance with, where applicable, the requirements laid down in Directives 2000/53/EC or 2012/19/EU.

4. The Commission is empowered to adopt delegated acts in accordance with Article 89 to amend the treatment requirements for waste batteries set out in Part A of Annex XII in light of technical and scientific progress and emerging new technologies in waste management.

5. Member States may set up incentive schemes for economic operators that achieve higher rates than the targets set out in Parts B and C of Annex XII for recycling efficiency and recovery of materials respectively.

Article 71

Targets for recycling efficiency and recovery of materials

1. Each permitted facility shall ensure that all waste batteries made available to that facility are accepted and undergo preparation for re-use, preparation for repurposing or recycling.

2. Recyclers shall ensure that recycling achieves the targets for recycling efficiency and the targets for recovery of materials set out in Parts B and C of Annex XII respectively.

3. The rates for recycling efficiency and recovery of materials shall be calculated in accordance with the rules laid down in a delegated act adopted pursuant to paragraph 4 of this Article.

4. The Commission shall, by 18 February 2025, adopt a delegated act in accordance with Article 89 to supplement this Regulation by establishing the methodology for calculation and verification of rates for recycling efficiency and recovery of materials, in accordance with Part A of Annex XII, and the format for the documentation.

5. By 18 August 2026 and at least every five years thereafter, the Commission shall assess whether, due to market developments, in particular concerning battery technologies impacting the type of materials recovered and the existing and forecasted availability of cobalt, copper, lead, lithium or nickel or the lack thereof, and in view of technical and scientific progress, it is appropriate to revise the targets for recycling efficiency and recovery of materials set out in Parts B and C of Annex XII. Where justified and appropriate on the basis of that assessment, the Commission is empowered to adopt a delegated act in accordance with Article 89 to amend the targets for recycling efficiency and recovery of materials set out in Parts B and C of Annex XII.

6. Where appropriate due to market developments impacting the type of materials that can be recovered and in light of technical and scientific progress, including emerging new technologies in waste management, the Commission is empowered to adopt delegated acts in accordance with Article

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89, to amend Part C of Annex XII, by adding further materials with specific targets for recovery of material per specific material, and Part B of Annex XII, by adding further battery chemistries with specific targets for recycling efficiency.

Article 72

Shipment of waste batteries

1. Treatment may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of waste batteries or fractions thereof, is in compliance with Regulations (EC) No 1013/2006 and (EC) No 1418/2007.

2. In order to distinguish between used batteries and waste batteries, the competent authorities of Member States may inspect shipments of used batteries suspected to be waste batteries for compliance with the minimum requirements set out in Annex XIV and monitor such shipments accordingly.

Where the competent authorities in a Member State establish that an intended shipment of used batteries consists of waste batteries, the costs of appropriate analyses, inspections and storage of the used batteries suspected to be waste may be charged to the producers of the relevant category of batteries, to third parties acting on their behalf or to other persons arranging the shipment. The Commission is empowered to adopt delegated acts in accordance with Article 89, supplementing the minimum requirements set out in Annex XIV, in particular on the state of health, to distinguish between the shipment of used batteries and waste batteries.

3. Waste batteries or fractions thereof exported from the Union in accordance with paragraph 1 of this Article shall only count towards the fulfilment of obligations, efficiencies and targets laid down in Articles 70 and 71 if the exporter of the waste batteries or fractions thereof provides documentary evidence approved by the competent authority of destination that the treatment took place in conditions that are equivalent to those required by this Regulation and in accordance with other Union law regarding human health and environmental protection.

4. The Commission is empowered to adopt a delegated act in accordance with Article 89, to lay down detailed rules supplementing those in paragraph 3 of this Article, by laying down the criteria for the assessment of equivalent conditions.

Article 73

Preparation for re-use or preparation for repurposing of waste LMT batteries, waste industrial batteries and waste electric vehicle batteries

1. In order to document that a waste LMT battery, waste industrial battery and waste electric vehicle battery subject to preparation for re-use or preparation for repurposing, is no longer waste, the battery holder shall demonstrate the following upon request by a competent authority:

(a) evidence of a state of health evaluation or state of health testing carried out in a Member State in the form of a copy of the record confirming the capability of the battery to deliver the performance

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relevant for its use following preparation for re-use or preparation for repurposing;

(b) further use of the battery that has been subject to preparation for re-use or preparation for repurposing, is documented by means of an invoice or a contract for the sale or transfer of ownership of the battery;

(c) evidence of appropriate protection against damage during transportation, loading and unloading, including through sufficient packaging and appropriate stacking of the load.

2. The information referred to in paragraph 1, point (a), shall be made available to end-users and third parties acting on their behalf, on equal terms and conditions, as part of the documentation accompanying the battery referred to in paragraph 1 when placed on the market or put into service.

3. The provision of information in accordance with paragraphs 1 and 2 shall be without prejudice to obligations to preserve the confidentiality of commercially sensitive information under the relevant Union and national law.

4. The Commission is empowered to adopt an implementing act establishing detailed technical and verification requirements that waste LMT batteries, waste industrial batteries or waste electric vehicle batteries are to fulfil to cease being waste. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 90(3).

Article 74

Information on prevention and management of waste batteries

1. In addition to the information referred to in Article 8a(2) of Directive 2008/98/EC, producers or, where appointed in accordance with Article 57(1), producer responsibility organisations shall make available to end-users and distributors the following information regarding the prevention and management of waste batteries with regard to the categories of batteries that they supply within the territory of a Member State:

(a) the role of end-users in contributing to waste prevention, including by information on good practices and recommendations concerning the use of batteries aimed at extending their use phase and the possibilities of re-use, preparation for re-use, preparation for repurposing, repurposing and remanufacturing;

(b) the role of end-users in contributing to the separate collection of waste batteries in accordance with their obligations under Article 64 to allow their treatment;

(c) the separate collection, take-back and collection points, preparation for re-use, preparation for repurposing and treatment available for waste batteries;

(d) the necessary safety instructions to handle waste batteries, including in relation to the risks associated with, and the handling of, batteries containing lithium;

(e) the meaning of the labels and symbols on batteries in accordance with Article 13 or printed on their packaging or in the documents accompanying batteries; and

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(f) the impact of substances, in particular hazardous substances, present in batteries on the environment and on human health or the safety of persons, including the impact due to inappropriate discarding of waste batteries, such as littering or discarding as unsorted municipal waste.

That information shall be made available:

(a) at regular time intervals for each battery model from the moment the battery model concerned is being made available on the market for the first time in a Member State, as a minimum at the point of sale in a visible manner and through online platforms;

(b) in a language or languages which can be easily understood by end-users, as determined by the Member State in which the battery is to be made available on the market.

2. Producers shall make available to distributors and operators referred to in Articles 62, 65 and 66 and other waste management operators carrying out preparation for re-use, preparation for repurposing, or treatment, information regarding the safety and protective measures, including on occupational safety, applicable to the storage and collection of waste batteries.

3. From the moment that a battery is supplied within the territory of a Member State producers shall make available electronically, free of charge and upon request, to waste management operators carrying out preparation for re-use, preparation for repurposing or treatment, as far as it is needed by those operators to carry out those activities, the following battery model specific information regarding the proper and environmentally sound treatment of waste batteries:

(a) the processes for the dismantling of light means of transport, vehicles and appliances in a way that allows the removal of incorporated batteries;

(b) the safety and protective measures, including as regards occupational safety and fire protection, applicable to the storage, transport, and the treatment processes for waste batteries.

The information referred to in points (a) and (b) of the first subparagraph shall identify the components and materials and the location of all hazardous substances in a battery, as far as it is needed by operators carrying out preparation for re-use, preparation for repurposing or treatment, in order to enable them to comply with the requirements of this Regulation.

That information shall be made available in a language or languages, which can be easily understood by the operators mentioned in the first subparagraph, as determined by the Member State on whose market the battery is to be made available.

4. Distributors that supply batteries to end-users shall permanently provide in their retail premises in an easily accessible and clearly visible manner for the end-users of the batteries, the information referred to in paragraphs 1 and 2, and information on how the end-users may return waste batteries free of charge to the respective collection points established at retail outlets or on behalf of an online platform. That obligation shall be limited to the categories of batteries which the distributor or retailer has, or had, as new batteries in its offer.

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Distributors shall provide the information referred to in paragraphs 1 and 2 also when they sell their products through online platforms that allow consumers to conclude distance contracts with traders.

5. The costs covered by the producer under Article 56(4), points (a) to (d), shall be shown separately to the end-user at the point of sale of a new battery.

6. Producers of the relevant category of batteries or producer responsibility organisations shall conduct awareness campaigns and offer incentives to encourage end-users to discard waste batteries in a manner that is in line with the information made available to end-users regarding the prevention and management of waste batteries in accordance with paragraph 1.

7. Where information is provided publicly to end-users under this Article, the confidentiality of commercially sensitive information in conformity with the relevant Union and national law shall be preserved.

Article 75

Minimum requirements for reporting to the competent authorities

1. Producers of portable batteries and producers of LMT batteries or, where appointed in accordance with Article 57(1), producer responsibility organisations shall report to the competent authority, for each calendar year, at least the following information according to the chemistry and category of batteries and waste batteries:

(a) the amount of portable batteries and LMT batteries made available on the market for the first time in the territory of a Member State, excluding batteries that have left the territory of that Member State in that year, before being sold to end-users;

(b) the amount of portable batteries of general use made available on the market for the first time in the territory of a Member State, excluding portable batteries of general use that have left the territory of that Member State in that year, before being sold to end-users;

(c) the amount of waste portable batteries and waste LMT batteries collected in accordance with Articles 59 and 60, respectively;

(d) the collection rate reached by the producer or producer responsibility organisation for waste portable batteries and waste LMT batteries;

(e) the amount of collected waste portable batteries and waste LMT batteries delivered to permitted facilities for treatment;

(f) the amount of collected waste portable batteries and waste LMT batteries exported to third countries for treatment, preparation for re-use or preparation for repurposing;

(g) the amount of collected waste portable batteries and waste LMT batteries delivered to permitted facilities for preparation for re-use or preparation for repurposing.

Where waste management operators other than producers or, where appointed in accordance with Article 57(1), producer responsibility organisations, collect waste portable batteries or waste LMT

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batteries from distributors or other collection points for waste portable batteries or waste LMT batteries, they shall report to the competent authority for each calendar year the amount of waste portable batteries and waste LMT batteries collected according to their chemistry.

2. Producers of SLI batteries, industrial batteries and electric vehicle batteries or where appointed in accordance with Article 57(1) producer responsibility organisations, shall report to the competent authority for each calendar year the following information, according to chemistries and categories of waste batteries:

(a) the amount of SLI batteries, industrial batteries and electric vehicle batteries made available on the market for the first time in a Member State, excluding batteries that have left the territory of that Member State in that year, before being sold to end-users;

(b) the amount of collected waste SLI batteries, waste industrial batteries and waste electric vehicle batteries delivered to permitted facilities for preparation for re-use or preparation for repurposing;

(c) the amount of collected waste SLI batteries, waste industrial batteries and waste electric vehicle batteries delivered to permitted facilities for treatment;

(d) the amount of collected waste SLI batteries, waste industrial batteries and waste electric vehicle batteries exported to third countries for preparation for re-use, preparation for repurposing or for treatment.

3. Where waste management operators collect waste batteries from distributors or other collection points for waste SLI batteries, waste industrial batteries and waste electric vehicle batteries or from end-users, they shall report to the competent authority for each calendar year the following information according to chemistries and categories of waste batteries:

(a) the amount of waste SLI batteries, waste industrial batteries and waste electric vehicle batteries collected;

(b) the amount of collected waste SLI batteries, waste industrial batteries and waste electric vehicle batteries delivered to permitted facilities for preparation for re-use or preparation for repurposing;

(c) the amount of collected waste SLI batteries, waste industrial batteries and waste electric vehicle batteries delivered to permitted facilities for treatment;

(d) the amount of collected waste SLI batteries, waste industrial batteries and waste electric vehicle batteries exported to third countries for preparation for re-use, preparation for repurposing or for treatment.

4. The information referred to in paragraph 1, points (a) to (g), of this Article shall include information on batteries incorporated into vehicles and appliances, and waste batteries removed from vehicles and appliances in accordance with Article 65.

5. Waste management operators carrying out treatment and recyclers shall report to the competent authorities of the Member State where treatment of waste batteries takes place, for each calendar year and by Member State where the waste batteries were collected, the following information:

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(a) the amount of waste batteries received for treatment;

(b) the amount of waste batteries that began to undergo preparation for re-use, preparation for repurposing or recycling processes;

(c) data on recycling efficiency for waste batteries, recovery of materials from waste batteries and the destination and yield of the final output fractions.

Reporting on the recycling efficiency and recovery of materials shall cover all individual steps of recycling and all corresponding output fractions. Where recycling operations are carried out at more than one facility, the first recycler shall be responsible for collecting the information and reporting that information to the competent authorities.

The competent authority of the Member State where the treatment of waste batteries takes place, shall provide the information referred to in this paragraph to the competent authority of the Member State where the batteries were collected, if different.

Waste batteries sent to another Member State for treatment in that other Member State shall be included in the recycling efficiency and recovery of materials data and shall count towards the attainment of the targets set out in Annex XII by the Member State in which that waste was collected.

6. Where waste holders other than those referred to in paragraph 5 export batteries for treatment they shall report the data on the amount of separately collected waste batteries exported for treatment and the data referred to in paragraph 5, points (b) and (c) to the competent authorities of the Member States where they are located.

7. Producers or, where appointed in accordance with Article 57(1), producer responsibility organisations, waste management operators and waste holders referred to in this Article shall report within six months of the end of the reporting year for which the data are collected. The first reporting period shall concern the first full calendar year after the entry into force of the implementing act that establishes the format for reporting to the Commission, in accordance with Article 76(5).

8. The competent authorities shall establish electronic systems through which data shall be reported to them and specify the formats to be used.

9. Member State may allow competent authorities to request any additional information necessary to ensure that the data reported are reliable.

Article 76

Reporting to the Commission

1. Member States shall make publicly available in an aggregated form for each calendar year and in the format established by the Commission in the implementing act adopted pursuant to paragraph 5, the following data on portable batteries, LMT batteries, SLI batteries, industrial batteries and electric vehicle batteries, according to battery categories and their chemistries:

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(a) the amount of batteries made available on the market for the first time in a Member State, including those incorporated in appliances, vehicles or industrial products, but excluding batteries that have left the territory of that Member State in that year, before being sold to end-users;

(b) the amount of waste batteries collected in accordance with Articles 59, 60 and 61, and collection rates calculated on the basis of the methodology set out in Annex XI;

(c) the amount of waste industrial batteries and the amount of waste electric vehicle batteries collected and delivered to permitted facilities for preparation for re-use or preparation for repurposing;

(d) the values for the recycling efficiencies achieved as referred to in Part B of Annex XII and the values for the recovery of materials achieved as referred to in Part C of Annex XII, regarding the batteries collected in that Member State.

Member States shall make those data available within 18 months of the end of the reporting year for which the data are collected. They shall make those data public electronically in the format established by the Commission in accordance with paragraph 5, using easily accessible data services. The data shall be machine readable, sortable and searchable, and shall respect open standards for third party use. Member States shall notify the Commission when the data referred to in the first subparagraph are made available.

The first reporting period shall concern the first full calendar year after the entry into force of the implementing act that establishes the format for reporting to the Commission, in accordance with paragraph 5.

In addition to the obligations under Directives 2000/53/EC and 2012/19/EU, data referred to in paragraph 1, first subparagraph, points (a) to (d), of this Article shall include batteries incorporated into vehicles and appliances, and waste batteries removed from those vehicles and appliances in accordance with Article 65.

2. Reporting on the recycling efficiency and recovery of materials referred to in paragraph 1, first subparagraph, point (d), shall cover all individual steps of recycling and all corresponding output fractions.

3. The data made available by Member States in accordance with this Article shall be accompanied by a quality check report to be presented in the format established by the Commission in accordance with paragraph 5.

4. The Commission shall collect and review the information made available in accordance with this Article. The Commission shall publish a report assessing the organisation of the data collection, the sources of data and the methodology used in Member States as well as the completeness, reliability, timeliness and consistency of those data. That assessment may include specific recommendations for improvement. The report shall be drawn up within 6 months of the first reporting of the data by Member States and every four years thereafter.

5. The Commission shall, by 18 August 2025, adopt implementing acts laying down the format for the data and information to be reported to the Commission, as well as assessment methods and

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operational conditions related to collection and treatment of waste batteries, for the purpose of paragraphs 1 and 4 of this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 90(3).

CHAPTER IX

Digital battery passport

Article 77

Battery passport

1. From 18 February 2027 each LMT battery, each industrial battery with a capacity greater than 2 kWh and each electric vehicle battery placed on the market or put into service shall have an electronic record (‘battery passport’).

2. The battery passport shall contain information relating to the battery model and information specific to the individual battery, including resulting from the use of that battery, as set out in Annex XIII.

The information in the battery passport shall comprise:

(a) information accessible to the general public in accordance with point 1 of Annex XIII;

(b) information accessible only to notified bodies, market surveillance authorities and the Commission in accordance with points 2 and 3 of Annex XIII; and

(c) information accessible only to any natural or legal person with a legitimate interest in accessing and processing that information for the purposes referred to in points (a) and (b) of the third subparagraph in accordance with points 2 and 4 of Annex XIII.

The purposes for accessing and processing the information as referred to in point (c) of the second subparagraph, shall:

(a) concern dismantling of the battery, including safety measures to be taken during the dismantling, and the detailed composition of the battery model and be essential to allow repairers, remanufacturers, second-life operators and recyclers to conduct their respective economic activities in accordance with this Regulation; or

(b) in the case of individual batteries, be essential to the purchaser of the battery or parties acting on the purchaser’s behalf, for the purpose of making the individual battery available to independent energy aggregators or energy market participants.

The information referred to in the second subparagraph shall be included in the battery passport to the extent applicable to the category or sub-category of battery concerned.

The Commission is empowered to adopt delegated acts in accordance with Article 89 to amend Annex XIII as regards the information to be included in the battery passport in view of technical and scientific progress.

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3. The battery passport shall be accessible through the QR code referred to in Article 13(6) which links to a unique identifier that the economic operator placing the battery on the market shall attribute to it.

The QR code and the unique identifier shall comply with the ISO/IEC standards 15459-1:2014, 15459-2:2015, 15459-3:2014, 15459-4:2014, 15459-5:2014 and 15459-6:2014 or their equivalent.

The Commission is empowered to adopt delegated acts in accordance with Article 89 to amend the second subparagraph of this paragraph in light of technical and scientific progress by replacing the standards referred to in that subparagraph or adding other European or international standards with which the QR code and the unique identifier shall comply.

4. The economic operator placing the battery on the market shall ensure that the information in the battery passport is accurate, complete and up to date. It may give written authorisation to any other operator to act on its behalf.

5. All information included in the battery passport shall be based on open standards and be in an interoperable format, transferable through an open interoperable data exchange network without vendor lock-in, machine-readable, structured and searchable, in accordance with the essential requirements laid down in Article 78.

6. The access to information included in the battery passport shall be regulated in accordance with the essential requirements laid down in Article 78.

7. For a battery that has been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing, the responsibility for the fulfilment of the obligations under paragraph 4 of this Article shall be transferred to the economic operator that has placed that battery on the market or has put it into service. Such battery shall have a new battery passport linked to the battery passport or passports of the original battery or batteries.

Where the status of a battery changes to that of a waste battery, the responsibility for the fulfilment of the obligations under paragraph 4 of this Article shall be transferred either to the producer or, where appointed in accordance with Article 57(1), the producer responsibility organisation, or the waste management operator selected in accordance with Article 57(8).

8. A battery passport shall cease to exist after the battery has been recycled.

9. By 18 August 2026, the Commission shall adopt implementing acts specifying which persons are to be considered persons with a legitimate interest as referred to in points 2 and 4 respectively of Annex XIII for the purposes of paragraph 2, point (c), of this Article and to which information listed in those points they shall have access, and to what extent they can download, share, publish and re-use that information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 90(3).

The criteria for specifying the persons referred to in paragraph 2, point (c), and for determining the extent to which they can download, share, publish and re-use the information referred to in points 2 and 4 of Annex XIII shall be the following:

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(a) the necessity of having such information in order to evaluate the status and residual value of the battery and its capability for further use;

(b) the necessity of having such information for the purpose of preparation for re-use, preparation for repurposing, repurposing, remanufacturing or recycling of the battery, or for choosing between those operations;

(c) the need to ensure that the accessing and processing of information in the battery passport that is commercially sensitive is limited to the minimum necessary in accordance with applicable Union law.

Article 78

Technical design and operation of the battery passport

The technical design and operation of the battery passport shall comply with the following essential requirements:

(a) the battery passport shall be fully interoperable with other digital product passports required by Union law concerning eco-design, in relation to the technical, semantic and organisational aspects of end-to-end communication and data transfer;

(b) consumers, economic operators and other relevant actors shall have access to the battery passport free of charge and based on their respective access rights set out in Annex XIII and the implementing act adopted pursuant to Article 77(9);

(c) the data included in the battery passport shall be stored by the economic operator responsible for the fulfilment of the obligations under Article 77(4) or (7), or by operators authorised to act on their behalf;

(d) if the data included in the battery passport are stored or otherwise processed by operators authorised to act on behalf of the economic operator responsible for the fulfilment of the obligations under Article 77(4) or (7), those operators shall not be allowed to sell, re-use or process such data, in whole or in part, beyond what is necessary for the provision of the relevant storing or processing services;

(e) the battery passport shall remain available after the economic operator responsible for the fulfilment of the obligations under Article 77(4) or (7) ceases to exist or ceases its activity in the Union;

(f) the rights to access, introduce, modify or update information in the battery passport shall be restricted based on the access rights specified in Annex XIII and the implementing act adopted pursuant to Article 77(9);

(g) data authentication, reliability and integrity shall be ensured;

(h) the battery passport shall be such that a high level of security and privacy is ensured and fraud is avoided.

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CHAPTER X

Union market surveillance and Union safeguard procedures

Article 79

Procedure at national level for dealing with batteries presenting a risk

1. Without prejudice to Article 19 of Regulation (EU) 2019/1020, where the market surveillance authorities of one Member State have sufficient reason to believe that a battery covered by this Regulation presents a risk to human health or safety of persons, to property or to the environment, they shall carry out an evaluation in relation to the battery concerned covering all relevant requirements laid down in this Regulation.

Where, in the course of the evaluation referred to in the first subparagraph, the market surveillance authorities find that the battery does not comply with the requirements laid down in this Regulation (‘non-compliant battery’), they shall without delay require the relevant economic operator to take all appropriate corrective action, within a reasonable period prescribed by the market surveillance authorities and commensurate with the nature of the risk, to bring the battery into compliance with those requirements, to withdraw it from the market, or to recall it.

The market surveillance authorities shall inform the relevant notified body accordingly.

2. The market surveillance authorities shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take.

3. The economic operator shall ensure that all appropriate corrective action is taken in respect of all the non-compliant batteries that the economic operator has made available on the market throughout the Union.

4. Where the relevant economic operator does not take adequate corrective action within the period referred to in paragraph 1, second subparagraph, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the non-compliant batteries being made available on their national market, to withdraw those batteries from that market or to recall them.

The market surveillance authorities shall inform the Commission and the other Member States, without delay, of those measures.

5. The information referred to in paragraph 4, second subparagraph, shall include all available details, in particular the data necessary for the identification of the non-compliant battery, the origin of that battery, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to any of the following:

(a) failure of the battery to be in conformity with Articles 6 to 10 or Article 12, 13 or 14;

(b) shortcomings in the harmonised standards referred to in Article 15;

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(c) shortcomings in the common specifications referred to in Article 16.

6. Member States other than the Member State initiating the procedure under this Article shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the battery concerned, and, in the event of disagreement with the adopted national measure, of their objections.

7. Where, within three months of receipt of the information referred to in paragraph 4, second subparagraph, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by market surveillance authorities, that measure shall be deemed justified.

8. Member States shall ensure that appropriate restrictive measures, such as withdrawal of the non-compliant battery from the market, are taken in respect of the non-compliant battery without delay.

Article 80

Union safeguard procedure

1. Where, on completion of the procedure set out in Article 79(4), (6) and (7), objections are raised against a measure taken by market surveillance authorities, or where the Commission considers a national measure to be contrary to Union law, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. The Commission shall endeavour to conclude that evaluation within one month.

On the basis of the results of that evaluation, the Commission shall adopt an implementing act determining whether the national measure is justified or not. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 90(3).

2. The Commission shall address the implementing act referred to in paragraph 1, second subparagraph, to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.

If the national measure is considered justified, all Member States shall take the necessary measures to ensure that the non-compliant battery is withdrawn from their market, and shall inform the Commission accordingly.

If the national measure is considered unjustified, the Member State concerned shall withdraw that measure.

3. Where the national measure is considered justified and the non-compliance of the battery is attributed to shortcomings in the harmonised standards referred to in Article 15 of this Regulation, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.

4. Where the national measure is considered justified and the non-compliance of the battery is attributed to shortcomings in the common specifications referred to in Article 16, the Commission shall, without delay, adopt an implementing act amending or repealing the common specifications

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concerned. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 90(3).

Article 81

Compliant batteries which present a risk

1. Where, having carried out an evaluation under Article 79(1), a Member State finds that although a battery is in compliance with Articles 6 to 10 and Articles 12, 13 and 14, it presents a risk to the human health or safety of persons, to the protection of property or to the environment (‘compliant battery which presents a risk’), it shall without delay require the relevant economic operator to take all appropriate measures, within a reasonable period prescribed by the market surveillance authorities and commensurate with the nature of the risk, to ensure that the compliant battery which presents a risk, when made available on the market, no longer presents that risk, to withdraw that battery from the market or to recall it.

2. The economic operator shall ensure that corrective action is taken in respect of all the compliant batteries which present a risk that the economic operator has made available on the market throughout the Union.

3. The Member State shall immediately inform the Commission and the other Member States where the situation referred to in paragraph 1 occurs. That information shall include all available details, in particular the data necessary for the identification of compliant batteries which present a risk, the origin and the supply chain of such batteries, the nature of the risk involved and the nature and duration of the national measures taken.

4. The Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall adopt an implementing act determining whether the national measure is justified or not and, where necessary, proposing appropriate measures. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 90(3).

5. On duly justified imperative grounds of urgency relating to the protection of human health and the safety of persons, and to the protection of property or the environment, the Commission shall adopt an immediately applicable implementing act in accordance with the procedure referred to in Article 90(4).

6. The Commission shall address the implementing act referred to in paragraphs 4 and 5 to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.

Article 82

Joint activities

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Market surveillance authorities may carry out joint activities with organisations representing economic operators or end-users. Such joint activities may include the setting up by Member States or market surveillance authorities of battery competence centres, with a view to promoting compliance, identifying non-compliance, raising awareness and providing guidance in relation to the requirements laid down in this Regulation, in accordance with Article 9 of Regulation (EU) 2019/1020.

Article 83

Formal non-compliance

1. Without prejudice to Article 79, where a Member State makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned:

(a) the CE marking has been affixed in violation of Article 30 of Regulation (EC) No 765/2008 or of Article 20 of this Regulation;

(b) the CE marking has not been affixed;

(c) the identification number of the notified body, where required under Annex VIII, has been affixed in violation of Article 20 or has not been affixed;

(d) the EU declaration of conformity has not been drawn up or has not been drawn up correctly;

(e) the technical documentation referred to in Annex VIII is either not available, or not complete;

(f) the information referred to in Article 38(7) or Article 41(3) is absent, false or incomplete;

(g) any other administrative requirement provided for in Article 38 or 41 has not been met;

2. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the battery being made available on the market or ensure that it is withdrawn from the market or recalled.

Article 84

Non-compliance with due diligence obligations

1. Where a Member State finds that an economic operator does not fulfil its due diligence obligations laid down in Articles 48, 49 and 50, it shall require the relevant economic operator to put an end to the non-compliance concerned.

2. Where the non-compliance referred to in paragraph 1 persists and where there is no other effective means available to put an end to the non-compliance, the Member State concerned shall take all appropriate measures to restrict or prohibit the batteries made available on the market by the economic operator referred to in paragraph 1 from being made available on the market and, if the non-compliance is serious, ensure that they are withdrawn from the market or recalled.

CHAPTER XI

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Green public procurement and procedure for amending restrictions on substances

Article 85

Green public procurement

1. Contracting authorities, as defined in Article 2(1), point (1), of Directive 2014/24/EU or Article 3(1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU shall, when procuring batteries or products containing batteries in situations covered by those Directives, take account of the environmental impacts of those batteries over their life cycle with a view to ensuring that such impacts are kept to a minimum.

2. From 12 months after the date of entry into force of the first delegated act referred to in paragraph 3 of this Article, establishing award criteria for procurement procedures, the obligation laid down in paragraph 1 of this Article shall be fulfilled through the application of those award criteria. Any procurement procedure carried out by contracting authorities or contracting entities for the purchase of batteries, or products containing batteries, that fall within the scope of Articles 7 to 10 shall make reference in its technical specifications and award criteria to that first delegated act to ensure that those batteries, or products containing batteries, are procured with significantly lower environmental impacts over their life cycle.

3. The Commission shall, 12 months after the adoption of the latest of the delegated acts referred to in Article 7(2), fourth subparagraph, point (a), Article 8(1), Article 9(2) and Article 10(5), adopt delegated acts in accordance with Article 89 supplementing this Regulation by establishing award criteria for procurement procedures for batteries, or products containing batteries, based on the sustainability requirements laid down in Articles 7 to 10.

Article 86

Restriction procedure for substances

1. If the Commission considers that the use of a substance in the manufacture of batteries, or the presence of a substance in the batteries when they are placed on the market, or during their subsequent life cycle stages, including during repurposing or treatment of waste batteries, poses a risk to human health or the environment that is not adequately controlled and needs to be addressed on a Union-wide basis, it shall request the Agency to prepare a restriction dossier which conforms to the requirements of Annex XV to Regulation (EC) No 1907/2006. The restriction dossier shall include a socioeconomic assessment, including an analysis of alternatives.

2. Within 12 months of the receipt of the request from the Commission referred to in paragraph 1 of this Article and if the restriction dossier prepared by the Agency pursuant to that paragraph demonstrates that action is necessary on a Union-wide basis, in addition to any measures already in place, the Agency shall suggest restrictions in order to initiate the process described in paragraphs 4 to 9 of this Article and Articles 87 and 88.

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3. If a Member State considers that the use of a substance in the manufacture of batteries, or the presence of a substance in the batteries when they are placed on the market, or during their subsequent life cycle stages, including during repurposing or treatment of waste batteries, poses a risk to human health or the environment that is not adequately controlled and needs to be addressed on a Union-wide basis, it shall notify the Agency that it proposes to prepare a restriction dossier. The Member State shall prepare a restriction dossier. The restriction dossier shall include a socioeconomic assessment, including an analysis of alternatives.

If the restriction dossier demonstrates that action on a Union-wide basis is necessary, in addition to any measures already in place, the Member State shall submit it to the Agency in the format set out in Annex XV to Regulation (EC) No 1907/2006, in order to initiate the process described in paragraphs 4 to 9 of this Article, and Articles 87 and 88.

4. For the purposes of the restriction dossier and the restriction process, the Agency or Member States shall take into account any dossier, chemical safety report or risk assessment submitted to the Agency or a Member State under the Regulation (EC) No 1907/2006. The Agency or Member States shall also take into account any available information and refer to any relevant risk assessment submitted for the purposes of other Union law covering the life cycle of the substance used in the battery, including the waste phase. To this end, other bodies established under Union law and carrying out a similar task shall provide information to the Agency or Member State concerned on request.

5. Access to information held by the Agency in performing the tasks defined in Article 6 of this Regulation and in this Article shall be subject to Article 118 of Regulation (EC) No 1907/2006.

6. The Agency shall maintain a list of substances for which a restriction dossier under this Article is planned by or in progress in either the Agency or a Member State.

7. The Committee for Risk Assessment, set up pursuant to Article 76(1)(c) of Regulation (EC) No 1907/2006, and the Committee for Socioeconomic Analysis, set up pursuant to Article 76(1)(d) of that Regulation, shall check whether the restriction dossier submitted conforms to the requirements of Annex XV to that Regulation. Within 30 days of receipt of the dossier, the respective Committee shall inform the Agency or the Member State suggesting restrictions, as to whether the dossier conforms. If the dossier does not conform, the reasons shall be given to the Agency or the Member State in writing within 45 days of receipt. The Agency or the Member State shall bring the dossier into conformity within 60 days of the date of receipt of the reasons from the respective Committee, otherwise the procedure under this Article shall be terminated.

8. The Agency shall publish without delay the intention of the Commission or a Member State to initiate the restriction process for a substance, under this Article, and shall inform stakeholders concerned.

9. The Agency shall make publicly available on its website the restriction dossier, including the restrictions suggested pursuant to paragraphs 2 and 3 without delay, clearly indicating its date of publication. The Agency shall invite all stakeholders concerned to submit individually or jointly, within four months of the date of publication:

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(a) comments on the restriction dossier and the suggested restrictions;

(b) a socioeconomic analysis of the suggested restrictions, including an analysis of alternatives, or information which can contribute to such an analysis, examining the advantages and drawbacks of the suggested restrictions. Such analysis shall conform to the requirements of Annex XVI to Regulation (EC) No 1907/2006.

10. The delegated acts referred to in Article 6(2) shall be adopted within nine months following the receipt of the opinion of the Committee for Socioeconomic Analysis of the Agency referred to in Article 87(2). If the Committee for Socioeconomic Analysis does not adopt an opinion by the deadline set in Article 87(2) or (5), as applicable, the Commission shall take into account the socioeconomic impact of the restriction, including the availability of alternatives for the substance and shall adopt a delegated act by the deadline set in Article 87(2).

11. Where the draft amendment to Annex I diverges from the original proposal of the restriction dossier, prepared pursuant to the procedure laid down in this Article and Articles 87 and 88, or if it does not take the opinions from the Agency into account, the Commission shall attach a detailed explanation of the reasons for the differences.

Article 87

Opinion of the Agency's Committees

1. Within 12 months of the date of publication referred to in Article 86(9), the Committee for Risk Assessment shall adopt an opinion as to whether the suggested restrictions are appropriate in reducing the risk to human health or the environment, based on its consideration of the relevant parts of the restriction dossier. This opinion shall take account of the restriction dossier prepared by the Agency at the request of the Commission or by the Member State, and the views of interested parties referred to in Article 86(9), point (a).

2. Within 15 months of the date of publication referred to in Article 86(9), the Committee for Socioeconomic Analysis shall adopt an opinion on the suggested restrictions, based on its consideration of the relevant parts of the restriction dossier and the socioeconomic impact. Prior to that, it shall prepare a draft opinion on the suggested restrictions and on the related socioeconomic impact, taking account of the analyses or information according to Article 86(9), point (b), if there are any.

3. The Agency shall publish the draft opinion of the Committee for Socioeconomic Analysis on its website without delay and invite interested parties to provide their comments on the draft opinion no later than 60 days from the publication of that draft opinion.

4. The Committee for Socioeconomic Analysis shall without delay adopt its opinion, taking into account where appropriate further comments received by the deadline set in paragraph 3 of this Article. That opinion shall take account of the comments of interested parties submitted under Article 86(9), point (b), and paragraph 3 of this Article.

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5. Where the opinion of the Committee for Risk Assessment diverges significantly from the restrictions suggested in the restriction dossier, the Agency shall postpone the deadline for the opinion of the Committee for Socioeconomic Analysis by a maximum of 90 days.

6. Where the Committees for Risk Assessment and Socioeconomic Analysis provide an opinion pursuant to paragraphs 1 and 2 of this Article, they shall make use of rapporteurs under Article 87 of Regulation (EC) No 1907/2006 and in line with the conditions provided therein.

Article 88

Submission of an opinion to the Commission

1. The Agency shall submit to the Commission without delay the opinions of the Committees for Risk Assessment and Socioeconomic Analysis on restrictions suggested pursuant to Article 86. Where the opinions of the Committees for Risk Assessment and Socioeconomic Analysis diverge significantly from the suggested restrictions, the Agency shall submit an explanatory note to the Commission providing a detailed explanation of the reasons for such differences. If one or both of the Committees do not adopt an opinion by the deadline set in Article 87(1) and (2), respectively, the Agency shall inform the Commission accordingly, stating the reasons.

2. The Agency shall publish the opinions of the two Committees on its website without delay.

3. The Agency shall provide the Commission or a Member State on request with all documents and evidence submitted to or considered by it.

CHAPTER XII

Delegated powers and committee procedure

Article 89

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 6(2), Article 7(1), (2) and (3), Article 8(1) and (5), Article 9(2), Article 10(5) and (6), Article 11(4), Article 12(3), Article 13(8), Article 14(4), Article 48(8), Article 53(3), Article 59(7), Article 60(8), Article 70(4), Article 71(4), (5) and (6), Article 72(4), Article 77(2) and (3), and Article 85(3) shall be conferred on the Commission for a period of five years from 17 August 2023. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than three months before the end of each period.

3. The delegation of power referred to in Article 6(2), Article 7(1), (2) and (3), Article 8(1) and(5), Article 9(2), Article 10(5) and (6), Article 11(4), Article 12(3), Article 13(8), Article 14(4), Article

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48(8), Article 53(3), Article 59(7), Article 60(8), Article 70(4), Article 71(4), (5) and (6), Article 72(4), Article 77(2) and (3), and Article 85(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 6(2), Article 7(1), (2) and (3), Article 8(1) and (5), Article 9(2), Article 10(5) and(6), Article 11(4), Article 12(3), Article 13(8), Article 14(4), Article 48(8), Article 53(3), Article 59(7), Article 60(8), Article 70(4), Article 71(4), (5) and (6), Article 72(4), Article 77(2) and (3), or 85(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of three months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 90

Committee procedure

1. The Commission shall be assisted by the committee established by Article 39 of Directive 2008/98/EC. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.

4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

CHAPTER XIII

Amendments

Article 91

Amendments to Regulation (EU) 2019/1020

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Regulation (EU) 2019/1020 is amended as follows:

(1) in Article 4(5), the text ‘(EU) 2016/425[35] and (EU) 2016/426[36]’ is replaced by the following:

‘(EU) 2016/425 ([*1]), (EU) 2016/426 ([*2]) and (EU) 2023/1542 ([*3])

([*1]) Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC (OJ L 81, 31.3.2016, p. 51)."

([*2]) Regulation (EU) 2016/426 of the European Parliament and of the Council of 9 March 2016 on appliances burning gaseous fuels and repealing Directive 2009/142/EC (OJ L 81, 31.3.2016, p. 99)."

([*3]) Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ L 191, 28.7.2023, p. 1).’;"

(2) in Annex I, point 21 of the list of Union harmonisation legislation is replaced by the following:

‘21.Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ L 191, 28.7.2023, p. 1) ;’.

Article 92

Amendment to Directive 2008/98/EC

In Article 8a(7) of Directive 2008/98/EC, the following subparagraph is added:

‘For batteries, as defined in Article 2, point (1), of Regulation (EU) 2023/1542 of the European Parliament and of Council ([*4]), Member States shall take measures to ensure that extended producer responsibility schemes that have been established before 4 July 2018, comply with this Article by 18 August 2025.

([*4]) Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ L 191, 28.7.2023, p. 1).’."

CHAPTER XIV

Final provisions

Article 93

Penalties

By 18 August 2025 Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

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Article 94

Review

1. By 30 June 2031, the Commission shall review and draw up a report on the application of this Regulation and its impact on the environment, human health and the functioning of the internal market and submit it to the European Parliament and to the Council.

2. Taking account of technical progress and practical experience gained in Member States, the Commission shall, in its report, include an evaluation on the following aspects of this Regulation:

(a) the list of common formats falling under the definition of portable batteries of general use;

(b) the sustainability and safety requirements laid down in Chapter II, including the possible need to introduce an export ban on batteries which are non-compliant with the restrictions set out in Annex I;

(c) the labelling and information requirements laid down in Chapter III;

(d) the battery due diligence requirements laid down in Articles 48 to 53;

(e) the measures regarding management of waste batteries laid down in Chapter VIII, including the possibility of introducing two sub-categories of portable batteries namely rechargeable and non-rechargeable portable batteries, with separate collection targets, and of introducing a separate collection target for portable batteries of general use;

(f) the measures regarding the battery passport set out in Chapter IX;

(g) infringements and the effectiveness, proportionality and dissuasiveness of penalties as set out in Article 93;

(h) analysis of the impact of this Regulation on the competitiveness of, and on the investments in, the batteries sector, and of the administrative burden resulting from this Regulation.

Where appropriate, the report referred to in paragraph 1 shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Regulation.

3. Taking into account the revision of Regulation (EC) No 1907/2006, the Commission shall in its report include a specific evaluation of the need for a legislative proposal to amend Articles 6, 86, 87 and 88 of this Regulation.

4. The Commission shall assess whether any amendment to Chapter VII is necessary in the light of the adoption, if any, of Union legislative acts laying down rules on sustainable corporate governance and due diligence, including obligations for companies regarding human rights adverse impacts and environmental adverse impacts in relation to their own operations, the operations of their subsidiaries and branches, and their value chain operations.

The Commission shall publish a report containing the results of such assessment by 12 months after the date of entry into force of any of the legislative acts referred to in the first subparagraph, or by 30

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June 2031, whichever is the earliest. Where appropriate, the Commission shall accompany its report with a legislative proposal amending Chapter VII.

5. By 30 June 2031, the Commission shall submit a report to the European Parliament and the Council assessing the feasibility and the technical consequences of extending the scope of the definition of 'LMT battery' in Article 3, point (11), in particular by including batteries powering non-wheeled vehicles. The report shall be accompanied, where appropriate, by a legislative proposal.

6. By 1 January 2025, the Commission shall assess how best to introduce harmonised standards for a common charger for, respectively, rechargeable batteries designed for light means of transport, as well as for rechargeable batteries incorporated into specific categories of electrical and electronic equipment covered by Directive 2012/19/EU. Charging devices for categories and classes of radio equipment under Article 3(4) of Directive 2014/53/EU shall be excluded from the scope of that assessment.

Article 95

Repeal and transitional rules

Directive 2006/66/EC is repealed with effect from 18 August 2025.

However, the following provisions shall continue to apply as set out below:

(a) Article 11 until 18 February 2027;

(b) Article 12(4) and (5) until 31 December 2025, except as regards the provision concerning transmission of data to the Commission which shall continue to apply until 30 June 2027;

(c) Article 21(2) until 18 August 2026.

References to the repealed Directive shall be construed as references to this Regulation.

Article 96

Entry into force and application

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

2. It shall apply from 18 February 2024, save as set out in the second subparagraph and in other provisions of this Regulation.

The following provisions shall apply as follows:

(a) Article 11 shall apply from 18 February 2027;

(b) Article 17 and Chapter VI shall apply from 18 August 2024, except for Article 17(2) which shall apply from 12 months after the date of the first publication of the list referred to in Article 30(2);

(c) Chapter VIII shall apply from 18 August 2025.

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This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg, 12 July 2023.

For the European Parliament

The President

R. METSOLA

For the Council

The President

P. NAVARRO RÍOS

([1]) OJ C 220, 9.6.2021, p. 128.

([2]) Position of the European Parliament of 14 June 2023 (not yet published in the Official Journal) and decision of the Council of 28 June 2023.

([3]) Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ L 266, 26.9.2006, p. 1).

([4]) Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys (OJ L 170, 30.6.2009, p. 1).

([5]) Directive (EU) 2019/771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 and Directive 2009/22/EC, and repealing Directive 1999/44/EC (OJ L 136, 22.5.2019, p. 28).

([6]) Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).

([7]) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

([8]) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1).

([9]) Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21.10.2000, p. 34).

([10]) Commission Regulation (EU) No 617/2013 of 26 June 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for computers and computer servers (OJ L 175, 27.6.2013, p. 13).

([11]) Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10).

([12]) Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC (OJ L 117, 5.5.2017, p. 1).

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([13]) Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on *in vitro* diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176).

([14]) Regulation (EU) 2019/2144 of the European Parliament and of the Council of 27 November 2019 on type-approval requirements for motor vehicles and their trailers, and systems, components and separate technical units intended for such vehicles, as regards their general safety and the protection of vehicle occupants and vulnerable road users, amending Regulation (EU) 2018/858 of the European Parliament and of the Council and repealing Regulations (EC) No 78/2009, (EC) No 79/2009 and (EC) No 661/2009 of the European Parliament and of the Council and Commission Regulations (EC) No 631/2009, (EU) No 406/2010, (EU) No 672/2010, (EU) No 1003/2010, (EU) No 1005/2010, (EU) No 1008/2010, (EU) No 1009/2010, (EU) No 19/2011, (EU) No 109/2011, (EU) No 458/2011, (EU) No 65/2012, (EU) No 130/2012, (EU) No 347/2012, (EU) No 351/2012, (EU) No 1230/2012 and (EU) 2015/166 (OJ L 325, 16.12.2019, p. 1).

([15]) Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety (OJ L 11, 15.1.2002, p. 4).

([16]) Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC (OJ L 153, 22.5.2014, p. 62).

([17]) Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

([18]) Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125).

([19]) Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).

([20]) Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30).

([21]) Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC (OJ L 218, 13.8.2008, p. 82).

([22]) Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1).

([23]) Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas (OJ L 130, 19.5.2017, p. 1).

([24]) OJ L 282, 19.10.2016, p. 4.

([25]) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

([26]) Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (OJ L 197, 24.7.2012, p. 38).

([27]) Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).

([28]) Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (OJ L 277, 27.10.2022, p. 1).

([29]) Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

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([30]) Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).

([31]) Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).

([32]) Commission Regulation (EU) No 493/2012 of 11 June 2012 laying down, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators (OJ L 151, 12.6.2012, p. 9).

([33]) Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, p. 1).

([34]) Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1).

([35]) Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply (OJ L 316, 4.12.2007, p. 6).

([36]) Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJ L 226, 6.9.2000, p. 3.).

([37]) Commission Implementing Regulation (EU) 2022/1267 of 20 July 2022 specifying the procedures for the designation of Union testing facilities for the purposes of market surveillance and verification of product compliance in accordance with Regulation (EU) 2019/1020 of the European Parliament and of the Council (OJ L 192, 21.7.2022, p. 21).

([38]) Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

([39]) Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

([40]) OJ L 123, 12.5.2016, p. 1.

([41]) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

([42]) Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (OJ L 172, 2.7.2009, p. 18).

([43]) Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52).

([44]) Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC (OJ L 390, 31.12.2004, p. 38).

([45]) Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (OJ L 158, 14.6.2019, p. 54).

([46]) Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13).

ANNEX I

RESTRICTION ON SUBSTANCES

Column 1	Column 2

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Designation of the substance or group of substances	Conditions of restriction
1. Mercury CAS No 7439-97-6 EC No 231-106-7 and its compounds	Batteries, whether or not incorporated into appliances, light means of transport or other vehicles, shall not contain more than 0,0005 % of mercury (expressed as mercury metal) by weight.
2. Cadmium CAS No 7440-43-9 EC No 231-152-8 and its compounds	Portable batteries, whether or not incorporated into appliances, light means of transport or other vehicles, shall not contain more than 0,002 % of cadmium (expressed as cadmium metal) by weight.
3. Lead CAS No 7439-92-1 EC No 231-100-4 and its compounds	1. From 18 August 2024, portable batteries, whether or not incorporated into appliances, shall not contain more than 0,01 % of lead (expressed as lead metal) by weight. 2. The restriction set out in point 1 shall not apply to portable zinc-air button cells until 18 August 2028.

ANNEX II

CARBON FOOTPRINT

1. Scope

This Annex provides essential elements on how to calculate the carbon footprint.

The methodology for calculation and verification of the carbon footprint to be provided for by means of the delegated act adopted pursuant to Article 7 shall build on the essential elements included in this Annex, be in compliance with the latest version of the Commission Product Environmental Footprint (PEF) method and relevant Product Environmental Footprint Category Rules (PEFCRs) and reflect the international agreements and technical/scientific progress in the area of life cycle assessment.

The calculation of the life cycle carbon footprint shall be based on the bill of materials, the energy and the auxiliary materials used in a specific manufacturing plant to produce a specific battery model. In particular, the electronic components, for example battery management units and safety units, and the cathode materials shall be accurately identified, as they can become the main contributor for the battery carbon footprint.

2. Definitions

For the purposes of this Annex, the following definitions apply:

(a) ‘activity data’ means the information associated with processes while modelling Life Cycle Inventories (LCI), whereby the aggregated LCI results of the process chains that represent the

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activities of a process are each multiplied by the corresponding activity data and then combined to derive the carbon footprint associated with that process;

(b) ‘bill of materials’ means a list of the raw materials, sub-assemblies, intermediate assemblies, sub-components and parts, and the quantities of each, needed to manufacture the battery;

(c) ‘company-specific data’ means data that are directly measured or collected from one or multiple facilities (site-specific data) that are representative of the activities of the company, such data are also known as ‘primary data’;

(d) ‘functional unit’ means the qualitative and quantitative aspects of the functions, services, or both, provided by the battery;

(e) ‘life cycle’ means the consecutive and interlinked stages of a product system, from raw material acquisition or generation from natural resources to final disposal (ISO 14040:2006 or an equivalent standard);

(f) ‘life cycle inventory (LCI)’ means the combined set of exchanges of elementary, waste and product flows in an LCI dataset;

(g) ‘life cycle inventory (LCI) dataset’ means a document or file with life cycle information on a specified product or other reference, such as the site or process, covering descriptive metadata and quantitative life cycle inventory, which could include a unit process dataset, partially aggregated or an aggregated dataset;

(h) ‘reference flow’ means the measure of the outputs from processes in a given product system required to fulfil the function expressed by the functional unit (based on ISO 14040:2006 or an equivalent standard);

(i) ‘secondary data’ means data that are not directly collected or measured from a specific process within the supply-chain of the company or estimated by that company, but that are sourced from a third party LCI database or other sources; such data include industry average data, for example from published production data, government statistics, and industry associations, as well as literature studies, engineering studies and patents, and can also be based on financial data, and contain proxy data and other generic data; and also include primary data that go through a horizontal aggregation step;

(j) ‘system boundary’ means the aspects included or excluded from the life cycle stages.

Additionally, the harmonised rules for the calculation of the carbon footprint of batteries shall include any further definition necessary for their interpretation.

3. Functional unit and reference flow

The functional unit is defined as one kWh (kilowatt-hour) of the total energy provided by the battery system over the battery’s service life, measured in kWh. The total energy is obtained from the number of cycles multiplied by the amount of delivered energy over each cycle.

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The reference flow is the weight of battery needed to fulfil a specific function and shall be measured in kg of battery per kWh of the total energy delivered by the battery over its service life. All quantitative input and output data collected by the manufacturer to quantify the carbon footprint shall be calculated in relation to the reference flow.

By way of exception to the first paragraph, for back-up batteries that have as their primary function to ensure continuity of a power source, the functional unit is defined as the ability to provide one kWmin (kilowatt-minute) of backup power capability at any moment over the lifetime of the battery. Accordingly, the reference flow for back-up batteries is the weight of battery needed to fulfil the defined function and shall be measured in kg of battery per kWmin of backup power capability divided by the service life of the battery in years. All quantitative input and output data collected by manufacturers of back-up batteries to quantify the carbon footprint shall be calculated in relation to that reference flow.

In exceptional cases, such as for batteries for hybrid non -plug-in vehicles, the methodology may define a different functional unit.

4. System boundary

The following life cycle stages and the processes involved therein shall be included in the system boundary:

Life cycle stage	Processes involved
Raw material acquisition and pre-processing	Includes mining and other relevant sourcing, pre-processing and transport of active materials, up to the manufacturing of battery cells and battery components (active materials, separator, electrolyte, casings, active and passive battery components), and electric or electronic components.
Main product production	Assembly of battery cells and assembly of batteries with the battery cells and the electric or electronic components
Distribution	Transport to the point of sale
End of life and recycling	Collection, dismantling and recycling

The following processes involved in the life cycle stages shall be excluded from the system boundary:

— manufacturing of equipment for the assembly and recycling of batteries, as carbon footprint impacts have been calculated as negligible in the PEFCRs for high specific energy rechargeable batteries for mobile applications;

— the battery assembly process using the original equipment manufacturer (OEM) system components; this process corresponds for the most part to mechanical assembly and it is included inside the OEM equipment or vehicle assembly line; the consumption of energy and material for

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this specific process is negligible when compared to the manufacturing process of OEM components.

The use phase shall be excluded from the life cycle carbon footprint calculations, as it is not under the direct influence of manufacturers except where it is demonstrated that choices made by battery manufacturers at the design stage can make a non-negligible contribution to that impact.

5. Use of company-specific and secondary datasets

Due to the high number of battery components and the complexity of manufacturing processes, the economic operator shall limit, where justified, the use of company specific data to process and component analysis of the battery-specific parts.

In particular, all activity data related to the battery's anode, cathode, electrolyte, separator and cell-casing shall refer to a specific battery model produced in a specific production plant. Accordingly, no default activity data shall be used. The battery-specific activity data shall be used in combination with the relevant PEF-compliant secondary datasets.

As the carbon footprint declaration is specific to a battery model produced in a defined production site, sampling of data collected from different plants producing the same battery model shall not be allowed.

Where there is a change in the bill of materials or energy mix used to produce a battery model, the carbon footprint for that battery model shall be recalculated.

The harmonised rules to be provided for via a delegated act as referred to in Article 7(1) shall include detailed modelling of the following life cycle stages:

— raw material acquisition and pre-processing,

— production,

— distribution,

— own electricity production,

— end of life.

6. Carbon footprint impact assessment

The carbon footprint of the battery shall be calculated using the 'climate change' life cycle impact assessment method recommended in the 2019 Joint Research Centre report entitled 'Suggestions for updating the Product Environmental Footprint (PEF) method'.

The results shall be provided as characterised results without normalisation and weighting. The list of characterization factors to be used is available at the European Platform on Life Cycle Assessment (LCA).

7. Offsets

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Offsets are calculated relative to a baseline that represents a hypothetical scenario for what emissions would have been in the absence of the mitigation project that generates the offsets.

Offsets shall not be included in the carbon footprint declaration, but may be reported separately as additional environmental information and used for communication purposes.

8. Carbon footprint performance classes

Depending on the distribution of the values in the carbon footprint declarations of batteries placed on the market, a meaningful number of classes of performance shall be identified, with category A being the best class with the lowest carbon footprint life cycle impact, to enable market differentiation of the battery categories referred to in Article 7(1).

The setting of the threshold for each class of performance, as well as the width of that class, shall be based on the distribution of performances of the battery categories referred to in Article 7(1) placed on the market in the previous three years, the expected technological improvements, and other technical factors.

9. Maximum carbon thresholds

Based on the information collected through the carbon footprint declarations and the relative distribution of the carbon footprint performance classes of battery models placed on the market, and taking into account the scientific and technical progress in the field, the Commission shall set maximum life cycle carbon footprint thresholds for the battery categories referred to in Article 7(1), after having carried out a dedicated impact assessment to determine the values for the thresholds.

In setting maximum life cycle carbon footprint thresholds referred to in the first subparagraph, the Commission shall take into account the relative distribution of the carbon footprint values for batteries on the market, the extent of progress in reducing the carbon footprint of batteries placed on the market and the actual and potential contribution of those life cycle carbon footprint thresholds to the Union’s objectives on sustainable mobility and climate neutrality by 2050.

ANNEX III

ELECTROCHEMICAL PERFORMANCE AND DURABILITY PARAMETERS FOR PORTABLE BATTERIES OF GENERAL USE

Part A

Parameters for non-rechargeable batteries

1. Minimum average duration: minimum average time reached by a sample of batteries on discharge when used under specific conditions, such as temperature and relative humidity.
2. Delayed discharge performance: the relative decrease of the minimum average duration, with the initially measured minimum average duration as the reference point, after a defined period and under specific conditions, such as temperature and relative humidity.

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3. Resistance to leakage: resistance to unplanned escape of electrolyte, gas or other material.

Part B

Parameters for rechargeable batteries

1. Rated capacity: the capacity value of a battery, under specific conditions, such as temperature and relative humidity, and declared by the manufacturer.
2. Charge (capacity) ([1]) retention: the capacity that a battery can deliver after storage, under specific conditions, such as temperature and relative humidity, for a specific time, without a subsequent recharge and expressed as a percentage of the rated capacity.
3. Charge (capacity) recovery: the capacity that a battery can deliver with a subsequent recharge after storage, under specific conditions, such as temperature and relative humidity, for a specific time and expressed as percentage of the rated capacity.
4. Endurance in cycles the number of charge and discharge cycles a battery can perform under specific conditions, such as temperature and relative humidity, before the capacity drops below a specified fraction of the rated capacity.
5. Resistance to leakage: resistance to unplanned escape of electrolyte, gas or other material.

([1]) IEC mentions charge and capacity. Both represent the same physical quantity (charge); the only difference is that charge is expressed in C = A*s whereas capacity is expressed in A*h. In practice, capacity is used in most cases.

ANNEX IV

ELECTROCHEMICAL PERFORMANCE AND DURABILITY REQUIREMENTS FOR LMT BATTERIES, INDUSTRIAL BATTERIES WITH A CAPACITY GREATER THAN 2 KWH AND ELECTRIC VEHICLE BATTERIES

For the purposes of this Annex the following definitions apply:

(1) ‘Rated capacity’ means the total number of ampere-hours (Ah) that can be withdrawn from a fully charged battery under reference conditions.

(2) ‘Capacity fade’ means the decrease over time and upon usage in the amount of charge that a battery can deliver at the rated voltage, with respect to the original rated capacity.

(3) ‘Power’ means the amount of energy that a battery is capable of providing over a given period under reference conditions.

(4) ‘Power fade’ means the decrease over time and upon usage in the amount of power that a battery can deliver at the rated voltage.

(5) ‘Internal resistance’ means the opposition to the flow of current within a cell or a battery under reference conditions, that is, the sum of electronic resistance and ionic resistance to the contribution to total effective resistance including inductive/capacitive properties.

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(6) ‘Energy round trip efficiency’ means the ratio of the net energy delivered by a battery during a discharge test to the total energy required to restore the initial state of charge by a standard charge.

Part A

Parameters related to electrochemical performance and durability

1. Rated capacity (in Ah) and capacity fade (in %).
2. Power (in W) and power fade (in %).
3. Internal resistance (in Ω) and internal resistance increase (in %).
4. Where applicable, energy round trip efficiency and its fade (in %).
5. The expected life-time of the battery under the reference conditions for which it has been designed, in terms of cycles, except for non-cycle applications, and calendar years.

Part B

Elements to explain the measurements for parameters listed in Part A

1. Applied discharge rate and charge rate.
2. Ratio between nominal battery power (W) and battery energy (Wh).
3. Depth of discharge in the cycle-life test.
4. Power capability at 80 % and 20 % state of charge.
5. Any calculations performed with the measured parameters, if applicable.

ANNEX V

SAFETY PARAMETERS

1. Thermal shock and cycling

This test shall be designed to evaluate changes in the integrity of the battery arising from expansion and contraction of cell components upon exposure to extreme and sudden changes in temperature, and potential consequences of such changes. During a thermal shock, the battery shall be exposed to two temperature limits and held at each temperature limit for a specified period.

2. External short circuit protection

This test shall evaluate the safety performance of a battery when applying an external short circuit. The test can evaluate the activation of the overcurrent protection device or the ability of cells to withstand the current without reaching a hazardous situation (e.g. thermal runaway, explosion, fire). The main risk factors are heat generation at cell level and electrical arcing, which can damage circuitry or lead to reduced isolation resistance.

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3. Overcharge protection

This test shall evaluate the safety performance of a battery in overcharge situations. The main safety risks during overcharge are the decomposition of the electrolyte, cathode and anode breakdown, exothermic decomposition of the solid electrolyte interphase (SEI) layer, separator degradation, and lithium plating, which can lead to self-heating of the battery and thermal runaway. The factors affecting the outcome of the test shall, as a minimum, include, the charging rate and the finally reached state of charge. The protection can be ensured either by voltage control (interruption after reaching the limit charging voltage) or current control (interruption after exceeding maximum charging current).

4. Over-discharge protection

This test shall evaluate the safety performance of a battery in over-discharge situations. Safety risks during over-discharge include polarity reversal leading to oxidation of the anode current collector (Copper) and to plating on the cathode side. Even minor over-discharge can cause dendrite formation and ultimately short-circuiting.

5. Over-temperature protection

This test shall evaluate the effect of temperature control failure or failure of other features for protection against internal overheating during operation.

6. Thermal propagation protection

This test shall evaluate the safety performance of a battery in thermal propagation situations. A thermal runaway in one cell can cause a cascading reaction throughout the entire battery which can be composed of numerous cells. It can lead to severe consequences including a significant gas release. The test shall take into account the tests that are under development for transport applications by ISO and the UN Global Technical Regulation.

7. Mechanical damage by external forces

These tests shall simulate one or more situations in which a battery is accidentally exposed to mechanical stresses and remains operational for the purpose for which it was designed. The criteria to simulate these situations should reflect real life uses.

8. Internal short circuit

This test shall evaluate the safety performance of a battery in internal short-circuit situations. The occurrence of internal short circuits, one of the main concerns for battery manufacturers, potentially leads to venting, thermal runaway, and sparking which can ignite the electrolyte vapours escaping from the cell. The generation of such internal short circuits can be triggered by manufacturing imperfections, the presence of impurities in the cells or dendritic growth of lithium, and is the cause of most in-field safety incidents. Multiple internal short circuit scenarios are possible (e.g. electrical contact of cathode/anode, aluminium current collector/copper current collector, aluminium current collector/anode) each with a different contact resistance.

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9. Thermal abuse

During this test, the battery shall be exposed to elevated temperatures (in IEC 62619 the temperature is 85 °C) which can trigger exothermal decomposition reactions and lead to a thermal runaway in the cell.

10. Fire test

The risk of explosion shall be assessed by exposing the battery to fire.

11. Emission of gases

Batteries can contain significant amounts of potentially hazardous materials, for example highly flammable electrolytes, corrosive and toxic components. If exposed to certain conditions, the integrity of the battery could be compromised, resulting in the release of hazardous gases. Therefore, it is important to identify emissions of gases from substances released from the battery during tests: the risk of toxic gases emitted from non-aqueous electrolytes shall be properly taken into account for all safety parameters listed in points 1 to 10.

ANNEX VI

LABELLING, MARKING AND INFORMATION REQUIREMENTS

Part A: General information on batteries

Information on the label of a battery shall comprise the following information regarding the battery:

1. information identifying the manufacturer in accordance with Article 38(7);
2. the battery category and information identifying the battery in accordance with Article 38(6);
3. the place of manufacture (geographical location of a battery manufacturing plant);
4. the date of manufacture (month and year);
5. the weight;
6. the capacity;
7. the chemistry;
8. the hazardous substances present in the battery, other than mercury, cadmium or lead;
9. usable extinguishing agent;
10. critical raw materials present in the battery in a concentration of more than 0,1 % weight by weight.

Part B: Symbol for separate collection of batteries

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Part C: QR code

The QR code shall be in high contrast to the background colour and of a size that is easily readable by a commonly available QR reader, such as those integrated in hand-held communication devices.

ANNEX VII

PARAMETERS FOR DETERMINING THE STATE OF HEALTH AND EXPECTED LIFETIME OF BATTERIES

Part A

Parameters for determining the state of health of electric vehicle batteries, stationary battery energy storage systems and LMT batteries:

For electric vehicle batteries:

state of certified energy (SOCE).

For stationary battery energy storage systems and LMT batteries:

1. the remaining capacity;
2. where possible, the remaining power capability;
3. where possible, the remaining round trip efficiency;
4. the evolution of self-discharging rates;
5. where possible, the ohmic resistance.

Part B

Parameters for determining the expected lifetime of stationary battery energy storage systems and LMT batteries:

1. the date of manufacture of the battery and, where appropriate, the date of putting into service;
2. the energy throughput;
3. the capacity throughput;
4. the tracking of harmful events, such as the number of deep discharge events, time spent in extreme temperatures, time spent charging in extreme temperatures;
5. the number of full equivalent charge-discharge cycles.

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ANNEX VIII

CONFORMITY ASSESSMENT PROCEDURES

Part A

MODULE A – INTERNAL PRODUCTION CONTROL

1. Description of the module

Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations set out in points 2, 3 and 4, and ensures and declares on its sole responsibility that the batteries concerned meet the requirements laid down in Articles 6, 9, 10, 12, 13 and 14 that apply to them.

2. Technical documentation

The manufacturer shall draw up the technical documentation. The documentation shall make it possible to assess the battery's conformity with the relevant requirements referred to in point 1 and shall include an adequate analysis and assessment of the risks.

The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the battery. The technical documentation shall, where applicable, contain at least the following elements:

(a) a general description of the battery and its intended use;

(b) the conceptual design and manufacturing drawings and schemes of components, sub-assemblies and circuits;

(c) the descriptions and explanations necessary for the understanding of the drawings and schemes referred to in point (b) and the operation of the battery;

(d) a specimen of the label required in accordance with Article 13;

(e) a list of the harmonised standards referred to in Article 15, applied in full or in part, including an indication of which parts have been applied, a list of the common specifications referred to in Article 16, applied in full or in part, including an indication of which parts have been applied, and a list of other relevant technical specifications used for measurement or calculation purposes;

(f) where the harmonised standards and the common specifications referred to in point (e) have not been applied or are not available, a description of the solutions adopted to meet the applicable requirements laid down in Articles 6, 9, 10, 12, 13 and 14 or to verify the compliance of batteries with those requirements;

(g) the results of design calculations made and the examinations carried out, and the technical or documentary evidence used; and

(h) the test reports.

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3. Manufacturing

The manufacturer shall take all measures necessary so that the manufacturing process and the monitoring thereof ensure the batteries comply with the technical documentation referred to in point 2 and with the applicable requirements referred to in point 1.

4. CE marking and EU declaration of conformity

The manufacturer shall affix the CE marking to each individual battery that meets the applicable requirements referred to in point 1, or, where that is not possible or not warranted due to the nature of the battery, to the packaging and the documents accompanying the battery.

The manufacturer shall draw up an EU declaration of conformity for each battery model in accordance with Article 18 and keep it together with the technical documentation at the disposal of the national authorities for 10 years after the last battery belonging to the respective battery model has been placed on the market. The EU declaration of conformity shall identify the battery model for which it has been drawn up.

A copy of the EU declaration of conformity shall be made available to the national authorities upon request.

5. Manufacturer’s authorised representative

The manufacturer’s obligations set out in point 4 may be fulfilled by the manufacturer’s authorised representative, on its behalf and under the manufacturer’s responsibility, provided that they are specified in the mandate.

Part B

MODULE D1 – QUALITY ASSURANCE OF THE PRODUCTION PROCESS

1. Description of the module

Quality assurance of the production process is the conformity assessment procedure whereby the manufacturer fulfils the obligations set out in points 2, 4 and 7, and ensures and declares on its sole responsibility, without prejudice to the obligations of other economic operators in accordance with this Regulation, that the batteries concerned meet the applicable requirements laid down in Articles 7 and 8, or, at the choice of the manufacturer, all applicable requirements laid down in Articles 6 to 10 and Articles 12, 13 and 14.

2. Technical documentation

The manufacturer shall draw up the technical documentation. The technical documentation shall make it possible to assess the battery’s conformity with the relevant requirements referred to in point 1, and shall include an adequate analysis and assessment of the risks.

The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the battery. The technical documentation

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shall, where applicable, contain at least the following elements:

(a) a general description of the battery and its intended use;

(b) the conceptual design and manufacturing drawings and schemes of components, sub-assemblies and circuits;

(c) the descriptions and explanations necessary for the understanding of the drawings and schemes referred to in point (b) and the operation of the battery;

(d) a specimen of the label required in accordance with Article 13;

(e) a list of the harmonised standards referred to in Article 15, the common specifications referred to in Article 16, or of both, applied, and, in the event of partly applied harmonised standards, common specifications, or both, an indication of which parts have been applied;

(f) a list of other relevant technical specifications used for measurement or calculation purposes and descriptions of the solutions adopted to meet the applicable requirements laid down in Articles 6 to 10 and Articles 12, 13 and 14 or to verify the compliance of batteries with those requirements, where harmonised standards, common specifications, or both, have not been applied or are not available;

(g) the results of design calculations made and the examinations carried out, and the technical or documentary evidence used;

(h) a study supporting the carbon footprint values referred to in Article 7(1) and the carbon footprint class referred to in Article 7(2), containing the calculations made in accordance with the methodology set out in the delegated act adopted pursuant to Article 7(1), fourth subparagraph, point (a), and the evidence and information determining the input data for those calculations;

(i) a study supporting the recycled content share referred to in Article 8, containing the calculations made in accordance with the methodology set out in the delegated act adopted pursuant to Article 8(1), second subparagraph, and the evidence and information determining the input data for those calculations; and

(j) the test reports.

3. Availability of technical documentation

The manufacturer shall keep the technical documentation at the disposal of the national authorities for 10 years after the battery has been placed on the market.

4. Manufacturing

The manufacturer shall operate an approved quality system for production, final product inspection and testing of the batteries concerned as specified in point 5, and shall be subject to surveillance as specified in point 6.

5. Quality system

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1. The manufacturer shall lodge an application for assessment of its quality system with the notified body of its choice, for the batteries concerned.

   The application shall include:

   (a) the name and address of the manufacturer and, if the application is lodged by the manufacturer's authorised representative, its name and address as well;

   (b) a written declaration that the same application has not been lodged with any other notified body;

   (c) all relevant information for the battery category envisaged;

   (d) the documentation concerning the quality system referred to in point 5.2;

   (e) the technical documentation referred to in point 2.

2. The quality system shall ensure that the batteries comply with the applicable requirements laid down in Articles 6 to 10 and Articles 12, 13 and 14.

   All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality system documentation shall make it possible to have a consistent interpretation of the quality programmes, plans, manuals and records.

   The quality system documentation shall, in particular, contain an adequate description of:

   (a) the quality objectives and the organisational structure, responsibilities and powers of the management with regard to product quality;

   (b) the procedures for documenting and monitoring the parameters and data necessary for calculating and updating the recycled content share referred to in Article 8 and, where applicable, the carbon footprint values and class referred to in Article 7;

   (c) the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used;

   (d) the examinations, calculations, measurements and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out;

   (e) the quality records, such as inspection reports and calculation, measurement and test data, calibration data, qualification reports on the personnel concerned;

   (f) the means of monitoring the achievement of the required product quality and the effective operation of the quality system.

3. The notified body shall assess the quality system to determine whether it meets the requirements referred to in point 5.2.

   It shall presume conformity with those requirements in respect of the elements of the quality system that comply with the corresponding specifications of the relevant harmonised standard.

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In addition to experience in quality management systems, the auditing team shall have at least one member with experience of evaluation in the relevant product field and product technology concerned, and knowledge of the applicable requirements laid down in Articles 6 to 10 and Articles 12, 13 and 14.

The audit shall include an assessment visit to the manufacturer’s premises.

The auditing team shall review the technical documentation referred to in point 2 in order to verify the manufacturer’s ability to identify the applicable requirements laid down in Articles 6 to 10 and Articles 12, 13 and 14 and to carry out the necessary examinations, calculations, measurements and tests with a view to ensuring that the battery complies with those requirements. The auditing team shall check the reliability of data used for the calculation of the recycled content share referred to in Article 8 and, where applicable, the carbon footprint values and class referred to in Article 7 as well as the proper implementation of the relevant calculation methodology.

After having assessed the quality system, the notified body shall notify its decision to the manufacturer. The notification shall contain the conclusions of the audit and the reasons for that decision.

4. The manufacturer shall undertake to fulfil the obligations arising from the quality system as approved and to maintain it so that it remains adequate and efficient.

5. The manufacturer shall keep the notified body that has approved the quality system informed of any intended change to the quality system.

The notified body shall evaluate any proposed changes and decide whether the modified quality system will continue to meet the requirements referred to in point 5.2 or whether reassessment is necessary.

The notified body shall notify the manufacturer of its decision. The notification shall contain the conclusions of the examination and the reasoned assessment decision.

6. Surveillance under the responsibility of the notified body

1. The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising from the approved quality system.

2. The manufacturer shall, for assessment purposes, allow the notified body access to the manufacture, inspection, testing and storage sites and shall provide it with all necessary information, in particular:

(a) the quality system documentation referred to in point 5.2;

(b) the technical documentation referred to in point 2;

(c) the quality records, such as inspection reports and calculation, measurement and test data, calibration data and qualification reports on the personnel concerned.

3. The notified body shall carry out periodic audits to make sure that the manufacturer maintains and applies the quality system, and shall provide the manufacturer with an audit

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report. During such audits, the notified body shall check at least the reliability of data used for the calculation of the recycled content share referred to in Article 8 and, where applicable, the carbon footprint values and class referred to in Article 7, as well as the proper implementation of the relevant calculation methodology.

4. In addition, the notified body may pay unexpected visits to the manufacturer. During such visits, the notified body may, if necessary, carry out examinations, calculations, measurements and tests, or have them carried out, in order to verify that the quality system is functioning correctly. The notified body shall provide the manufacturer with a visit report and, if tests have been carried out, with a test report.

7. CE marking and EU declaration of conformity

1. The manufacturer shall affix the CE marking, and, under the responsibility of the notified body referred to in point 5.1, the latter’s identification number to each individual battery that meets the applicable requirements referred to in point 1, or, where that is not possible or is not warranted due to the nature of the battery, to the packaging and the documents accompanying the battery.

2. The manufacturer shall draw up an EU declaration of conformity for each battery model in accordance with Article 18 and keep it at the disposal of the national authorities for 10 years after the last battery belonging to the respective battery model has been placed on the market. The EU declaration of conformity shall identify the battery model for which it has been drawn up.

A copy of the EU declaration of conformity shall be made available to the national authorities upon request.

8. Availability of quality system documentation

The manufacturer shall, for a period of 10 years after the battery has been placed on the market, keep at the disposal of the national authorities:

(a) the quality system documentation referred to in point 5.2;

(b) the change referred to in point 5.5, as approved;

(c) the decisions and reports of the notified body referred to in points 5.5, 6.3 and 6.4.

9. Information obligations of the notified body

Each notified body shall inform its notifying authority of quality system approvals issued or withdrawn, and shall, periodically or upon request, make available to its notifying authority the list of quality system approvals refused, suspended or otherwise restricted.

Each notified body shall inform the other notified bodies of quality system approvals which it has refused, withdrawn, suspended or otherwise restricted, and, upon request, of quality system approvals which it has issued.

10. Manufacturer’s authorised representative

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The manufacturer’s obligations set out in points 3, 5.1, 5.5, 7 and 8 may be fulfilled by the manufacturer’s authorised representative, on the manufacturer’s behalf and under the manufacturer’s responsibility, provided that they are specified in the mandate.

Part C

MODULE G – CONFORMITY BASED ON UNIT VERIFICATION

1. Description of the module

Conformity based on unit verification is the conformity assessment procedure whereby the manufacturer fulfils the obligations set out in points 2, 3 and 5, and ensures and declares on its sole responsibility, without prejudice to the obligations of other economic operators in accordance with this Regulation, that the battery concerned, which has been subject to the provisions of point 4, is in conformity with the applicable requirements laid down in Articles 7 and 8, or, at the choice of the manufacturer, all applicable requirements laid down in Articles 6 to 10 and Articles 12, 13 and 14.

2. Technical documentation

1. The manufacturer shall draw up the technical documentation and make it available to the notified body referred to in point 4. The technical documentation shall make it possible to assess the battery’s conformity with the relevant requirements referred to in point 1 and shall include an adequate analysis and assessment of the risks.

   The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the battery.

   The technical documentation shall, where applicable, contain at least the following elements:

   (a) a general description of the battery and its intended use;

   (b) the conceptual design and manufacturing drawings and schemes of components, sub-assemblies and circuits;

   (c) the descriptions and explanations necessary for the understanding of the drawings and schemes referred to in point (b) and the operation of the battery;

   (d) a specimen of the label required in accordance with Article 13;

   (e) a list of the harmonised standards referred to in Article 15, the common specifications referred to in Article 16, or of both, applied, and, in the event of partly applied harmonised standards, common specifications, or both, an indication of which parts have been applied;

   (f) a list of other relevant technical specifications used for measurement or calculation purposes and descriptions of the solutions adopted to meet the applicable requirements referred to in point 1 or to verify the conformity of batteries with those requirements, where harmonised standards, common specifications, or both, have not been applied or are not available;

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(g) the results of design calculations made and the examinations carried out, and the technical or documentary evidence used;

(h) a study supporting the carbon footprint values and class referred to in Article 7, containing the calculations made in accordance with the methodology set out in the delegated act adopted pursuant to Article 7(1), fourth subparagraph, point (a), and the evidence and information determining the input data for those calculations;

(i) a study supporting the recycled content share referred to in Article 8, containing the calculations made in accordance with the methodology set out in the delegated act adopted pursuant to Article 8(1), second subparagraph, and the evidence and information determining the input data for those calculations; and

(j) the test reports.

2. The manufacturer shall keep the technical documentation at the disposal of the national authorities for 10 years after the battery has been placed on the market.

3. Manufacturing

The manufacturer shall take all measures necessary so that the manufacturing process and the monitoring thereof ensure that the manufactured battery is in conformity with the applicable requirements referred to in point 1.

4. Verification

1. A notified body chosen by the manufacturer shall carry out appropriate examinations, calculations, measurements and tests, as set out in the relevant harmonised standards referred to in Article 15, common specifications referred to in Article 16, or both, or equivalent tests, to check the conformity of the battery with the applicable requirements referred to in point 1, or have them carried out. In the absence of such a harmonised standard or common specification, the notified body concerned shall decide on the appropriate examinations, calculations, measurements and tests to be carried out.

   The notified body shall issue a certificate of conformity in respect of the examinations, calculations, measurements and tests carried out and shall affix its identification number to the approved battery, or have it affixed under its responsibility.

2. The manufacturer shall keep the certificates of conformity at the disposal of the national authorities for 10 years after the battery has been placed on the market.

5. CE marking and EU declaration of conformity

The manufacturer shall affix the CE marking and, under the responsibility of the notified body referred to in point 4, the latter’s identification number to each battery that meets the applicable requirements referred to in point 1, or, where that is not possible or is not warranted due to the nature of the battery, to the packaging and the documents accompanying the battery.

The manufacturer shall draw up an EU declaration of conformity in accordance with Article 18 for each battery and keep it at the disposal of the national authorities for 10 years after the

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battery has been placed on the market. The EU declaration of conformity shall identify the battery for which it has been drawn up.

A copy of the EU declaration of conformity shall be made available to the national authorities upon request.

6. Manufacturer’s authorised representative

The manufacturer’s obligations set out in points 2.2, 4.2 and 5 may be fulfilled by the manufacturer’s authorised representative, on the manufacturer’s behalf and under the manufacturer’s responsibility, provided that they are specified in the mandate.

ANNEX IX

EU DECLARATION OF CONFORMITY No* …

*** (identification number of the declaration)**

1. Battery model (product, category, and batch or serial number):
2. Name and address of the manufacturer and, where applicable, its authorised representative:
3. This declaration of conformity is issued under the sole responsibility of the manufacturer.
4. Object of the declaration (description of the battery and identification allowing traceability, and which may, where appropriate, include an image of the battery):
5. The object of the declaration described in point 4 is in conformity with the relevant Union harmonisation legislation: … (reference to the other Union acts applied).
6. References to the relevant harmonised standards or the common specifications used or references to the other technical specifications in relation to which conformity is declared:
7. The notified body … (name, address, number) … performed … (description of intervention) … and issued the certificate(s): … (details, including its date, and, where appropriate, information on the duration of and conditions for its validity).
8. Additional information

Signed for and on behalf of:

(place and date of issue):

(name, function) (signature)

ANNEX X

LIST OF RAW MATERIALS AND RISK CATEGORIES

1. Raw materials:

(a) cobalt;

(b) natural graphite;

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(c) lithium;

(d) nickel;

(e) chemical compounds based on the raw materials listed in points (a) to (d), which are necessary for the manufacturing of the active materials of batteries.

2. Social and environmental risk categories:

(a) environment, climate and human health, considering direct, induced, indirect and cumulative effects, including:

(i) air, including air pollution such as greenhouse gas emissions,

(ii) water, including seabed and marine environment, and including water pollution, water use, water quantities (flooding or droughts) and access to water,

(iii) soil, including soil pollution, soil erosion, land use and land degradation,

(iv) biodiversity, including damage to habitats, wildlife, flora and ecosystems, including ecosystem services,

(v) hazardous substances,

(vi) noise and vibration,

(vii) plant safety,

(viii) energy use,

(ix) waste and residues;

(b) human rights, labour rights and industrial relations, including:

(i) occupational health and safety,

(ii) child labour,

(iii) forced labour,

(iv) discrimination,

(v) trade union freedoms;

(c) community life, including that of indigenous peoples.

3. The international instruments covering the risks referred to in point 2 include:

(a) the Ten Principles of the United Nations Global Compact;

(b) the UNEP Guidelines for Social Life Cycle Assessment of Products;

(c) the Convention on Biological Diversity, in particular Decision COP VIII/28 – Voluntary guidelines on Biodiversity-Inclusive impact assessment;

(d) the UN Paris Agreement;

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(e) the eight fundamental ILO Conventions as defined under the ILO Declaration on Fundamental Principles and Rights at Work;

(f) any other international environmental conventions that are binding upon the Union or its Member States;

(g) the ILO Declaration on Fundamental Principles and Rights at Work;

(h) the International Bill of Human Rights, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

4. The internationally recognized due diligence instruments applicable to the due diligence requirements laid down in Chapter VII of this Regulation:

(a) the International Bill of Human Rights, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;

(b) the UN Guiding Principles on Business and Human Rights;

(c) the OECD Guidelines for Multinational Enterprises;

(d) the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;

(e) the OECD Due Diligence Guidance for Responsible Business Conduct;

(f) the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.

ANNEX XI

CALCULATION OF COLLECTION RATES FOR WASTE PORTABLE BATTERIES AND WASTE LMT BATTERIES

1. Producers of the relevant category of batteries or, where appointed in accordance with Article 57(1), producer responsibility organisations, and Member States shall calculate the collection rate as the percentage obtained by dividing the weight of waste batteries, collected in accordance with Articles 59, 60 and 69, respectively, in a given calendar year in a Member State by the average weight of such batteries that producers either make available on the market directly to end-users or deliver to third parties in order to make them available on the market to end-users in that Member State during the three preceding calendar years. The collection rate shall be calculated for portable batteries in accordance with Article 59, and for LMT batteries in accordance with Article 60 respectively.

Year	**Data collection**		**Calculation**	**Reporting requirement**
Year 1	Sales in year 1 (S1)			
Year 2	Sales in year 2 (S2)			

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Year 3	Sales in year 3 (S3)			
Year 4	Sales in year 4 (S4)	Collection in year 4 (C4)	Collection rate (CR4) = 3*C4/(S1+S2+S3)	CR4
Year 5	Sales in year 5 (S5)	Collection in year 5 (C5)	Collection rate (CR5) = 3*C5/(S2+S3+S4)	CR5
Etc.	Etc.	Etc.	Etc.	

2. Producers of the relevant category of batteries or, where appointed in accordance with Article 57(1), producer responsibility organisations, and Member States shall calculate the annual sales of batteries to end-users in a given year, as the weight of such batteries made available on the market for the first time within the territory of the Member State in the year concerned, excluding any batteries that have left the territory of that Member State in that year, before being sold to the end-users. Those sales shall be calculated separately for portable batteries and for LMT batteries.
3. For each battery, only the first time it is made available on the market in a Member State shall be counted.
4. The calculation provided for in points 1 and 2 shall be based on collected data or statistically significant estimates based on collected data.

ANNEX XII

STORAGE AND TREATMENT, INCLUDING RECYCLING, REQUIREMENTS

Part A: Storage and treatment requirements

1. Treatment shall, as a minimum, include removal of all fluids and acids.
2. Treatment and any storage, including temporary storage, at treatment facilities, including recycling facilities, shall take place in sites with impermeable surfaces and suitable weatherproof covering or in suitable containers.
3. Waste batteries in treatment facilities, including recycling facilities, shall be stored in such a way that they are not mixed with waste from conductive or combustible materials.
4. Special precautions and safety measures shall be in place for the treatment of waste lithium-based batteries during handling, sorting and storage. Such measures shall include protection from exposure to:

   (a) excessive heat, such as high temperatures, fire or direct sunlight;

   (b) water, such as precipitation and flooding;

   (c) any crushing or physical damage.

   Waste lithium-based batteries shall be stored in their normally installed orientation, that is, never inverted, and in well-ventilated areas and they shall be covered with a high voltage

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rubber isolation. Storage facilities for waste lithium-based batteries shall be marked with a warning sign.

5. Mercury shall be separated during treatment into an identifiable stream, which is safely immobilised and disposed of and cannot cause adverse effects on human health or the environment.
6. Cadmium shall be separated during treatment into an identifiable stream, which is given a safe destination and cannot cause adverse effects on human health or the environment.

Part B: Targets for recycling efficiency

1. No later than 31 December 2025, recycling shall achieve at least the following targets for recycling efficiency:
   (a) recycling of 75 % by average weight of lead-acid batteries;
   (b) recycling of 65 % by average weight of lithium-based batteries;
   (c) recycling of 80 % by average weight of nickel-cadmium batteries;
   (d) recycling of 50 % by average weight of other waste batteries.
2. No later than 31 December 2030, recycling shall achieve at least the following targets for recycling efficiency:
   (a) recycling of 80 % by average weight of lead-acid batteries;
   (b) recycling of 70 % by average weight of lithium-based batteries.

Part C: Targets for recovery of materials

1. No later than 31 December 2027, all recycling shall achieve at least the following targets for recovery of materials:
   (a) 90 % for cobalt;
   (b) 90 % for copper;
   (c) 90 % for lead;
   (d) 50 % for lithium;
   (e) 90 % for nickel.
2. No later than 31 December 2031, all recycling shall achieve at least the following targets for recovery of materials:
   (a) 95 % for cobalt;
   (b) 95 % for copper;
   (c) 95 % for lead;
   (d) 80 % for lithium;
   (e) 95 % for nickel.

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ANNEX XIII

INFORMATION TO BE INCLUDED IN THE BATTERY PASSPORT

1. PUBLICLY ACCESSIBLE INFORMATION RELATING TO THE BATTERY MODEL

A battery passport shall include the following information relating to the battery model, which shall be accessible to the public:

(a) the information specified in Part A of Annex VI;

(b) the material composition of the battery, including its chemistry, hazardous substances present in the battery, other than mercury, cadmium or lead, and critical raw materials present in the battery;

(c) the carbon footprint information referred to in Article 7(1) and (2);

(d) information on responsible sourcing as indicated in the report on battery due diligence policy referred to in Article 52(3);

(e) recycled content information as contained in the documentation referred to in Article 8(1);

(f) the share of renewable content;

(g) rated capacity (in Ah);

(h) minimal, nominal and maximum voltage, with temperature ranges when relevant;

(i) original power capability (in Watts) and limits, with temperature range when relevant;

(j) expected battery lifetime expressed in cycles, and reference test used;

(k) capacity threshold for exhaustion (only for electric vehicle batteries);

(l) temperature range the battery can withstand when not in use (reference test);

(m) period for which the commercial warranty for the calendar life applies;

(n) initial round trip energy efficiency and at 50 % of cycle-life;

(o) internal battery cell and pack resistance;

(p) c-rate of relevant cycle-life test.

(q) the marking requirements laid down in Article 13(3) and (4);

(r) the EU declaration of conformity referred to in Article 18;

(s) the information regarding the prevention and management of waste batteries laid down in Article 74(1), points (a) to (f).

2. INFORMATION RELATING TO THE BATTERY MODEL ACCESSIBLE ONLY TO PERSONS WITH A LEGITIMATE INTEREST AND THE COMMISSION

A battery passport shall include the following information relating to the battery model, which shall be accessible only to persons with a legitimate interest and the Commission:

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(a) detailed composition, including materials used in the cathode, anode and electrolyte;

(b) part numbers for components and contact details of sources for replacement spares;

(c) dismantling information, including at least:

— exploded diagrams of the battery system/pack showing the location of battery cells,

— disassembly sequences,

— type and number of fastening techniques to be unlocked,

— tools required for disassembly,

— warnings if risk of damaging parts exist,

— amount of cells used and layout;

(d) safety measures.

3. INFORMATION ACCESSIBLE ONLY TO NOTIFIED BODIES, MARKET SURVEILLANCE AUTHORITIES AND THE COMMISSION

A battery passport shall include the following information relating to the battery model, which shall be accessible only to notified bodies, market surveillance authorities and the Commission:

— results of test reports proving compliance with the requirements laid down in this Regulation or any delegated or implementing act adopted pursuant to this Regulation.

4. INFORMATION AND DATA RELATING TO AN INDIVIDUAL BATTERY ACCESSIBLE ONLY TO PERSONS WITH A LEGITIMATE INTEREST

A battery passport shall include the following specific information and data relating to an individual battery, which shall be accessible only to persons with a legitimate interest:

(a) the values for performance and durability parameters referred to in Article 10(1), when the battery is placed on the market and when it is subject to changes in its status;

(b) information on the state of health of the battery pursuant to Article 14;

(c) information on the status of the battery, defined as ‘original’, ‘repurposed’, ‘re-used’, ‘remanufactured’ or ‘waste’;

(d) information and data resulting from its use, including the number of charging and discharging cycles and negative events, such as accidents, as well as periodically recorded information on the operating environmental conditions, including temperature, and on the state of charge.

ANNEX XIV

MINIMUM REQUIREMENTS FOR SHIPMENTS OF USED BATTERIES

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1. In order to distinguish between used and waste batteries, where the holder, meaning the natural or legal person in possession of the used batteries or the waste batteries, claims that it intends to ship or is shipping used batteries and not waste batteries, that holder shall be required to have available the following to substantiate that claim:

   (a) a copy of the invoice and contract relating to the sale or transfer of ownership of the batteries which states that the batteries are destined for direct re-use and that they are fully functional;

   (b) evidence of evaluation or testing in the form of a copy of the records, such as the certificate of testing, proof of functionality for every battery or fraction thereof in the consignment, and the protocol containing all information on the record in accordance with point 3;

   (c) a declaration made by the holder that none of the material or equipment within the consignment is waste as defined by Article 3, point (1), of Directive 2008/98/EC; and

   (d) appropriate protection against damage during transportation, loading and unloading, in particular through sufficient packaging and appropriate stacking of the load.

2. Point 1(a) and (b) and point 3 shall not apply where it is demonstrated by documentary proof that the shipment is taking place in the framework of a business-to-business transfer agreement and that:

   (a) the used battery is sent back to the producer or a third party acting on its behalf for repair under warranty with the intention of re-use; or

   (b) if the used battery is for professional use, it is sent to the producer or a third party acting on its behalf or a third-party facility in countries to which OECD Council Decision C(2001)107/Final on the Control of Transboundary Movements of Wastes Destined for Recovery Operations applies, for refurbishment or repair under a valid contract with the intention of re-use; or

   (c) if the used battery is for professional use and is defective, it is sent to the producer or a third party acting on its behalf for root cause analysis under a valid contract, in cases where such an analysis can only be conducted by the producer or third parties acting on its behalf.

3. In order to demonstrate that the batteries being shipped constitute used batteries, rather than waste batteries, its holder shall carry out the following steps for testing and record-keeping:

   Step 1: Testing

   (a) the battery shall be tested for its state of health and the presence of hazardous substances shall be evaluated;

   (b) the results of the evaluation and testing referred to in point (a) shall be recorded.

   Step 2: Record

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(a) the record shall be fixed securely but not permanently on either the used battery itself, if the used battery has not been packed, or on the packaging, so it can be read without removing the packaging;

(b) the record shall contain the following information:

— name of the battery or fraction thereof,

— identification number of the battery or fraction thereof, where applicable,

— year of production, if available,

— name and address of the company responsible for testing the state of health,

— types of tests performed for step 1,

— result of the tests performed for step 1, including the date of the tests.

4. In addition to the documentation required in points 1, 2 and 3, every load, for example shipping container or lorry, of used batteries shall be accompanied by:

(a) a relevant transport document; and

(b) a declaration of responsibility by the person liable.

5. In the absence of proof that an object is a used battery, and not a waste battery, in the form of the appropriate documentation required in points 1, 2, 3 and 4, and of appropriate protection against damage during transportation, loading and unloading, in particular through sufficient packaging and appropriate stacking of the load, which are the obligations of the holder that arranges the transport, the object shall be considered waste and it shall be presumed that the load comprises an illegal shipment. In such cases, the load shall be dealt with in accordance with Articles 24 and 25 of Regulation (EC) No 1013/2006.

ANNEX XV

CORRELATION TABLE

Directive 2006/66/EC	This Regulation
Article 1	Article 1
Article 1, first paragraph, point 1	Article 1(1)
Article 1, first paragraph, point 2	Article 1(1)
Article 1, second paragraph	—
Article 2	Article 1(3), (4) and (5)
Article 2(1)	Article 1(3) and (4)
Article 2(2)	Article 1(5)
Article 2(2), point (a)	Article 1(5), point (a)

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Article 2(2), point (b)	Article 1(5), point (a)
Article 3	Article 3
Article 3, point 1	Article 3(1), point 1
Article 3, point 2	Article 3(1), point 2
Article 3, point 3	Article 3(1), point 9
Article 3, point 4	—
Article 3, point 5	Article 3(1), point 12
Article 3, point 6	Article 3(1), point 13
Article 3, point 7	Article 3(1), point 50
Article 3, point 8	Article 3(2), point (a)
Article 3, point 9	—
Article 3, point 10	Article 3(1), point 53
Article 3, point 11	Article 3(1), point 26
Article 3, point 12	Article 3(1), point 47
Article 3, point 13	Article 3(1), point 65
Article 3, point 14	Article 3(1), point 16
Article 3, point 15	Article 3(1), point 22
Article 3, point 16	—
Article 3, point 17	—
Article 4	Article 6
Article 4(1)	Annex I
Article 4(1), point (a)	Annex I, entry 1
Article 4(1), point (b)	Annex I, entry 2
Article 4(2)	—
Article 4(3)	—
Article 4(3), point (a)	—
Article 4(3), point (b)	—
Article 4(3), point (c)	—
Article 4(4)	—
Article 5	—
Article 6	Article 4

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Article 6(1)	Article 4(1)
Article 6(2)	—
Article 7	Article 2
Article 8	Articles 59 to 62 and 64 to 67
Article 8(1)	Article 59
Article 8(1), first subparagraph, point (a)	Article 59(1), point (a) Article 59(1), point (b)
Article 8(1), first subparagraph, point (b)	Article 62
Article 8(1), first subparagraph, point (c)	Article 61(1) Article 62(1)
Article 8(1), first subparagraph, point (d)	Article 59(2), point (a)(ii) Article 61(1), point (c)
Article 8(1), second subparagraph	Article 59(5)
Article 8(2)	Article 59(1) and Article 59(2)
Article 8(2), point (a)	Article 59(1) and Article 59(2)
Article 8(2), point (b)	Article 59(2)
Article 8(2), point (c)	—
Article 8(3)	Article 61
Article 8(4)	Article 61
Article 9	—
Article 10	Articles 59, 60 and 69
Article 10(1)	—
Article 10(1), second subparagraph	Article 75(4)
Article 10(2)	Articles 59 and 60
Article 10(2), point (a)	—
Article 10(2), point (b)	Article 59(3) and Article 60(3)
Article 10(3)	Article 69(2) and Article 76(1), second subparagraph
Article 10(4)	—
Article 11	Article 11
Article 11, first paragraph	Article 11(1)
Article 11, second paragraph	Article 11(3)
Article 12	Article 70
Article 12(1)	Article 70(2)
Article 12(1), first subparagraph, point (a)	Article 59(1), point (f), Article 60(1), point (f), and Article 61(3), point (c)

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Article 12(1), first subparagraph, point (b)	Article 71(1)
Article 12(1), second subparagraph	—
Article 12(1), third subparagraph	—
Article 12(2)	Article 71(4)
Article 12(3)	Article 70(3)
Article 12(4)	Article 71(2) and (3)
Article 12(5)	Article 75(5), point (c), and Article 76(1), point (d)
Article 12(6)	Article 71(4)
Article 13	—
Article 13(1)	—
Article 13(2)	—
Article 14	Article 70(1)
Article 15	Article 72
Article 15(1)	Article 72(1)
Article 15(2)	Article 72(3)
Article 15(3)	Article 72(4)
Article 16	Article 56
Article 16(1)	Article 56(1) and (4)
Article 16(1), point (a)	Article 56(4), point (a)
Article 16(1), point (b)	Article 56(4), point (a)
Article 16(2)	—
Article 16(3)	Article 56(1), point (c)
Article 16(4)	Article 74(5)
Article 16(5)	—
Article 16(6)	—
Article 17	Article 55
Article 18	Article 57(2), point (c)
Article 18(1)	—
Article 18(2)	—
Article 18(3)	—
Article 19	Article 59(1), Article 60(1), Article 61(1), Article 62 and Articles 64 to 67

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Article 19(1)	Article 59(2), Article 60(2), Article 61(1) and Articles 62, 65, 66 and 67
Article 19(2)	Article 57(2), point (c)
Article 20	Article 74
Article 20(1)	Article 74(1)
Article 20(1), point (a)	Article 74(1), point (f)
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