

Question for written answer E-002274/2023
to the Commission
Rule 138
Esther de Lange (PPE)

Subject: Article 11 of the Batteries Regulation

On 9 December 2022, Parliament, the Commission and the Council reached an agreement on the Batteries Regulation. The regulation provides that, in order to ensure the safety of the user and the appliance, products may be exempted from the battery replaceability and removability requirements if they are specifically designed to operate primarily in an environment subject to splashing water, water streams or water immersion, and are intended to be washable or rinseable (Article 11(2)).

In a recently published draft study, the Joint Research Centre (JRC) explicitly stated that mobile phones and smartwatches cannot be exempted from the replaceability and removability requirements, as operating in a wet environment is not part of their 'main function'.

1. Did the Commission mandate the JRC to provide a legal interpretation of the text of Article 11(2) and, if not, did it provide legal advice to the JRC as to how the text is to be interpreted and applied?
2. Does it agree that protecting the safety of consumers is the driving legislative intention behind the exemption laid down in Article 11(2)?
3. Is it planning to undertake further market assessment and research when developing its guidance on Article 11?

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