



2020/0353(COD)

15.9.2021

*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020
(COM(2020)0798 – C9-0400/2020 – (2020/0353(COD)))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Simona Bonafè

Rapporteurs for the opinion (*):

Patrizia Toia, Committee on Industry, Research and Energy

Antonius Manders, Committee on the Internal Market and Consumer Protection

(*) Associated committees – Rule 57 of the Rules of Procedure

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	120
ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT	122

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council
Regulation concerning batteries and waste batteries, repealing Directive 2006/66/EC and
amending Regulation (EU) No 2019/1020
(COM(2020)0798 – C9-0400/2020 – (2020/0353(COD)))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2020)0798),
 - having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0400/2020),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of ... ,
 - having regard to the opinion of the Committee of the Regions of ... ,
 - having regard to the opinion of the Court of Justice of ...
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Industry, Research and Energy, the Committee on the Internal Market and Consumer Protection and the Committee on Transport and Tourism,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A9-0000/2020),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

**Proposal for a regulation
Recital 10 a (new)**

Text proposed by the Commission

Amendment

(10a) The main aim of this Regulation is to update Union legislation on the management of battery waste in order, on the one hand, to ensure the functioning of the internal market and, on the other, to lay down 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. Improving resource efficiency can contribute to reducing the Union's dependence on imports of raw materials and facilitate the transition to a circular economy. This transition should contribute to reaching the Union's climate objectives, in particular that of achieving climate neutrality by 2050 at the latest, while creating 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.

Or. en

Amendment 2

Proposal for a regulation

Recital 12

Text proposed by the Commission

Amendment

(12) Within the Regulation's wide scope, it is appropriate to distinguish between different categories of batteries in accordance with their design and use, independent of the battery chemistry. The classification into portable batteries, on one hand, and industrial batteries and automotive batteries on the other hand

(12) Within the Regulation's wide scope, it is appropriate to distinguish between different categories of batteries in accordance with their design and use, independent of the battery chemistry. The classification into portable batteries, on 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 in 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 category of electric vehicle batteries. Batteries used for traction in other transport vehicles including rail, waterborne and aviation transport, continue to fall under the category of industrial batteries under this Regulation. The industrial battery type encompasses a broad group of batteries, intended to be used for industrial activities, communication infrastructure, agricultural activities or generation and distribution of electric energy. In addition to this non exhaustive list of examples, any battery that is neither a portable battery nor an automotive battery nor an electric vehicle battery should be considered an industrial battery. Batteries used for energy storage in private or domestic environments are considered industrial batteries for the purposes of this **Regulation**. **Furthermore, in order to ensure that all batteries used in light means of transport, such as ebikes and scooters, are classified as portable batteries, it is necessary to clarify the definition of portable batteries and to introduce a weight limit for such batteries.**

under Directive 2006/66/EC should be further developed to better reflect new developments **and market spread** in the use of batteries. Batteries that are used for traction in electric vehicles and which under Directive 2006/66/EC fall in 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 category of electric vehicle batteries. Batteries used for traction in other transport vehicles including rail, waterborne and aviation transport, continue to fall under the category of industrial batteries under this Regulation. **Batteries used for traction in light means of transport, such as e-bikes and e-scooters, were not clearly classified as batteries under Directive 2006/66/EC, and constitute a significant part of the market due to their growing use in urban sustainable mobility. It is therefore appropriate to classify those batteries that are used for traction in light means of transport as a new category of batteries, namely light means of transport batteries.** The industrial battery type encompasses a broad group of batteries, intended to be used for industrial activities, communication infrastructure, agricultural activities or generation and distribution of electric energy. In addition to this non exhaustive list of examples, any battery that is neither a portable battery nor an automotive battery, **nor a light means of transport battery** nor an electric vehicle battery should be considered an industrial battery. Batteries used for energy storage in private or domestic environments are considered industrial batteries for the purposes of this **Regulation**.

Or. en

Amendment 3

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) The expected massive deployment of batteries in sectors like mobility and energy storage should reduce carbon emissions, but to maximise this potential it is necessary that their overall life cycle has a low carbon footprint. According to the Product Environmental Footprint Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications³¹, climate change is the second highest related impact category for batteries after *the* use of minerals and metals. The technical documentation for *rechargeable* industrial batteries and electric vehicle batteries with *internal storage and a capacity* above 2 kWh placed on the Union market should therefore be accompanied by a carbon footprint declaration, *which should be specific, if necessary, per manufacturing batch. Batteries are manufactured in batches, made in specific amounts within certain timeframes*. Harmonising the technical rules for calculating the carbon footprint for all *rechargeable* industrial batteries and electric vehicle batteries with *internal storage with a capacity* above 2 kWh placed on the Union market is a prerequisite for introducing a requirement for the technical documentation of the batteries to include a carbon footprint declaration and subsequently establishing carbon footprint performance classes that will allow identifying the batteries with overall lower carbon footprints. Information and clear labelling requirements on batteries' carbon footprint 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

Amendment

(18) The expected massive deployment of batteries in sectors like mobility and energy storage should reduce carbon emissions, but to maximise this potential it is necessary that their overall life cycle has a low carbon footprint. According to the Product Environmental Footprint Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications³¹, *greenhouse gas emissions exacerbating* climate change is the second highest related impact category for batteries after *mining and* use of minerals and metals. The technical documentation for industrial *batteries, light means of transport* batteries and electric vehicle batteries with *nominal energy* above 2 kWh 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 industrial *batteries, light means of transport* batteries and electric vehicle batteries with *a nominal energy* above 2 kWh placed on the Union market is a prerequisite for introducing a requirement for the technical documentation of the batteries to include a carbon footprint declaration and subsequently establishing carbon footprint performance classes that will allow identifying the batteries with overall lower carbon footprints. Information and clear labelling requirements on batteries' carbon footprint 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 change³². Therefore, maximum carbon thresholds will be introduced, further to a

agreed objectives on climate change³². Therefore, maximum carbon thresholds will be introduced, further to a dedicated impact assessment to determine those values. In proposing the level of the maximum carbon footprint threshold, the Commission will, inter alia, take into account the relative 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. In order to bring about transparency on the batteries' carbon footprint, and shift the Union market towards lower carbon batteries, 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 **objective** of reaching climate neutrality by 2050. This may also enable other policies at Union and national level, such as incentives or green public procurement criteria, fostering the production of batteries with lower environmental impacts.

³¹ Product Environmental Footprint - Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications
https://ec.europa.eu/environment/eussd/sm_gp/pdf/PEFCR_Batteries.pdf

³² Paris agreement (OJ L 282, 19.10.2016, p. 4) and the United Nations Framework Convention on Climate Change, available at
<https://unfccc.int/resource/docs/convkp/conveg.pdf>

dedicated impact assessment to determine those values. In proposing the level of the maximum carbon footprint threshold, the Commission will, inter alia, take into account the relative 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 lower carbon batteries, 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 may also enable other policies at Union and national level, such as incentives or green public procurement criteria, fostering the production of batteries with lower environmental impacts.

³¹ Product Environmental Footprint - Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications
https://ec.europa.eu/environment/eussd/sm_gp/pdf/PEFCR_Batteries.pdf

³² Paris agreement (OJ L 282, 19.10.2016, p. 4) and the United Nations Framework Convention on Climate Change, available at
<https://unfccc.int/resource/docs/convkp/conveg.pdf>

Or. en

Amendment 4

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) Certain substances contained 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. ***This is an area where*** Europe 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.

Amendment

(19) Certain substances contained 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 Union's Industrial Strategy,*** Europe needs to enhance its strategic autonomy, ***including facilitating investments in factories that will produce batteries on a massive scale,*** 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.

Or. en

Amendment 5

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) In order to take into account the risk of supply of cobalt, lead, lithium and nickel and to assess their availability, ***the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union 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.

Amendment

(21) In order to take into account the risk of supply of cobalt, lead, lithium and nickel and to assess their availability, ***and in view of technical and scientific progress,*** the Commission ***should assess whether it is appropriate to revise*** the targets for the minimum share of recycled cobalt, lead, lithium or nickel present in active materials in batteries ***and, where appropriate, submit a legislative proposal for that purpose.***

Amendment 6

Proposal for a regulation Recital 21 a (new)

Text proposed by the Commission

Amendment

(21a) In order to take into account changes in battery technologies impacting the types of materials that can be recovered, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of including additional raw materials and respective targets in the list of minimum shares of recycled content present in active materials in batteries.

Or. en

Amendment 7

Proposal for a regulation Recital 22

Text proposed by the Commission

Amendment

(22) In order to ensure uniform conditions for the ***implementation of the rules on calculating and verifying, per battery model and batch per manufacturing plant, the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in batteries and the information requirements for*** technical documentation, implementing powers should be conferred on the Commission.

(22) In order to ensure uniform conditions ***across the Union*** for the ***declaration on*** recovered materials that is ***to be provided by means of a harmonised format and for*** the technical documentation, implementing powers should be conferred on the Commission.

Or. en

Amendment 8

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) Batteries placed on the Union market should be durable and highly performant. It is therefore necessary to set out performance and durability parameters for portable batteries *of general use* as well as for *rechargeable* industrial batteries and electric vehicle batteries. For electric vehicle batteries, the informal UNECE Working Group on Electric Vehicles and the Environment is developing in-vehicle durability requirements, so this Regulation *is refraining from setting additional durability requirements*. On the other hand, in the area of batteries for energy storage, existing measurement methods to test battery performance and durability are not considered 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.

Amendment

(23) Batteries placed on the Union market should be durable and highly performant. It is therefore necessary to set out performance and durability parameters for portable batteries as well as for industrial *batteries, light means of transport* batteries and electric vehicle batteries. For electric vehicle batteries, the informal UNECE Working Group on Electric Vehicles and the Environment is developing in-vehicle durability requirements, so this Regulation *should be aligned with its conclusions*. On the other hand, in the area of batteries for energy storage, existing measurement methods to test battery performance and durability are not considered 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. *Without prejudice to safety and intellectual property requirements, the main components of batteries, such as cell packs, casing and the mainboard, should be available for the expected lifetime of the battery as spare parts.*

Or. en

Amendment 9

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) Some non-rechargeable batteries of general use may imply an inefficient 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.

Amendment

(25) Some non-rechargeable batteries of general use may imply an inefficient 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. ***The Commission should assess for specific product groups that use non-rechargeable batteries*** based on a life cycle assessment, ***whether*** the alternative use of rechargeable batteries would result in overall environmental benefits. ***It should be possible to complement the requirements of this Regulation with requirements laid down by implementing measures under Directive 2009/125/EC of the European Parliament and of the Council for particular products powered by batteries.***

Or. en

Amendment 10

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) In order to ensure that portable batteries incorporated into appliances are subject to proper separate collection, treatment and high quality recycling once they have become waste, provisions to ensure their removability and replaceability in such appliances are necessary. Used batteries should also be replaceable so as to prolong the expected lifetime of the appliances they are part of. The general provisions of this Regulation may be complemented with requirements set up for particular products powered by batteries

Amendment

(26) In order to ensure that portable batteries incorporated into appliances are subject to proper separate collection, treatment and high quality recycling once they have become waste, provisions to ensure their removability and replaceability in such appliances are necessary. ***The same rules should apply to light means of transport batteries.*** Used batteries should also be replaceable so as to prolong the expected lifetime of the appliances they are part of. The general provisions of this Regulation may be complemented with

under implementing measures under Directive 2009/125/EC of the European Parliament and of the Council³³. Where other Union legislation lays down more specific requirements, for safety reasons, regarding the removal of batteries from products (e.g. toys), those specific rules should apply.

requirements set up for particular products powered by batteries under implementing measures under Directive 2009/125/EC of the European Parliament and of the Council³³. Where other Union legislation lays down more specific requirements, for safety reasons, regarding the removal of batteries from products (e.g. toys), those specific rules should apply. ***Provisions should also be laid down to ensure the removability and replaceability of light means of transport batteries, industrial batteries, automotive batteries and electric vehicle batteries, while taking into consideration their differing nature and specific safety requirements.***

³³ 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).

³³ 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).

Or. en

Amendment 11

Proposal for a regulation Recital 27

Text proposed by the Commission

(27) Reliable batteries are fundamental for the operation and safety of many products, appliances and services. Therefore, batteries should be designed and manufactured to ensure their safe operation and use. This aspect is particularly relevant for stationary battery energy storage systems, which are currently not covered by other Union legislation. Parameters to be considered in safety tests should therefore be laid down for those ***energy storage systems***.

Amendment

(27) Reliable batteries are fundamental for the operation and safety of many products, appliances and services. Therefore, batteries should be designed and manufactured to ensure their safe operation and use, ***in order not to cause harm or damage to humans or to the environment or property***. This aspect is particularly relevant for ***batteries within*** stationary battery energy storage systems, which are currently not covered by other Union legislation. Parameters to be considered in safety tests should therefore be laid down

for those **batteries and be complemented by applicable CEN, CENELEC and IEC standards.**

Or. en

Amendment 12

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) In order to provide end users with transparent, reliable and clear information about batteries and their main characteristics, and waste batteries, to enable the end users to make informed decisions when buying and discarding batteries and to enable waste operators to appropriately treat waste batteries, batteries should be labelled. Batteries should be labelled with all the necessary information concerning their main characteristics, including their capacity and content of certain hazardous substances. To ensure the availability of information over time, that information should also be made available by means of QR codes.

Amendment

(28) In order to provide end users with transparent, reliable and clear information about batteries and their main characteristics, and waste batteries, to enable the end users to make informed decisions when buying and discarding batteries and to enable waste operators to appropriately treat waste batteries, batteries should be labelled. Batteries should be labelled with all the necessary information concerning their main characteristics, including their capacity and content of certain hazardous substances. To ensure the availability of information over time, that information should also be made available by means of QR codes **which should respect the guidelines of ISO IEC Standard 18004.**

Or. en

Amendment 13

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) Information about the performance of batteries is essential to ensure that end-users as consumers are well and timely informed and in particular that they have a

Amendment

(29) Information about the performance of batteries is essential to ensure that end-users as consumers are well and timely informed and in particular that they have a

common basis to compare different batteries before making their purchase. Therefore, portable batteries *of general use* and automotive batteries should be marked with a label containing the information on their minimum average duration when used in specific applications. Additionally, it is important to guide the end-user to discard waste batteries in an appropriate way.

common basis to compare different batteries before making their purchase. Therefore, portable batteries, *light means of transport batteries* and automotive batteries should be marked with a label containing the information on their minimum average duration when used in specific applications. Additionally, it is important to guide the end-user to discard waste batteries in an appropriate way.

Or. en

Amendment 14

Proposal for a regulation Recital 30

Text proposed by the Commission

(30) **Rechargeable industrial** batteries and electric-vehicle batteries with **internal storage with a capacity** above 2 kWh should contain a battery management system that stores data so that the state of health and expected lifetime of batteries may be determined at any time by the end-user or any other third party acting on his behalf. In order to **repurpose or remanufacture** a battery, access to the battery management system should be provided to the person that has purchased the battery or any third party acting on its behalf at any time for evaluating the residual value of the battery, facilitating the reuse, repurposing or remanufacturing of the battery and for making the battery available to independent aggregators, as defined in Directive (EU) 201/944 of the European Parliament and of the Council³⁴, which operate virtual power plants in electricity grids. This requirement should apply in addition to Union law on type of approval of vehicles, including technical specifications that may originate from the work of the informal UNECE Working Group on Electric Vehicles and the

Amendment

(30) Batteries **within stationary battery energy storage systems** and electric-vehicle batteries with **nominal energy** above 2 kWh should contain a battery management system that stores data so that the state of health, **safety** and expected lifetime of batteries may be determined at any time by the end-user or any other third party acting on his behalf. In order to **facilitate the reuse, repurposing or remanufacturing of** a battery, access to the battery management system should be provided to the person that has purchased the battery or any third party acting on its behalf at any time for evaluating the residual value of the battery, facilitating the **preparation for reuse, reuse, preparation for repurposing**, repurposing or remanufacturing of the battery and for making the battery available to independent aggregators, as defined in Directive (EU) 201/944 of the European Parliament and of the Council³⁴, which operate virtual power plants in electricity grids. This requirement should apply in addition to Union law on type of approval of vehicles, including technical

Environment on data access in electric vehicles.

specifications that may originate from the work of the informal UNECE Working Group on Electric Vehicles and the Environment on data access in electric vehicles.

³⁴ 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)

³⁴ 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)

Or. en

Amendment 15

Proposal for a regulation Recital 50 a (new)

Text proposed by the Commission

Amendment

(50a) Provisions should therefore be laid down that require importers to make sure that the batteries they place on the market and put into service comply with the requirements of this Regulation.

Or. en

Amendment 16

Proposal for a regulation Recital 51

Text proposed by the Commission

Amendment

(51) In order to facilitate communication between economic operators, market surveillance authorities and consumers, economic operators should, as part of their contact details, indicate a website address ***in addition to the postal address.***

(51) In order to facilitate communication between economic operators, market surveillance authorities and consumers, economic operators should, as part of their contact details, indicate ***telephone number, postal address, email and*** a website address.

Amendment 17**Proposal for a regulation****Recital 52***Text proposed by the Commission*

(52) It is necessary to ensure that batteries from third countries entering the Union market comply with the requirements of this Regulation, whether imported as self-standing batteries or contained in 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.

Amendment

(52) It is necessary to ensure that batteries from third countries entering the Union market comply with the requirements of this Regulation ***and with relevant Union environment and social legislation***, whether imported as self-standing batteries or contained in 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.

Amendment 18**Proposal for a regulation****Recital 62***Text proposed by the Commission*

(62) In the Union, general requirements on due diligence in relation to certain minerals and metals were introduced by Regulation (EU) No 2017/821 of the European Parliament and of the Council³⁹. That Regulation does not, however, address the minerals and materials used for

Amendment

(62) ***The United Nations Guiding Principles on Business and Human Rights stipulate that economic operators should carry out due diligence as a means of meeting their corporate responsibility with respect to human rights.*** In the Union, general requirements on due

battery production.

diligence in relation to certain minerals and metals were introduced by Regulation (EU) No 2017/821 of the European Parliament and of the Council³⁹. That Regulation does not, however, address the minerals and materials used for battery production.

³⁹ 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)

³⁹ 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)

Or. en

Amendment 19

Proposal for a regulation Recital 63

Text proposed by the Commission

(63) Therefore, in view of the expected exponential growth in battery demand in the EU, ***the economic operator that places a battery on the EU market should set up a supply chain due diligence policy. The requirements therefore*** should be laid down, with the objective to address the social and environmental risks inherent in the extraction, processing and trading of certain raw materials for battery manufacturing purposes.

Amendment

(63) ***The corporate responsibility to respect human rights, social rights, human health and the environment should apply to all operations throughout the entire value chain.*** Therefore, in view of the expected exponential growth in battery demand in the EU ***and the fact that certain raw materials used in battery manufacturing carry particular risks, certain requirements for the*** due diligence ***process*** should be laid down, with the objective to address the social, ***human rights*** and environmental risks inherent in the extraction, processing and trading of certain raw materials for battery manufacturing purposes.

Or. en

Amendment 20

Proposal for a regulation Recital 64

Text proposed by the Commission

(64) When putting in place a risk-based due diligence **policy**, it should be based on internationally recognised due diligence principles in the Ten Principles of the United Nations Global Compact⁴⁰, the Guidelines for Social Life Cycle Assessment of Products⁴¹, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy⁴², and the OECD Due Diligence Guidance for Responsible Business Conduct (RBC)⁴³, which reflect a common understanding amongst governments and stakeholders, and should be tailored to the specific context and circumstances of each economic operator. 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 Areas⁴⁴ ('OECD Due Diligence Guidance') represents a long-standing effort by governments and stakeholders to establish good practice in this area.

⁴⁰ The Ten Principles of the UN Global Compact, available at <https://www.unglobalcompact.org/what-is-gc/mission/principles>

⁴¹ UNEP Guidelines for social life cycle assessment of products, available at <https://www.lifecycleinitiative.org/wp->

Amendment

(64) When putting in place a risk-based due diligence **process**, it should be based on internationally recognised due diligence **standards and** principles in **the United Nations Guiding Principles on Business and Human Rights**, the Ten Principles of the United Nations Global Compact¹⁹, the Guidelines for Social Life Cycle Assessment of Products⁴¹, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy⁴², **the OECD Guidelines for Multinational Enterprises** and the OECD Due Diligence Guidance for Responsible Business Conduct (RBC)⁴³, which reflect a common understanding amongst governments and stakeholders, and should be tailored to the specific context and circumstances of each economic operator. 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 Areas⁴⁴ ('OECD Due Diligence Guidance') represents **an internationally acknowledged standard addressing specific risks of gross human rights violations related to the sourcing and trading of certain raw materials in the context of conflict**, and a long-standing effort by governments and stakeholders to establish good practice in this area.

⁴⁰ The Ten Principles of the UN Global Compact, available at <https://www.unglobalcompact.org/what-is-gc/mission/principles>

⁴¹ UNEP Guidelines for social life cycle assessment of products, available at <https://www.lifecycleinitiative.org/wp->

content/uploads/2012/12/2009%20-%20Guidelines%20for%20sLCA%20-%20EN.pdf

⁴² Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, available at https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf

⁴³ OECD (2018), OECD Due Diligence Guidance for Responsible Business Conduct, available at <http://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf>

⁴⁴ OECD (2016), OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas: Third Edition, OECD Publishing, Paris, <https://doi.org/10.1787/9789264252479-en>.

content/uploads/2012/12/2009%20-%20Guidelines%20for%20sLCA%20-%20EN.pdf

⁴² Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, available at https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf

⁴³ OECD (2018), OECD Due Diligence Guidance for Responsible Business Conduct, available at <http://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf>

⁴⁴ OECD (2016), OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas: Third Edition, OECD Publishing, Paris, <https://doi.org/10.1787/9789264252479-en>.

Or. en

Amendment 21

Proposal for a regulation Recital 65

Text proposed by the Commission

(65) According to the OECD ***Due Diligence Guidance***⁴⁵, due diligence is an on-going, proactive and reactive process through which companies can ensure that they respect human rights and do not contribute to conflict⁴⁶. Risk-based due diligence refers to the steps companies should take to identify ***and address actual or potential risks in order to*** prevent ***or*** mitigate adverse impacts associated with their activities or sourcing decisions. A company can assess risk posed by its activities and relationships and adopt risk mitigating measures in line with relevant

Amendment

(65) According to the OECD ***standards***, due diligence is an on-going, proactive and reactive process through which companies can ensure that they respect human rights, ***the environment and*** do not contribute to conflict⁴⁶. Risk-based due diligence refers to the steps companies should take to identify, ***cease***, prevent ***and*** mitigate adverse impacts associated with their activities or sourcing decisions. A company can assess risk posed by its activities and relationships and adopt risk mitigating measures in line with relevant standards provided under national and

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 to the size of the company's activities or supply chain relationships.

⁴⁵ ***Page 15 of the OECD Due Diligence Guidance.***

⁴⁶ OECD (2011), OECD Guidelines for Multinational Enterprises, OECD, Paris; OECD (2006), OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, OECD, Paris; and, Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and other Business Enterprises, John Ruggie, A/HRC/17/31, 21 March 2011).

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 to the size of the company's activities or supply chain relationships.

⁴⁶ OECD (2011), OECD Guidelines for Multinational Enterprises, OECD, Paris; OECD (2006), OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, OECD, Paris; and, Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (Report of the Special Representative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and other Business Enterprises, John Ruggie, A/HRC/17/31, 21 March 2011).

Or. en

Amendment 22

Proposal for a regulation Recital 65 a (new)

Text proposed by the Commission

Amendment

(65a) While private sector chain due diligence schemes can support economic operators in their due diligence, economic operators should be individually responsible for compliance with the due diligence obligations set out in this Regulation

Amendment 23

Proposal for a regulation

Recital 67

Text proposed by the Commission

(67) As regards the social risk categories, due diligence policies should address the risks in the battery supply chain in relation to the protection of human rights, including human health, protection of children and gender equality, in line with international human rights law⁴⁷. The 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 with the operator's business structure to fight corruption and bribery. The due diligence policies should also ensure correct implementation of the rules of fundamental conventions of the International Labour Organisation⁴⁸ as listed in Annex I of the ILO Tripartite Declaration.

⁴⁷ Including The Universal Declaration of Human Rights, The International Covenant on Economic, Social and Cultural Rights, The International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

⁴⁸ The eight fundamental Conventions are 1. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2. Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 3. Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol), 4.

Amendment

(67) As regards the social risk categories, due diligence policies should address the risks in the battery supply chain in relation to the protection of human rights, including human health, ***the rights of indigenous people***, the protection of children and gender equality, in line with international human rights law⁴⁷. The 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 with the operator's business structure to fight corruption and bribery. The due diligence policies should also ensure correct implementation of the rules of fundamental conventions of the International Labour Organisation⁴⁸ as listed in Annex I of the ILO Tripartite Declaration.

⁴⁷ Including The Universal Declaration of Human Rights, The International Covenant on Economic, Social and Cultural Rights, The International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

⁴⁸ The eight fundamental Conventions are 1. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2. Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 3. Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol), 4.

Abolition of Forced Labour Convention, 1957 (No. 105), 5. Minimum Age Convention, 1973 (No. 138), 6. Worst Forms of Child Labour Convention, 1999 (No. 182), 7. Equal Remuneration Convention, 1951 (No. 100), 8. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Abolition of Forced Labour Convention, 1957 (No. 105), 5. Minimum Age Convention, 1973 (No. 138), 6. Worst Forms of Child Labour Convention, 1999 (No. 182), 7. Equal Remuneration Convention, 1951 (No. 100), 8. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Or. en

Amendment 24

Proposal for a regulation

Recital 68

Text proposed by the Commission

(68) As regards the environmental risk categories, the due diligence policies should address the risks in the battery supply chain in relation to protection of the natural environment and of the biological diversity in line with the Convention on Biological Diversity⁴⁹, which includes also the consideration of local communities, and the protection and the development of those communities.

⁴⁹ Such as set out in the Convention on biological diversity, available at <https://www.cbd.int/convention/text/> and, in particular, Decision COP VIII/28 “Voluntary guidelines on Biodiversity-Inclusive impact assessment, available at <https://www.cbd.int/decision/cop/?id=11042>.

Amendment

(68) As regards the environmental risk categories, the due diligence policies should address the risks in the battery supply chain in relation to protection of the natural environment and of the biological diversity in line with the Convention on Biological Diversity⁴⁹, which includes also the consideration of local communities, and the protection and the development of those communities. ***It should also address the risks in relation to climate change, in line with the Paris agreement and its goal to limit global warming to below 1.5 degrees Celsius, compared to pre-industrial levels.***

⁴⁹ Such as set out in the Convention on biological diversity, available at <https://www.cbd.int/convention/text/> and, in particular, Decision COP VIII/28 “Voluntary guidelines on Biodiversity-Inclusive impact assessment, available at <https://www.cbd.int/decision/cop/?id=11042>.

Or. en

Amendment 25

Proposal for a regulation Recital 72

Text proposed by the Commission

(72) 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. Maximising separate collection of waste batteries and ensuring that all batteries collected are recycled through processes that reach common minimum recycling efficiencies is necessary to attain a high level of material recovery. The evaluation of the Directive 2006/66/EC found that one of its shortcomings is lack of detail in its provisions, 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 should avoid distortion of the market for the collection, treatment and recycling of waste batteries, ensure even implementation of the requirements across the Union, further harmonisation of the quality of waste management services provided by economic operators and facilitate the markets of secondary raw materials.

Amendment

(72) 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 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 battery waste and the adverse impacts linked to the management of battery waste.*** Maximising separate collection of waste batteries and ensuring that all batteries collected are recycled through processes that reach common minimum recycling efficiencies is necessary to attain a high level of material recovery. The evaluation of the Directive 2006/66/EC found that one of its shortcomings is lack of detail in its provisions, 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 should avoid distortion of the market for the collection, treatment and recycling of waste batteries, ensure even implementation of the requirements across the Union, further harmonisation of the quality of waste management services provided by economic operators and facilitate the markets of secondary raw materials.

Or. en

Amendment 26

Proposal for a regulation Recital 73

Text proposed by the Commission

(73) 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 Council⁵⁰, which should be adapted to reflect the specific *situation of batteries*. For the collection of waste batteries to be organised in the most effective way, it is important that this is done in close connection to the place where the batteries are sold in a Member State, and close to the end user. Also, waste batteries may 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 Council⁵¹, and of Directive 2000/53/EC. While the current Regulation 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 realise 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.

⁵⁰ 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).

Amendment

(73) 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 Council⁵⁰, which should be adapted to reflect the specific *nature of battery waste*. For the collection of waste batteries to be organised in the most effective way, it is important that this is done in close connection to the place where the batteries are sold in a Member State, and close 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, waste batteries may 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 Council⁵¹, and of Directive 2000/53/EC. While the current Regulation 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 realise 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.

⁵⁰ 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).

⁵¹ 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).

⁵¹ 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).

Or. en

Amendment 27

Proposal for a regulation

Recital 76

Text proposed by the Commission

(76) 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, for reporting on batteries and waste batteries and for **the provision of information to end-users and waste operators about batteries and appropriate re-use and management of** waste batteries. 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 up the responsibility on their behalf. Producers or producer responsibility organisations should be subject to authorisation and they should document that they have the financial means to cover the costs entailed by the extended producer responsibility. **Where necessary to avoid distortion of the internal market and 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.**

Amendment

(76) Producers should have extended producer responsibility for the management of their batteries at the end-of-life stage. ***It should consist of a set of rules defining specific operational and financial obligations for producers of products in which the producer's responsibility is extended to the post-consumer stage of a product's life cycle.*** Accordingly, they should finance ***at least the costs referred to in point (a) of paragraph 4 of Article 8a of Directive 2008/98/EC, including*** the costs of ***organising the separate collection, preparation for repurposing and remanufacturing, treatment, preparation for reuse*** and recycling ***of waste*** batteries, for reporting on batteries and waste batteries and for ***awareness campaigns to encourage*** end-users ***to discard*** waste batteries ***in an appropriate manner***. The obligations related to extended producer responsibility should apply to all forms of supply, including distance ***and online*** selling. Producers should be able to exercise those obligations collectively, by means of producer responsibility organisations taking up the responsibility on their behalf. Producers or producer responsibility organisations should be subject to authorisation and they should document that they have the financial

means to cover the costs entailed by the extended producer responsibility.

Or. en

Amendment 28

Proposal for a regulation Recital 76 a (new)

Text proposed by the Commission

Amendment

(76a) Introducing producer responsibility requirements should contribute to reducing costs and boosting performance, as well as ensure a level playing field, including for small and medium-sized enterprises and e-commerce enterprises, and avoid obstacles to the smooth functioning of the internal market. They should also contribute to the incorporation of end-of-life costs into product prices and provide incentives for producers to comply with sustainability provisions when designing their products. Overall, such requirements should improve the governance and transparency of extended producer responsibility schemes and reduce the possibility of conflicts of interest emerging between extended producer responsibility organisations and waste operators they contract. The requirements should apply to both new and existing extended producer responsibility schemes.

Or. en

Amendment 29

Proposal for a regulation Recital 77

Text proposed by the Commission

(77) This Regulation should regulate the extended producer responsibility for batteries exhaustively and therefore the rules laid down on extended producer responsibility schemes in Directive 2008/98/EC **should not apply to batteries**.

Amendment

(77) This Regulation should regulate the extended producer responsibility for batteries exhaustively and **should** therefore **be considered to supplement** the rules laid down on extended producer responsibility schemes in Directive 2008/98/EC **and which should accordingly be understood to be minimum requirements**.

Or. en

Amendment 30

Proposal for a regulation Recital 78

Text proposed by the Commission

(78) In order to ensure high quality recycling in the batteries supply chains, boost the uptake of quality secondary raw materials and protect the environment, a high level of collection and recycling of waste batteries should be the rule. The collection of waste batteries is a fundamental crucial step for closing the loop for the valuable materials contained in batteries through their recycling and to keep the batteries value chain inside the Union, **thus** facilitating the access to the recovered materials that can further be used to manufacture new products.

Amendment

(78) In order to ensure high quality recycling in the batteries supply chains, boost the uptake of quality secondary raw materials, and protect the environment, a high level of collection and recycling of waste batteries should be the rule. The collection of waste batteries is a fundamental crucial step for closing the loop for the valuable materials contained in batteries through their recycling and to keep the batteries value chain inside the Union **and boost its strategic autonomy in this sector**, facilitating the access to the recovered materials that can further be used to manufacture new products. **Appropriate measures regarding the collection, treatment, preparation for reuse, preparation for repurposing and recycling of waste batteries should be included in national waste management plans. Member States' waste management plans should therefore be updated on the basis of the provisions laid down in this Regulation.**

Or. en

Amendment 31

Proposal for a regulation Recital 79

Text proposed by the Commission

(79) Producers of all batteries should be responsible for financing and organising the separate collection of waste batteries. They should do so by establishing a collection network that covers the whole territory of the Member States, that is close to the end user and that does not only target areas and batteries where the collection is profitable. The collection network should include any distributor, authorised treatment facility for waste electric and electronic equipment and end-of-life vehicles, civic amenity sites and other actors based on their own accord, such as public authorities and schools. In order to verify and improve the effectiveness of the collection network and the information campaigns, regular compositional surveys at least at NUTS 2 level⁵³ should be carried out on mixed municipal waste and waste electrical and electronic equipment collected to determine the amount of waste portable batteries therein.

⁵³ 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).

Amendment

(79) Producers of all batteries should be responsible for **financing and/or** financing and organising the separate collection of waste batteries. They should do so by establishing a **take back and** collection network that covers the whole territory of the Member States, that is close to the end user and that does not only target areas and batteries where the collection is profitable. The collection network should include any distributor, authorised treatment facility for waste electric and electronic equipment and end-of-life vehicles, civic amenity sites and other actors based on their own accord, such as public authorities and schools. In order to verify and improve the effectiveness of the collection network and the information campaigns, regular compositional surveys at least at NUTS 2 level⁵³ should be carried out on mixed municipal waste and waste electrical and electronic equipment collected to determine the amount of waste portable batteries therein.

⁵³ 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).

Or. en

Amendment 32

Proposal for a regulation Recital 81

Text proposed by the Commission

(81) Considering the environmental impact and the loss of materials due to waste batteries not being separately collected, and consequently not treated in an environmentally sound way, the collection target for portable batteries already established under Directive 2006/66/EC should continue to apply and should be gradually increased. ***This Regulation entails that portable batteries also include batteries powering light means of transport. Since the current increase in sales of this type of batteries makes it difficult to calculate the amount of them that are placed in the market and collected at the end of their life, these portable batteries should be excluded from the current collection rate for portable batteries. This exclusion is to be reviewed along with the collection target for waste portable batteries, which may also address changes in the methodology to calculate the collection rate for portable batteries. The Commission shall prepare a report to underpin these reviews.***

Amendment

(81) Considering the environmental impact and the loss of materials due to waste batteries not being separately collected, and consequently not treated in an environmentally sound way, the collection target for portable batteries already established under Directive 2006/66/EC should continue to apply and should be gradually increased.

Or. en

Amendment 33

Proposal for a regulation Recital 84

Text proposed by the Commission

(84) In view of the waste hierarchy as established by Article 4 of Directive 2008/98/EC which prioritises prevention, preparing for reuse and recycling and in

Amendment

(84) In view of the waste hierarchy as established by Article 4 of Directive 2008/98/EC which prioritises prevention, preparing for reuse and recycling and in

line with Article 11(4) of Directive 2008/98/EC and Article 5(3)(f) of Directive 1999/31/EC⁵⁴, batteries collected should not be *incinerated or disposed of in landfill*.

⁵⁴ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p.1).

line with Article 11(4) of Directive 2008/98/EC and Article 5(3)(f) of Directive 1999/31/EC⁵⁴, batteries collected should not be *subject to waste-to-energy or to disposal operations*.

⁵⁴ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p.1).

Or. en

Amendment 34

Proposal for a regulation

Recital 87

Text proposed by the Commission

(87) It should only be possible to carry out treatment and recycling outside the Member State concerned 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 Council⁵⁸ and Commission Regulation (EC) No 1418/2007⁵⁹ and where the treatment and recycling activities meet the requirements applicable for this type of wastes, according to their classification in Commission Decision 2000/532/EC, as amended.⁶⁰ That Decision, as amended, should be revised to reflect all battery chemistries. Where such treatment or recycling takes places outside the Union, in order to be counted towards the recycling efficiencies and targets, the operator for whose account it is carried out should be obliged to report on it to the competent authority of the respective Member State and to prove that the treatment is carried out in conditions equivalent to those under this Regulation. In order to lay down what are the requirements for such treatment to be considered equivalent, the power to

Amendment

(87) It should only be possible to carry out treatment and recycling outside the Member State concerned 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 Council⁵⁸ and Commission Regulation (EC) No 1418/2007⁵⁹ and where the treatment and recycling activities meet the requirements applicable for this type of wastes, according to their classification in Commission Decision 2000/532/EC, as amended⁶⁰ ***namely including codes for lithium-ion waste batteries, in order to make proper sorting and reporting of lithium-ion waste batteries possible.*** That Decision, as amended, should be revised to reflect all battery chemistries. Where such treatment or recycling takes places outside the Union, in order to be counted towards the recycling efficiencies and targets, the operator for whose account it is carried out should be obliged to report on it to the competent authority of the respective Member State and to prove that the treatment is carried out in conditions

adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of laying down detailed rules containing criteria for the assessment of equivalent conditions.

equivalent to those under this Regulation. 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 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of laying down detailed rules containing criteria for the assessment of equivalent conditions.

⁵⁸ 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).

⁵⁸ 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).

⁵⁹ 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).

⁵⁹ 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).

⁶⁰ 2000/532/EC: Commission Decision 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.

⁶⁰ 2000/532/EC: Commission Decision 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.

Or. en

Amendment 35

Proposal for a regulation Recital 87 a (new)

Text proposed by the Commission

Amendment

(87a) In the event waste batteries are

exported from the Union for preparation for re-use, treatment or recycling, Member States' competent authorities should make effective use of the powers provided for in Article 50(4) of Regulation (EC)No 1013/2006 to require documentary evidence to ascertain whether a shipment is destined for recovery operations which should be in accordance with Article 49 of that Regulation and thus managed in an environmentally sound manner at a facility operating in accordance with human health and environmental protection standards that are equivalent to standards established in Union legislation. In that task, it should be possible for Member States' competent authorities to cooperate with other relevant actors, such as the competent authorities in the country of destination, independent third party verification bodies or producer responsibility organisations established under extended producer responsibility schemes, which may carry out physical and other checks of facilities in third countries. Producers should report on the measures to comply with the obligation to ensure that, outside the Union, waste is treated in broadly equivalent conditions in the quality check report accompanying the data on the attainment of the targets laid down in this Regulation.

Or. en

Amendment 36

Proposal for a regulation Recital 90

Text proposed by the Commission

(90) To enable the verification of compliance with and the effectiveness of the obligations regarding the collection and

Amendment

(90) To enable the verification of compliance with and the effectiveness of the obligations regarding the collection and

treatment of batteries, it is necessary that the respective operators report back to the competent authorities. Producers of batteries and other waste management operators collecting batteries should report for each calendar year, where applicable, the data on batteries sold and waste batteries collected. Regarding treatment and recycling, reporting obligations should be incumbent upon the waste management operators and recyclers respectively.

treatment of batteries, it is necessary that the respective operators report back to the competent authorities. Producers of batteries and other waste management operators collecting batteries should report for each calendar year, where applicable, the data on batteries sold and waste batteries collected. Regarding treatment and recycling, reporting obligations should be incumbent upon the waste management operators and recyclers respectively. ***Waste management operators carrying out 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 Articles 8 and 8a of Directive 2008/98/EC.***

Or. en

Amendment 37

Proposal for a regulation

Recital 95

Text proposed by the Commission

(95) Regulation (EU) 2019/1020 of the European Parliament and of the Council⁶² lays down rules on market surveillance and control of products entering the Union market. In order to ensure that products benefiting from the free movement of goods fulfil requirements providing a high level of protection of public interests such as human health, safety, protection of property and of the environment, that Regulation should apply to batteries covered by this Regulation. Therefore, Regulation (EU) 2019/1020 should be amended accordingly.

Amendment

(95) Regulation (EU) 2019/1020 of the European Parliament and of the Council⁶² lays down rules on market surveillance and control of products entering the Union market. In order to ensure that products benefiting from the free movement of goods fulfil requirements providing a high level of protection of public interests such as human health, safety, protection of property and of the environment, that Regulation should apply to batteries covered by this Regulation, ***including batteries produced outside the Union and that enter the Union market.*** Therefore, Regulation (EU) 2019/1020 should be amended accordingly.

⁶² 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)

⁶² 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)

Or. en

Amendment 38

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes requirements on sustainability, safety, labelling and information to allow the placing on the market or putting into service of batteries, ***as well as requirements for the collection, treatment and recycling of waste batteries.***

Amendment

1. This Regulation establishes requirements on ***environmental and social*** sustainability, safety, labelling and information to allow the placing on the market or putting into service of batteries.

Or. en

Amendment 39

Proposal for a regulation Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This Regulation lays down measures to protect the environment and human health by preventing or reducing the generation of battery waste, the adverse impacts of the generation and management of battery waste and by reducing the overall impacts of resource use and improving the efficiency of such use. Such measures are crucial for the transition to a circular economy and for guaranteeing the Union's long-term

competitiveness.

Or. en

Amendment 40

Proposal for a regulation Article 1 – paragraph 2

Text proposed by the Commission

2. This Regulation shall apply to all batteries, namely portable batteries, automotive batteries, electric vehicle batteries and industrial batteries, regardless of their shape, volume, weight, design, material composition, use or purpose. It shall also apply to batteries incorporated in or added to other products.

Amendment

2. This Regulation shall apply to all batteries, namely portable **batteries, light means of transport** batteries, automotive batteries, electric vehicle batteries and industrial batteries, regardless of their shape, volume, weight, design, material composition, use or purpose. It shall also apply to batteries incorporated in or added to other products.

Or. en

Amendment 41

Proposal for a regulation Article 2 – paragraph 1 – point 6

Text proposed by the Commission

(6) ‘battery with internal storage’ means a battery with no attached external devices to store energy;

Amendment

deleted

Or. en

Amendment 42

Proposal for a regulation Article 2 – paragraph 1 – point 7 – indent 3

Text proposed by the Commission

— is not designed for industrial ***purposes***; and

Amendment

— is not designed ***exclusively*** for industrial ***uses***; and

Or. en

Amendment 43

Proposal for a regulation

Article 2 – paragraph 1 – point 7 – indent 4

Text proposed by the Commission

— is neither an electric vehicle battery nor an automotive battery;

Amendment

— is neither an electric vehicle battery nor an automotive battery, ***nor a light means of transport battery***;

Or. en

Amendment 44

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

(8) ‘portable batteries of general use’ means portable batteries with the following common formats: 4,5 Volts (3R12), D, C, AA, AAA, AAAA, A23, 9 Volts (PP3);

Amendment

(8) ‘portable batteries of general use’ means portable batteries with the following common formats: 4,5 Volts (3R12), ***button cell*** D, C, AA, AAA, AAAA, A23, 9 Volts (PP3);

Or. en

Amendment 45

Proposal for a regulation

Article 2 – paragraph 1 – point 9

Text proposed by the Commission

(9) ‘light means of transport’ means wheeled vehicles **that have an electric motor of less than 750 watts, on which travellers are seated when the vehicle is moving and** that can be powered by the electric motor alone or by a combination of motor and human power;

Amendment

(9) ‘light means of transport **battery**’ means **any battery in** wheeled vehicles that can be powered by the electric motor alone or by a combination of motor and human power, **including vehicles of type-approved categories laid down in Regulation (EU) No 168/2013 and with a weight below 25 kg;**

Or. xm

Justification

A separate definition, based on the JRC study, has been added for ‘light means of transport’. Specific measures have been added for this new category.

Amendment 46

**Proposal for a regulation
Article 2 – paragraph 1 – point 10**

Text proposed by the Commission

(10) ‘automotive battery’ means any battery used **only** for automotive starter, lighting or ignition power;

Amendment

(10) ‘automotive battery’ means any battery used for automotive **auxiliary or back up purposes or for** starter, lighting or ignition power;

Or. en

Amendment 47

**Proposal for a regulation
Article 2 – paragraph 1 – point 11**

Text proposed by the Commission

(11) ‘industrial battery’ means any battery designed for industrial uses and any other battery excluding portable batteries, electric vehicle batteries and automotive batteries;

Amendment

(11) ‘industrial battery’ means any battery designed **exclusively** for industrial uses and any other battery excluding portable batteries, electric vehicle batteries, **light means of transport batteries** and

automotive batteries;

Or. en

Amendment 48

Proposal for a regulation

Article 2 – paragraph 1 – point 12

Text proposed by the Commission

(12) ‘electric vehicle battery’ means any battery specifically designed to provide traction *to hybrid and electric vehicles for road transport*;

Amendment

(12) electric vehicle battery’ means any battery specifically designed to provide *energy for the traction of a vehicle of category L as provided for in Regulation (EU) No 168/2013 and with a weight above 25 kg, or to a vehicle of categories M, N or O as provided for in Regulation (EU) 2018/858 of the European Parliament and of the Council¹*;

¹ *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);*

Or. xm

Justification

A weight threshold has been added to the definition to draw the distinction from ‘light means of transport batteries’, on the basis of the findings of the JRC study.

Amendment 49

Proposal for a regulation

Article 2 – paragraph 1 – point 13

Text proposed by the Commission

(13) ‘stationary battery energy storage **system**’ means a rechargeable industrial battery **with internal storage** specifically designed to store and deliver electric energy **into** the grid, regardless of where and by whom this battery is being used;

Amendment

(13) ‘**battery within** stationary battery energy storage’ means a rechargeable industrial battery specifically designed to store and deliver electric energy **when connected to** the grid, regardless of where and by whom this battery is being used;

The change should apply throughout the text.

Or. xm

Justification

This amendment makes it clear that reference is being made only to the battery in the storage system, as opposed to any other of its constituent parts.

Amendment 50

Proposal for a regulation

Article 2 – paragraph 1 – point 21

Text proposed by the Commission

(21) ‘QR code’ means a matrix **barcode** that links to information about a battery model;

Amendment

(21) ‘QR code’ means a matrix that links to information about a battery model;

Or. en

Amendment 51

Proposal for a regulation

Article 2 – paragraph 1 – point 22

Text proposed by the Commission

(22) ‘battery management system’ means an electronic device that controls or manages the electric and thermal functions of the battery, that manages and stores the data on the parameters for determining the state of health and expected lifetime of

Amendment

(22) ‘battery management system’ means an electronic device that controls or manages the electric and thermal functions of the battery **in order to influence the battery’s safety, performance and service life**, that manages and stores the data on the

batteries laid down in Annex VII and that communicates with the vehicle or appliance in which the battery is incorporated;

parameters for determining the state of health and expected lifetime of batteries laid down in Annex VII and that communicates with the vehicle or appliance in which the battery is incorporated;

Or. en

Amendment 52

Proposal for a regulation

Article 2 – paragraph 1 – point 26 a (new)

Text proposed by the Commission

Amendment

(26a) ‘preparing for repurposing’ means any operation by which parts of or a complete waste battery is prepared so that it can be used for a purpose or application different from that which the battery was originally designed for;

Or. xm

Justification

This new definition has been added to identify the repurposing operations performed on battery waste. This approach is in line with the definition of ‘preparation for reuse’ in the Waste Framework Directive.

Amendment 53

Proposal for a regulation

Article 2 – paragraph 1 – point 26 b (new)

Text proposed by the Commission

Amendment

(26b) ‘remanufacturing’ means any operation of disassembly and use of used battery packs, battery modules and/or battery cells to return a battery to a level of performance and quality equivalent to that of a new battery, for the original or a different purpose, through a set of safe

and sustainable procedures;

Or. xm

Justification

A definition of ‘remanufacturing’ is needed to distinguish this operation from others mentioned in the Regulation. A remanufacturing operation can only be performed on batteries which have not yet become waste or which have end-of-waste status.

Amendment 54

Proposal for a regulation

Article 2 – paragraph 1 – point 38

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 55

Proposal for a regulation

Article 2 – paragraph 1 – point 39

Text proposed by the Commission

(39) ‘waste battery’ means any battery **which is** waste within the meaning of Article 3(1) of Directive 2008/98/EC;

Amendment

(39) ‘waste battery’ means any battery **or battery cell component covered by the definition of** waste within the meaning of Article 3(1) of Directive 2008/98/EC;

Or. en

Amendment 56

Proposal for a regulation

Article 2 – paragraph 1 – point 40

Text proposed by the Commission

(40) ‘reuse’ means the complete or partial direct re-use of the battery for the **original** purpose the battery was designed for;

Amendment

(40) ‘reuse’ means the complete or partial direct re-use of the battery **that is not waste** for the **same** purpose the battery was designed for;

Or. xm

Justification

In line with the definition of ‘reuse’ in the Waste Framework Directive.

Amendment 57

Proposal for a regulation

Article 2 – paragraph 1 – point 42

Text proposed by the Commission

(42) ‘treatment’ means any activity carried out on waste batteries after they have been handed over to a facility for sorting or preparation for recycling;

Amendment

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

Or. en

Amendment 58

Proposal for a regulation

Article 2 – paragraph 1 – point 47

Text proposed by the Commission

(47) ‘lifetime’ of a battery means the period of time that starts when the battery is **placed on the market**, and ends when the battery becomes waste;

Amendment

(47) ‘lifetime’ of a battery means the period of time that starts when the battery is **put into service**, and ends when the battery becomes waste;

Amendment 59

Proposal for a regulation

Article 4 – title

Text proposed by the Commission

Sustainability, safety, labelling and information requirements for batteries

Amendment

Environmental and social sustainability, safety, labelling and information requirements for batteries

Or. en

Amendment 60

Proposal for a regulation

Article 4 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the due diligence requirements set out in Article 39.

Or. en

Amendment 61

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

2. For any aspects not covered by Chapters II and III, batteries shall not present a risk to human health, to safety, to property or to the environment.

Amendment

2. For any aspects not covered by Chapters II and III ***and Article 39***, batteries shall not present a risk to human health, to safety, to property or to the environment.

Or. en

Amendment 62

Proposal for a regulation Article 7 – title

Text proposed by the Commission

Carbon footprint of electric vehicle batteries and **rechargeable** industrial batteries

Amendment

Carbon footprint of electric vehicle batteries, **light means of transport** and industrial batteries **with nominal energy above 2kWH**

Or. xm

Justification

The carbon footprint requirement should apply to batteries which are similar in terms of nominal energy.

Amendment 63

Proposal for a regulation Article 7 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Electric vehicle batteries and **rechargeable** industrial batteries with **internal storage and a capacity** above 2 **kWh** shall be accompanied by technical documentation that includes, for each battery model and **batch** per manufacturing plant, a carbon footprint declaration drawn up in accordance with the delegated act referred to in the second sub-paragraph and containing, at least, the following information:

Amendment

Electric vehicle batteries, **light means of transport batteries** and industrial batteries with **nominal energy** above 2 **kWH** shall be accompanied by technical documentation that includes, for each battery model and per manufacturing plant, a carbon footprint declaration drawn up in accordance with the delegated act referred to in the second sub-paragraph and containing, at least, the following information:

Or. en

Amendment 64

Proposal for a regulation Article 7 – paragraph 1 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) information about the raw materials used, including the share of renewable content;

Or. en

Amendment 65

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The carbon footprint declaration requirement in the first subparagraph shall apply as of 1 July 2024 to electric vehicle batteries and to **rechargeable** industrial batteries.

The carbon footprint declaration requirement in the first subparagraph shall apply as of 1 July 2024 to electric vehicle batteries, **light means of transport batteries** and to industrial batteries **with nominal energy above 2kWH**.

Or. en

Amendment 66

Proposal for a regulation

Article 7 – paragraph 1 – subparagraph 4

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 73 to amend the information requirements set out in the first subparagraph.

The Commission shall be empowered to adopt delegated acts in accordance with Article 73 to amend the information requirements set out in the first subparagraph **in view of scientific and technical progress**.

Or. en

Amendment 67

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Electric vehicle batteries and **rechargeable** industrial batteries with **internal storage and a capacity** above 2 kWh shall bear a conspicuous, clearly legible and indelible label indicating the carbon footprint performance class that the individual battery corresponds to.

Amendment

Electric vehicle batteries, **light means of transport batteries** and industrial batteries with **nominal energy** above 2 kWh shall bear a conspicuous, clearly legible and indelible label indicating the carbon footprint performance class that the individual battery corresponds to.

Or. en

Amendment 68

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The carbon footprint performance class requirements in the first subparagraph shall apply as of 1 January **2026** for electric vehicle batteries and for **rechargeable** industrial batteries.

Amendment

The carbon footprint performance class requirements in the first subparagraph shall apply as of 1 January **2025** for electric vehicle batteries, **light means of transport batteries** and for industrial batteries.

Or. en

Amendment 69

Proposal for a regulation

Article 7 – paragraph 2 – subparagraph 4 – introductory part

Text proposed by the Commission

The Commission shall, no later than 31 December **2024**, adopt

Amendment

The Commission shall, no later than 31 December **2023**, adopt

Or. en

Amendment 70

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Electric vehicle batteries and **rechargeable** industrial batteries with **internal storage and a capacity** above **2 kWh** shall, for each battery model **and batch** per manufacturing plant, be accompanied by technical documentation demonstrating that the declared life cycle carbon footprint value, is below the maximum threshold established in the delegated act adopted by the Commission pursuant to the third subparagraph.

Amendment

Electric vehicle batteries, **light means of transport batteries** and industrial batteries with **nominal energy** above **2 kWh** shall, for each battery model per manufacturing plant, be accompanied by technical documentation demonstrating that the declared life cycle carbon footprint value, is below the maximum threshold established in the delegated act adopted by the Commission pursuant to the third subparagraph.

Or. en

Amendment 71

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The requirement for a maximum life cycle carbon footprint threshold in the first subparagraph shall apply as of 1 **July** 2027 for electric vehicle batteries and for **rechargeable** industrial batteries.

Amendment

The requirement for a maximum life cycle carbon footprint threshold in the first subparagraph shall apply as of 1 **January** 2027 for **all** electric vehicle batteries, **light means of transport batteries** and for industrial batteries **with nominal energy above 2 kWh**.

Or. en

Amendment 72

Proposal for a regulation

Article 7 – paragraph 3 – subparagraph 3

Text proposed by the Commission

The Commission shall, no later than 1 **July** 2026, adopt a delegated act in accordance with Article 73 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 essential elements set out in Annex II.

Amendment

The Commission shall, no later than 1 **January** 2026, adopt a delegated act in accordance with Article 73 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 essential elements set out in Annex II.

Or. en

Amendment 73

Proposal for a regulation
Article 8 – title

Text proposed by the Commission

Recycled content in industrial batteries, electric vehicle batteries and automotive batteries

Amendment

Recycled content in **portable batteries, light means of transport batteries**, industrial batteries, electric vehicle batteries and automotive batteries

Or. xm

Justification

The recycled material content requirement should be extended to all types of battery, so that more critical raw materials can be recovered and battery recycling improves.

Amendment 74

Proposal for a regulation
Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

From 1 January 2027, industrial batteries, electric vehicle batteries and automotive batteries **with internal storage and a capacity above 2 kWh** that contain cobalt,

Amendment

From 1 January 2027, **portable batteries, with the exception of portable batteries of general use, light means of transport batteries**, industrial batteries, electric

lead, lithium or nickel in active materials shall be accompanied by technical documentation containing information about the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model **and batch** per manufacturing plant.

vehicle batteries and automotive batteries that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by technical documentation containing information about the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model per manufacturing plant.

Or. en

Amendment 75

Proposal for a regulation

Article 8 – paragraph 1 – subparagraph 2

Text proposed by the Commission

By 31 December **2025**, the Commission shall adopt **an implementing act** laying down the methodology for the calculation and verification of the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in the batteries referred to in the first subparagraph **and** the format **for** the technical documentation. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).

Amendment

By 31 December **2022** the Commission shall adopt:

(a) a delegated act in accordance with Article 73 to supplement this Regulation by laying down the methodology for the calculation and verification of the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in the batteries referred to in the first subparagraph.

(b) an implementing act laying down the format **and** the technical documentation **for the declaration on recovered materials**. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).

Or. xm

Justification

A methodology for calculating the minimum recycled material content needs to be devised as soon as possible, to allow producers to adapt to the new targets in the Regulation.

Amendment 76

Proposal for a regulation

Article 8 – paragraph 2 – introductory part

Text proposed by the Commission

2. From 1 January **2030**, industrial batteries, electric vehicle batteries and automotive batteries ***with internal storage and a capacity above 2 kWh*** that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model ***and batch*** per manufacturing plant:

Amendment

2. From 1 January **2028**, ***portable batteries, with the exception of portable batteries of general use, light means of transport batteries***, industrial batteries, electric vehicle batteries and automotive batteries that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model per manufacturing plant:

Or. en

Amendment 77

Proposal for a regulation

Article 8 – paragraph 3 – introductory part

Text proposed by the Commission

3. From 1 January **2035**, industrial batteries, electric vehicle batteries and automotive batteries ***with internal storage and a capacity above 2 kWh*** that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by a technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model ***and***

Amendment

3. From 1 January **2033**, ***portable batteries, with the exception of portable batteries of general use, light means of transport batteries***, industrial batteries, electric vehicle batteries and automotive batteries that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by a technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from

batch per manufacturing plant:

waste present in active materials in each battery model per manufacturing plant:

Or. en

Amendment 78

Proposal for a regulation Article 8 – paragraph 4

Text proposed by the Commission

4. ***Where justified and appropriate*** due to the availability of cobalt, lead, lithium or nickel recovered from waste, ***or the lack thereof, the Commission shall be empowered to adopt, by 31 December 2027, a delegated act in accordance with Article 73, to amend*** the targets laid down in paragraphs 2 and 3.

Amendment

4. ***By 31 December 2027, the Commission shall assess whether,*** due to the availability of cobalt, lead, lithium or nickel recovered from waste, ***and in view of technical and scientific progress, it is appropriate to revise*** the targets laid down in paragraphs 2 and 3, ***and, where appropriate, submit a legislative proposal for that purpose.***

Or. en

Amendment 79

Proposal for a regulation Article 8 – paragraph 4 a (new)

Text proposed by the Commission

4a. ***Where justified by changes in battery technologies impacting the type of materials that can be recovered, the Commission is empowered to adopt delegated acts in accordance with Article 73, to supplement this Regulation by inserting further raw materials and targets in the list laid down in paragraphs 2 and 3.***

Or. en

Amendment 80

Proposal for a regulation Article 9 – title

Text proposed by the Commission

Performance and durability requirements for portable batteries *of general use*

Amendment

Performance and durability requirements for portable batteries

Or. xm

Justification

Performance and durability requirements are needed for all portable batteries, as these are the batteries most used by end consumers.

Amendment 81

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

1. From 1 January 2027, portable batteries *of general use* shall meet the values for the electrochemical performance and durability parameters set out in Annex III as laid down in the delegated act adopted by the Commission pursuant to paragraph 2.

Amendment

1. From 1 January 2027, portable batteries shall meet the values for the electrochemical performance and durability parameters set out in Annex III as laid down in the delegated act adopted by the Commission pursuant to paragraph 2.

Or. en

Amendment 82

Proposal for a regulation Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

By 31 December 2025, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance

Amendment

By 31 December 2025, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance

and durability parameters laid down in Annex III that portable batteries *of general use* shall attain.

and durability parameters laid down in Annex III that portable batteries shall attain.

Or. en

Amendment 83

Proposal for a regulation Article 9 – paragraph 2 – subparagraph 3

Text proposed by the Commission

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* and take into consideration relevant international standards and labelling schemes. ***The Commission shall also ensure that the provisions laid down by that delegated act do not have a significant negative impact on the functionality of those batteries or the appliances into which those batteries are incorporated, the affordability and the cost for end-users and the industry's competitiveness. No excessive administrative burden shall be imposed on manufacturers of the batteries and the appliances concerned.***

Amendment

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 and take into consideration relevant international standards and labelling schemes.

Or. en

Amendment 84

Proposal for a regulation Article 9 – paragraph 3

Text proposed by the Commission

3. By 31 December **2030**, the Commission shall assess the feasibility of measures to phase out the use of non-rechargeable portable batteries of general

Amendment

3. By 31 December **2025**, the Commission shall assess the feasibility of measures to phase out the use of non-rechargeable portable batteries of general

use in view of minimising their environmental impact based on the life cycle assessment methodology. 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.

use in view of minimising their environmental impact based on the life cycle assessment methodology. 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.

Or. en

Amendment 85

Proposal for a regulation

Article 10 – title

Text proposed by the Commission

Performance and durability requirements for **rechargeable** industrial batteries **and** electric vehicle batteries

Amendment

Performance and durability requirements for industrial batteries, electric vehicle batteries **and light means of transport batteries**

Or. en

Amendment 86

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

From [12 months after entry into force of the Regulation], **rechargeable** industrial batteries and electric vehicle batteries **with internal storage and a capacity above 2 kWh** shall be accompanied by a technical documentation containing values for the electrochemical performance and durability parameters laid down in Part A of Annex IV.

Amendment

From [12 months after entry into force of the Regulation], industrial **batteries, light means of transport** batteries and electric vehicle batteries shall be accompanied by a technical documentation containing values for the electrochemical performance and durability parameters laid down in Part A of Annex IV.

Or. en

Amendment 87

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

2. From 1 January 2026, **rechargeable** industrial batteries **with internal storage and a capacity above 2 kWh** shall meet the minimum values laid down in the delegated act adopted by the Commission pursuant to paragraph 3 for the electrochemical performance and durability parameters set out in Part A of Annex IV.

Amendment

2. From 1 January 2026 industrial batteries, **light means of transport batteries and electric vehicle batteries** shall meet the minimum values laid down in the delegated act adopted by the Commission pursuant to paragraph 3 for the electrochemical performance and durability parameters set out in Part A of Annex IV.

Or. en

Amendment 88

Proposal for a regulation Article 10 – paragraph 3 – subparagraph 1

Text proposed by the Commission

By 31 December 2024, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Part A of Annex IV that **rechargeable** industrial batteries **with internal storage and capacity above 2 kWh** shall attain.

Amendment

By 31 December 2024, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Part A of Annex IV that **light means of transport batteries, electric vehicle batteries and** industrial batteries shall attain.

Or. en

Amendment 89

Proposal for a regulation Article 10 – paragraph 3 – subparagraph 2

Text proposed by the Commission

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 ***rechargeable*** industrial batteries ***with internal storage and a capacity above 2 kWh*** and ensure that the requirements laid down therein ***do not have a significant negative impact on the functionality of those batteries or the appliances into which those batteries are incorporated, its affordability and industry's competitiveness. No excessive administrative burden shall be imposed on manufacturers of the batteries and the appliances concerned.***

Amendment

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 industrial batteries and ensure that the requirements laid down therein ***for electric vehicle batteries apply in addition to Union requirements on type of approval of vehicles, and in addition to any technical specifications that might derive from the work of the informal UNECE Working Group on Electric Vehicles and the Environment.***

Or. en

Amendment 90

Proposal for a regulation

Article 10 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the electrochemical performance and durability parameters laid down in Annex IV in view of technical and scientific progress.

Or. en

Amendment 91

Proposal for a regulation

Article 11 – title

Text proposed by the Commission

Amendment

Removability and replaceability of **portable** batteries

Removability and replaceability of batteries

Or. xm

Justification

All batteries should be removable and replaceable. These requirements may change in accordance with safety parameters.

Amendment 92

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Portable batteries incorporated in appliances shall be readily removable and replaceable by the end-user or by independent operators during the lifetime of the appliance, if the batteries have a shorter lifetime than the appliance, or at the latest at the end of the lifetime of the appliance.

Portable **batteries and light means of transport** batteries incorporated in appliances shall be readily removable and replaceable by the end-user or by independent operators during the lifetime of the appliance, if the batteries have a shorter lifetime than the appliance, or at the latest at the end of the lifetime of the appliance.

Or. en

Amendment 93

Proposal for a regulation

Article 11 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) continuity of power supply is necessary and a permanent connection between the appliance and the portable battery is required for safety, **performance, medical or data integrity reasons; or**

(a) continuity of power supply is necessary and a permanent connection between the appliance and the portable battery is required for safety **and it can be proved by the manufacturer that there is no alternative available on the market;**

Amendment 94

Proposal for a regulation

Article 11 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) medical or data integrity reasons exist;

Or. en

Amendment 95

Proposal for a regulation

Article 11 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the functioning of the battery is only possible when the battery is integrated into the structure of the appliance.

(b) the functioning of the battery is only possible when the battery is integrated into the structure of the appliance **and it can be proved by the manufacturer that there is no alternative available on the market.**

Or. en

Amendment 96

Proposal for a regulation

Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Industrial batteries, automotive batteries and electric vehicle batteries shall be readily removable and replaceable by qualified independent operators.

Amendment 97

Proposal for a regulation Article 12 – title

Text proposed by the Commission

Safety of stationary **battery** energy storage **systems**

Amendment

Safety of stationary energy storage **batteries**

Or. en

Amendment 98

Proposal for a regulation Article 12 – paragraph 1

Text proposed by the Commission

1. **Stationary battery** energy storage **systems** shall be accompanied by technical documentation demonstrating that they are safe during their normal operation and use, including evidence that they have been successfully tested for the safety parameters laid down in Annex V, for which state-of-the-art testing methodologies should be used.

Amendment

1. **Batteries within stationary** energy storage shall be accompanied by technical documentation demonstrating that they are safe during their normal operation and use, including evidence that they have been successfully tested for the safety parameters laid down in Annex V, for which state-of-the-art testing methodologies should be used.

Or. en

Amendment 99

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

2. From 1 January 2027, portable and automotive batteries shall be marked with a label containing information on their **capacity and portable batteries shall be**

Amendment

2. From 1 January 2027, portable **batteries, light means of transport batteries** and automotive batteries shall be marked with a label containing information

marked with a label containing information on their minimum average duration when used in specific applications.

on their ***nominal energy and*** marked with a label containing information on their minimum average duration when used in specific applications.

Or. en

Amendment 100

Proposal for a regulation

Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. From 1 July 2023, batteries shall be labelled with a harmonised colour code based on the battery type and its chemical composition.

Or. en

Amendment 101

Proposal for a regulation

Article 13 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Amendment

From 1 July 2023, 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.

From 1 July 2023, batteries containing more than ***0,0005% mercury***, 0,002 % cadmium or more than 0,004 % lead, shall be marked with the chemical symbol for the metal concerned: ***Hg***, Cd or Pb

Or. en

Amendment 102

Proposal for a regulation

Article 13 – paragraph 5 – point b

Text proposed by the Commission

(b) from 1 January 2027, for portable and automotive batteries the information referred to in paragraph 2;

Amendment

(b) from 1 January 2027, for portable, **light means of transport** and automotive batteries the information referred to in paragraph 2;

Or. en

Amendment 103

Proposal for a regulation

Article 13 – paragraph 5 – point d

Text proposed by the Commission

(d) from 1 January 2023, for batteries containing more than 0,002 % cadmium or more than 0,004 % lead, the symbol referred to in paragraph 4;

Amendment

(d) from 1 January 2023, for batteries containing **more than 0,0005% mercury or** more than 0,002 % cadmium or more than 0,004 % lead, the symbol referred to in paragraph 4;

Or. en

Amendment 104

Proposal for a regulation

Article 13 – paragraph 5 – point e

Text proposed by the Commission

(e) from [12 months after the entry into force of this Regulation], for **rechargeable industrial** batteries and **electric vehicle** batteries the report referred to in Article 39(6);

Amendment

(e) from [12 months after the entry into force of this Regulation], for **all** batteries and batteries the report referred to in Article 39(6);

Or. en

Amendment 105

Proposal for a regulation

Article 13 – paragraph 5 – point f

Text proposed by the Commission

(f) from 1 July 2024, for electric vehicle batteries and for **rechargeable** industrial batteries with **internal storage and a capacity** above 2 kWh the carbon footprint declaration referred to in Article 7(1);

Amendment

(f) from 1 July 2024, for electric vehicle batteries, **light means of transport batteries** and for industrial batteries with **a nominal energy** above 2 kWh the carbon footprint declaration referred to in Article 7(1);

Or. en

Amendment 106

Proposal for a regulation

Article 13 – paragraph 5 – point g

Text proposed by the Commission

(g) from 1 January 2026, for electric vehicle batteries and **for rechargeable** industrial batteries with **internal storage and a capacity** above 2 kWh the carbon footprint performance class referred to in Article 7(2);

Amendment

(g) from 1 January 2026, for electric vehicle batteries, **light means of transport batteries** and industrial batteries with **a nominal energy** above 2 kWh the carbon footprint performance class referred to in Article 7(2);

Or. en

Amendment 107

Proposal for a regulation

Article 13 – paragraph 5 – point h

Text proposed by the Commission

(h) from 1 January 2027, for **rechargeable** industrial batteries, automotive batteries and electric vehicle **batteries with internal storage and a capacity above 2 kWh** the amount of cobalt, lead, lithium or nickel recovered

Amendment

(h) from 1 January 2027, for **portable batteries, with the exception of portable batteries of general use, light means of transport batteries** industrial batteries, automotive batteries and electric vehicle the amount of cobalt, lead, lithium or

from waste and present in active materials in the battery, in accordance with Article 8;

nickel recovered from waste and present in active materials in the battery, in accordance with Article 8;

Or. en

Amendment 108

Proposal for a regulation Article 13 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. The Commission shall, by 1 January 2023, adopt implementing acts to establish harmonised specifications for the labelling requirements referred to in paragraph 3a. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).

Or. en

Amendment 109

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. **Rechargeable industrial batteries** and electric vehicle batteries **with internal storage and a capacity above 2 kWh** shall include a battery management system containing data on the parameters for determining the state of health and expected lifetime of batteries as laid down in Annex VII.

1. **Batteries within stationary battery energy storage** and electric vehicle batteries shall include a battery management system containing data on the parameters for determining the state of health, **safety** and expected lifetime of batteries as laid down in Annex VII.

Or. en

Amendment 110

Proposal for a regulation Article 14 – paragraph 2 – point b

Text proposed by the Commission

(b) facilitating the reuse, repurposing or remanufacturing of the battery;

Amendment

(b) facilitating the **preparation for reuse**, reuse, , **the preparation for repurposing**, repurposing or remanufacturing of the battery;

Or. en

Amendment 111

Proposal for a regulation Article 38 – paragraph 1 – introductory part

Text proposed by the Commission

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:

Amendment

1. **For all batteries placed** on the **Union** market or **put** into service **in the Union**, including for the manufacturers' own purposes, manufacturers shall ensure that the battery:

Or. en

Amendment 112

Proposal for a regulation Article 38 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) comply with the supply chain due diligence obligations set out in Article 39.

Or. en

Amendment 113

Proposal for a regulation Article 38 – paragraph 8

Text proposed by the Commission

8. Manufacturers shall indicate their name, registered trade name or registered trade mark and the postal address and web address at which they can be contacted on the packaging of the battery. The postal address shall indicate a single point at which the manufacturer can be contacted. Such information shall be in a language easily understood by end-users and market surveillance authorities and shall be clear, understandable and legible.

Amendment

8. Manufacturers shall indicate their name, registered trade name or registered trade mark and the **telephone number**, postal address, **email** and web address at which they can be contacted on the packaging of the battery. The postal address shall indicate a single point at which the manufacturer can be contacted. Such information shall be in a language easily understood by end-users and market surveillance authorities and shall be clear, understandable and legible.

Or. en

Amendment 114

Proposal for a regulation Article 39 – title

Text proposed by the Commission

Obligation for economic operators that place **rechargeable industrial batteries and electric-vehicle batteries with internal storage and a capacity above 2 kWh** on the market to **establish** supply chain due diligence **policies**

Amendment

Obligation for economic operators that place **any category of battery covered by this Regulation** on the **Union** market to **conduct** supply chain due diligence

Or. xm

Justification

Due diligence obligations need to be extended to all batteries, given that the same raw materials are used in all the different batteries covered by this Regulation.

Amendment 115

Proposal for a regulation Article 39 – paragraph 1

Text proposed by the Commission

1. As of [12 months after the entry into force of the Regulation] the economic operator that places **rechargeable industrial batteries and electric-vehicle batteries with internal storage and a capacity above 2 kWh** on the market shall **comply with the** supply chain due diligence obligations set out in paragraphs 2 to 5 of this Article and shall keep documentation demonstrating its respective compliance with those obligations, including the results of the third-party verification carried out by notified bodies.

Amendment

1. As of [12 months after the entry into force of the Regulation] the economic operator that places **any** batteries **covered by this Regulation** on the **Union** market shall **carry out** supply chain due diligence **and shall comply with the** obligations set out in paragraphs 2 to 5 of this Article and shall keep documentation demonstrating its respective compliance with those obligations, including the results of the third-party verification carried out by notified bodies.

Or. en

Amendment 116

Proposal for a regulation Article 39 – paragraph 2 – point a

Text proposed by the Commission

(a) adopt, and clearly communicate to suppliers and the public, a company policy for the supply chain of raw materials indicated in Annex X, point 1;

Amendment

(a) adopt, and clearly communicate to suppliers and the public, a company **due diligence** policy for the supply chain of raw materials indicated in Annex X, point 1, **covering in particular the associated environmental, social and human rights risks throughout the entire supply chain;**

Or. en

Amendment 117

Proposal for a regulation Article 39 – paragraph 2 – point d – subparagraph 3

Text proposed by the Commission

Amendment

The requirements set out in the current point (d) may be implemented through participation in industry-led schemes.

deleted

Or. en

Amendment 118

Proposal for a regulation

Article 39 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) establish a grievance mechanism as an early-warning risk-awareness system or provide such mechanism through collaborative arrangements with other economic operators or organisations, or by facilitating recourse to an external expert or body, such as an ombudsman.

(f) establish a grievance ***mechanism and remediation*** mechanism as an early-warning risk-awareness system or provide such mechanism through collaborative arrangements with other economic operators or organisations, or by facilitating recourse to an external expert or body, such as an ombudsman.

Or. en

Amendment 119

Proposal for a regulation

Article 39 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) identify and assess the adverse impacts associated to the risk categories listed in Annex X, point 2, in its supply chain on the basis of the information provided pursuant to paragraph 2 against the standards of their supply chain policy;

(a) identify and assess the adverse impacts associated to the risk categories listed in Annex X, point 2, in its supply chain on the basis of the information provided pursuant to paragraph 2 against the standards of their supply chain policy ***and against any other relevant information that is either publicly available or provided by stakeholders, including affected communities and relevant civil society organisations;***

Amendment 120

Proposal for a regulation

Article 39 – paragraph 3 – point b – point ii

Text proposed by the Commission

(ii) adopting risk management measures consistent with Annex **II to the OECD Due Diligence Guidance**, considering their ability to influence, and where necessary take steps to exert pressure on suppliers who can most effectively prevent or mitigate the identified risk;

Amendment

(ii) adopting risk management measures consistent with **the internationally recognised standards listed in Annex X, point 4**, considering their ability to influence, and where necessary take steps to exert pressure on suppliers who can most effectively prevent or mitigate the identified risk;

Amendment 121

Proposal for a regulation

Article 39 – paragraph 7

Text proposed by the Commission

7. The Commission shall develop guidance as regards the application of the due diligence requirements defined in paragraphs 2 and 3 of this Article, with regard to the social and environmental risks referred to in Annex X, point 2, and particularly in line with the international instruments referred to in Annex X, **point 3**.

Amendment

7. The Commission shall develop guidance as regards the application of the due diligence requirements defined in paragraphs 2 and 3 of this Article, with regard to the social and environmental risks referred to in Annex X, point 2, and particularly in line with the international instruments referred to in Annex X, **points 3 and 3a**.

Amendment 122

Proposal for a regulation

Article 39 – paragraph 8 – point b

Text proposed by the Commission

(b) amend the obligations on the economic operator referred to in paragraph 1 set out in paragraphs 2 to 4 in view of amendments to Regulation (EU) 2017/821 and changes to the due diligence recommendations set out in Annex ***I to the OECD Due Diligence Guidance***.

Amendment

(b) amend the obligations on the economic operator referred to in paragraph 1 set out in paragraphs 2 to 4 in view of amendments to Regulation (EU) 2017/821 and changes to the due diligence recommendations set out in Annex ***X, point 3a***.

Or. en

Amendment 123

Proposal for a regulation

Article 40 – paragraph 4 – introductory part

Text proposed by the Commission

4. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The authorised representative shall provide a copy of the mandate to the competent authority, upon request. The mandate shall allow the authorised representative to do at least the following:

Amendment

4. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The authorised representative shall ***have the appropriate financial and organisational means to perform the tasks specified in the mandate. The authorised representative shall*** provide a copy of the mandate to the competent authority, upon request, ***in a Union language determined by the competent authority***. The mandate shall allow the authorised representative to do at least the following:

Or. en

Amendment 124

Proposal for a regulation

Article 41 – paragraph 1

Text proposed by the Commission

1. Importers shall only place on the market or put into service a battery which

Amendment

1. Importers shall only place on the market or put into service a battery which

is compliant with the requirements of Chapters II and III

is compliant with the requirements of Chapters II and III *and Article 39.*

Or. en

Amendment 125

Proposal for a regulation

Article 46 – paragraph 2 – subparagraph 2 – point d

Text proposed by the Commission

(d) the type 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, electric vehicle batteries, or automotive batteries;

Amendment

(d) the type 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, ***light means of transport batteries***, industrial batteries, electric vehicle batteries, or automotive batteries;

Or. en

Amendment 126

Proposal for a regulation

Article 46 – paragraph 2 – subparagraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(d a) the chemical composition of batteries that the producer intends to make available on the market for the first time within the territory of a Member State, in particular stating whether they contain cobalt, lead, lithium or nickel;

Or. en

Amendment 127

Proposal for a regulation

Article 46 – paragraph 2 – subparagraph 2 – point f – introductory part

Text proposed by the Commission

(f) information on how the producer meets its responsibilities set out in Article 47 and the requirements under Article 48 and Article 49 respectively:

Amendment

(f) information on how the producer meets its responsibilities set out in Article 47 and the requirements under Article 48, **Article 48a** and Article 49 respectively:

Or. en

Amendment 128

Proposal for a regulation

Article 46 – paragraph 2 – subparagraph 2 – point f – point i – introductory part

Text proposed by the Commission

(i) for portable batteries, the requirements of this point (f) shall be met by providing:

Amendment

(i) for portable **batteries and light means of transport** batteries, the requirements of this point (f) shall be met by providing:

Or. en

Amendment 129

Proposal for a regulation

Article 46 – paragraph 2 – subparagraph 2 – point f – point i – indent 1

Text proposed by the Commission

— a declaration demonstrating the measures put in place by the producer to attain the producer responsibility obligations set out in Article 47, the measures put in place to meet the separate collection obligations set out in Article 48(1) with regard to the amount of batteries the producer supplies and the system to ensure that the data reported to the competent authorities is reliable;

Amendment

— a declaration demonstrating the measures put in place by the producer to attain the producer responsibility obligations set out in Article 47, the measures put in place to meet the separate collection obligations set out in Article 48(1) **and in Article 48a (1)** with regard to the amount of batteries the producer supplies and the system to ensure that the data reported to the competent authorities is reliable;

Or. en

Amendment 130

Proposal for a regulation

Article 46 – paragraph 2 – subparagraph 2 – point f – point i – indent 2 a (new)

Text proposed by the Commission

Amendment

- ***where the producer responsibility organisation represents more than one producer, it shall indicate separately how each one of the represented producers meets the obligations set out in Article 47;***

Or. en

Amendment 131

Proposal for a regulation

Article 46 – paragraph 2 – subparagraph 2 – point f – point ii – indent 2

Text proposed by the Commission

Amendment

— where applicable, the national identification code of the producer responsibility organisation entrusted by the producer to fulfil its extended producer responsibility obligations in accordance with paragraphs 2 and 4 of Article 47, including the trade register number or an equivalent official registration number of the producer responsibility organisation including the European or national tax number of the producer responsibility organisation, and the represented producer's mandate;

— where applicable, ***the name and contact details, including full postal address, telephone number, internet address and e-mail address*** and the national identification code of the producer responsibility organisation entrusted by the producer to fulfil its extended producer responsibility obligations in accordance with paragraphs 2 and 4 of Article 47, including the trade register number or an equivalent official registration number of the producer responsibility organisation including the European or national tax number of the producer responsibility organisation, and the represented producer's mandate;

Or. en

Amendment 132

Proposal for a regulation Article 46 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Producers supplying batteries by means of distance communication shall be registered in the Member State to which they sell to. Where such producers are not registered in the Member State to which they are selling to, they shall be registered through their authorised representative.

Or. en

Amendment 133

Proposal for a regulation Article 46 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) may reject the application by the producer for registration, in the event of non-compliance or insufficient compliance with the obligations set out in paragraph 2.

Or. en

Amendment 134

Proposal for a regulation Article 46 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. An online market place shall only supply batteries of producers that are registered in the Member State in which it sells the battery.

Amendment 135

Proposal for a regulation

Article 47 – paragraph 1 – point a

Text proposed by the Commission

(a) organise the separate collection of waste batteries in accordance with Article 48 and Article 49 and the subsequent transport, preparation for repurposing and remanufacturing, treatment and recycling of waste batteries, **including** the necessary safety measures, in accordance with Article 56;

Amendment

(a) **cover at least the costs referred to in point (a) of paragraph 4 of Article 8a of Directive 2008/98/EC and the costs to** organise the separate collection of waste batteries in accordance with Article 48, **Article 48a** and Article 49 and the subsequent transport, preparation for repurposing and remanufacturing, treatment, **preparation for reuse** and recycling of waste batteries, **and** the necessary safety measures, in accordance with Article 56;

Or. en

Amendment 136

Proposal for a regulation

Article 47 – paragraph 1 – point c

Text proposed by the Commission

(c) promote the separate collection of batteries, including by covering the costs of carrying out surveys to identify batteries discarded inappropriately by end-users in accordance with Article 48(1);

Amendment

(c) promote the separate collection of batteries, including by covering the costs of **data gathering and of** carrying out surveys to identify batteries discarded inappropriately by end-users in accordance with Article 48(1);

Or. en

Amendment 137

Proposal for a regulation

Article 47 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) set up awareness campaigns or grant a return bonus for the return of batteries to encourage end-users to discard waste batteries in a manner that is in line with the information on prevention and management of waste batteries made available to them in accordance with Article 60(1);

Or. en

Amendment 138

Proposal for a regulation Article 47 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) finance the activities referred to in points (a) to ***(d)***.

(e) finance the activities referred to in points (a) to ***(d a)***.

Or. en

Amendment 139

Proposal for a regulation Article 47 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) have the necessary organisational ***and financial*** means to fulfil the extended producer responsibility obligations referred to in paragraph 1;

(a) have the necessary ***financial or financial and*** organisational means to fulfil the extended producer responsibility obligations referred to in paragraph 1;

Or. en

Amendment 140

Proposal for a regulation

Article 47 – paragraph 4 – point a

Text proposed by the Commission

(a) are modulated as a minimum by battery type and battery chemistry and, as appropriate, taking into account the rechargeability **and** the level of recycled content in the manufacture of batteries;

Amendment

(a) are modulated ***in accordance with the criteria set out in point (b) of Article 8a(4) of Directive 2008/98/EC and***, as a minimum by battery type and battery chemistry and, as appropriate, taking into account the rechargeability, ***durability, and, where available***, the level of recycled content in the manufacture of batteries, ***as well as the possibility of them being remanufactured or repurposed, their carbon footprint and the presence of hazardous substances in them, thereby taking a life-cycle approach and remaining aligned with the requirements laid down by relevant Union law, and, when available, based on harmonised criteria in order to ensure the smooth functioning of the internal market***;

Or. en

Amendment 141

Proposal for a regulation

Article 47 – paragraph 4 – point b

Text proposed by the Commission

(b) are adjusted to take account of any revenues by the producer responsibility organisations from reuse and from sales of secondary raw materials from the batteries and waste batteries;

Amendment

(b) are adjusted to take account of any revenues by the producer responsibility organisations from reuse, ***remanufacturing, repurposing*** and from sales of secondary raw materials from the batteries and waste batteries;

Or. en

Amendment 142

Proposal for a regulation Article 47 – paragraph 5

Text proposed by the Commission

5. Where, in accordance with Articles 48(2), 49(3), 53(1), 56(1), and paragraphs 1, 2 and 3 of Article 61, activities to carry out obligations referred to in points (a) to (d) of paragraph 1 are carried out by a third party other than a producer or a producer responsibility organisation, the costs to be covered by producers shall not exceed the costs that are necessary to provide those activities in a cost-efficient way. Such costs shall be established in a transparent way between the producers and the third parties concerned and adjusted to take account of any revenues from reuse and from sales of secondary raw materials from the batteries and waste batteries.

Amendment

5. Where, in accordance with Articles 48(2), **48a(2)**, 49(3), 53(1), 56(1), and paragraphs 1, 2 and 3 of Article 61, activities to carry out obligations referred to in points (a) to (d) of paragraph 1 are carried out by a third party other than a producer or a producer responsibility organisation, the costs to be covered by producers shall not exceed the costs that are necessary to provide those activities in a cost-efficient way. Such costs shall be established in a transparent way between the producers and the third parties concerned and adjusted to take account of any revenues from reuse, **remanufacturing, repurposing** and from sales of secondary raw materials from the batteries and waste batteries.

Or. en

Amendment 143

Proposal for a regulation Article 47 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Producer responsibility **organisations** shall apply for an authorisation from the competent authority. The authorisation shall be granted only where it is demonstrated that the measures put in place by the producer responsibility organisation are sufficient to meet the obligations set out **in this Article** 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 producers on whose behalf it acts. The

Amendment

A producer or a producer responsibility **organisation acting on its behalf** shall apply for an authorisation from the competent authority. The authorisation shall be granted only where it is demonstrated that the measures put in place by the producer responsibility organisation are sufficient **and that it has the necessary financial or financial and organisational means** to meet the obligations set out **this Chapter** with regard to the amount of batteries made

competent authority shall in regular intervals, verify whether the conditions for the authorisation laid down in paragraphs 1, 3, 4 and 5 continue to be met. The **competent authorities shall fix the details of the authorisation procedure and the modalities for verifying compliance, including the information to be provided by producers to that end.**

available on the market for the first time within the territory of a Member State by the producers on whose behalf it acts **and are in line with the attainment of the targets on separate collection of waste batteries, the level of recycling and recycling efficiencies laid down in this Regulation.** The competent authority shall in regular intervals, **and at least every three years**, verify whether the conditions for the authorisation laid down in paragraphs 1, 3, 4 and 5 continue to be met. The **authorisation may be revoked if the collection targets set out in Article 48(4) or Article 48a(5) are not met or if the producer or producer responsibility organisation is in breach of Article 49(1), (2) or (3).**

Or. en

Amendment 144

Proposal for a regulation Article 47 – paragraph 6 – subparagraph 2

Text proposed by the Commission

Producer responsibility **organisations** shall notify the competent authority without undue delay of any changes to the information contained in the application for an authorisation, of any changes that concern the terms of the authorisation and of the permanent cessation of operations.

Amendment

The producer or the producer responsibility **organisation acting on its behalf** shall notify the competent authority without undue delay of any changes to the information contained in the application for an authorisation, of any changes that concern the terms of the authorisation and of the permanent cessation of operations.

Or. en

Amendment 145

Proposal for a regulation Article 47 – paragraph 9 – point c

Text proposed by the Commission

(c) the rate of separate collection of waste batteries, the level of recycling **and** recycling efficiencies achieved based on the amount of batteries made available on the market for the first time in the Member State by their member producers;

Amendment

(c) the rate of separate collection of waste batteries, the level of recycling, **the** recycling efficiencies **and levels of recovered materials** achieved based on the amount of batteries made available on the market for the first time in the Member State by their member producers

Or. en

Amendment 146

Proposal for a regulation

Article 47 – paragraph 9 – point d a (new)

Text proposed by the Commission

Amendment

(da) the selection procedure for waste management operators

Or. en

Amendment 147

Proposal for a regulation

Article 47 – paragraph 13

Text proposed by the Commission

Amendment

13. Articles 8 and 8a of Directive 2008/98/EC shall **not apply to batteries**.

13. **The requirements on extended producer responsibility and on general minimum requirements for extended producer responsibility schemes provided for respectively in** Articles 8 and 8a of Directive 2008/98/EC shall **be considered as minimum requirements and shall be supplemented by the provisions laid down in this Regulation. . .**

Or. xm

Justification

The EPR requirements set in the Waste Framework Directive should constitute the minimum requirements applicable to batteries, and these should be supplemented by specific requirements for batteries to enable proper management of battery waste and strengthen prevention measures.

Amendment 148

Proposal for a regulation

Article 48 – paragraph 1 – introductory part

Text proposed by the Commission

1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall ensure the collection of all waste portable batteries, regardless of their nature, brand or origin in the territory of a Member State where they make batteries available on the market for the first time. For that purpose they shall:

Amendment

1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall ensure the ***separate*** collection of all waste portable batteries, regardless of their nature, ***chemical composition***, brand or origin in the territory of a Member State where they make batteries available on the market for the first time. For that purpose they shall:

Or. en

Amendment 149

Proposal for a regulation

Article 48 – paragraph 1 – point a

Text proposed by the Commission

(a) establish waste portable battery collection points;

Amendment

(a) establish waste portable battery ***take back and*** collection points;

Or. en

Amendment 150

Proposal for a regulation

Article 48 – paragraph 3

Text proposed by the Commission

3. End users, when discarding waste portable batteries at collection points referred to in paragraph 2, shall not be charged or be obliged to buy a new battery.

Amendment

3. End users, when discarding waste portable batteries at collection points referred to in paragraph 2, shall not be charged or be obliged to buy a new battery ***or to have bought the battery from the producer.***

Or. en

Amendment 151

Proposal for a regulation

Article 48 – paragraph 4 – introductory part

Text proposed by the Commission

4. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall attain, and maintain ***durably***, at least the following collection targets of waste portable batteries, calculated as percentages of the portable batteries, ***excluding batteries from light means of transport***, made available on the market for the first time in a Member State by the respective producer or collectively by the producers covered by a producer responsibility organisation:

Amendment

4. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall attain, and maintain ***yearly***, at least the following collection targets of waste portable batteries, calculated as percentages of the portable batteries, made available on the market for the first time in a Member State by the respective producer or collectively by the producers covered by a producer responsibility organisation:

Or. en

Amendment 152

Proposal for a regulation

Article 48 a (new)

Text proposed by the Commission

Amendment

Article 48a

Collection of light means of transport

waste batteries

1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall ensure the collection of all light means of transport waste batteries regardless of their nature, chemical composition brand or origin in the territory of the Member State in which they make batteries available on the market for the first time.

2. Producers of light means of transport waste batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall take back, free of charge and without an obligation on the end user to buy a new battery, or to have bought the waste battery from them, all light means of transport waste batteries regardless of their chemical composition, brand or origin in the territory of the Member State in which they make batteries available on the market for the first time. For that purpose, they shall take back light means of transport waste batteries from end-users or from take back and collection points provided in cooperation with:

(a) distributors of light means of transport batteries in accordance with Article 50(1);

(b) independent operators that repair light means of transport;

(c) public authorities, or third parties carrying out waste management on their behalf, in accordance with Article 53.

3. The take back arrangements put in place in accordance with paragraph 2 shall cover the whole territory of a Member State taking into account population size and density, the expected volume of light means of transport waste batteries, accessibility for and proximity to end-users. The take-back arrangements shall not be limited to areas where the

collection and subsequent management of light means of transport waste batteries is most profitable.

4. End users, when handing over light means of transport waste batteries at take back and collection points referred to in paragraph 2, shall not be charged or be obliged to buy a new battery.

5. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall attain, and maintain yearly, at least the following collection targets for light means of transport batteries, calculated as percentages of the quantities of light means of transport batteries, made available on the market for the first time in a Member State by the respective producer or collectively by the producers covered by a producer responsibility organisation:

(a) 45 % by 31 December 2023 ;

(b) 65 % by 31 December 2025;

(c) 70 % by 31 December 2030.

Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall calculate the collection rate referred to in this paragraph in accordance with Annex XIa.

6. Producers of light means of transport vehicle batteries or producer responsibility organisations acting on their behalf, shall:

(a) provide the take back and collection points referred to in paragraph 1 with suitable collection infrastructure for the separate collection of light means of transport waste batteries meeting the applicable safety requirements, and cover the necessary costs incurred by those take back and collection points as a result of the take back activities. The containers to collect and temporarily store such batteries at the take back and collection

systems shall be adequate to provide for the volume and hazardous nature of waste light means of transport batteries that are likely to be collected through those collection points;

(b) collect light means of transport waste batteries from the take back and collection points 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 points;

(c) provide for the delivery of light means of transport batteries collected from end-users and from the collection points referred to in paragraph 1 to facilities for treatment and recycling in accordance with Article 56.

7. The entities referred to in points (a), (b) and (c) of paragraph 1 may hand over collected light means of transport waste batteries to authorised waste management operators for treatment in accordance with Article 56. In such cases, the obligation on producers pursuant to paragraph 3(c) shall be deemed to be met.

Or. xm

Justification

Since a definition has been introduced for 'light means of transport batteries', the obligations for collecting this category of battery have been added accordingly.

Amendment 153

Proposal for a regulation Article 49 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on

their behalf, shall ensure the collection of all waste automotive batteries, industrial batteries and electric vehicle batteries, regardless of their nature, chemical composition, brand or origin in the territory of the Member State in which they make batteries available on the market for the first time.

Or. en

Amendment 154

Proposal for a regulation

Article 49 – paragraph 1 – introductory part

Text proposed by the Commission

1. Producers of automotive batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article 47(2), 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, all waste automotive batteries, industrial batteries and electric vehicle batteries of the respective type that they have made available on the market for the first time in the territory of that Member State. For that purpose they shall accept to take back waste automotive batteries, industrial batteries and electric vehicle batteries from end-users, or from collection points provided in cooperation with:

Amendment

1. Producers of automotive batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article 47(2), 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, all waste automotive batteries, industrial batteries and electric vehicle batteries of the respective type that they have made available on the market for the first time in the territory of that Member State. For that purpose they shall accept to take back waste automotive batteries, industrial batteries and electric vehicle batteries from end-users, or from ***take back and*** collection points provided in cooperation with:

Or. en

Amendment 155

Proposal for a regulation

Article 49 – paragraph 3 – point a

Text proposed by the Commission

(a) provide the collection points referred to in paragraph 1 with suitable collection infrastructure for the separate collection of waste automotive batteries, industrial batteries and electric vehicle 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 to collect and temporarily store such batteries at the collection point shall be adequate to provide for the volume and hazardous nature of waste automotive batteries, industrial batteries and electric vehicle batteries that are likely to be collected through those collection points;

Amendment

(a) provide the **take back and** collection points referred to in paragraph 1 with suitable collection infrastructure for the separate collection of waste automotive batteries, industrial batteries and electric vehicle batteries meeting the applicable safety requirements and cover the necessary costs incurred by those **take back and** collection points in relation to the take back activities. The containers to collect and temporarily store such batteries at the collection point shall be adequate to provide for the volume and hazardous nature of waste automotive batteries, industrial batteries and electric vehicle batteries that are likely to be collected through those **take back and** collection points;

Or. en

Amendment 156

Proposal for a regulation
Article 50 – paragraph 1

Text proposed by the Commission

1. Distributors shall take back waste batteries from the end-user at no charge and without an obligation to buy a new battery, regardless of their chemical composition or origin. Take back for portable batteries shall be provided at or in the immediate vicinity of their retail outlet. Take back for waste automotive batteries, industrial batteries and electric vehicle batteries shall be provided at or in the vicinity of their retail outlet. This obligation is limited to the types of waste batteries which the distributor has, or had, as new batteries in its offer and, for portable batteries, to the quantity that non professional end-users normally discard.

Amendment

1. Distributors shall take back waste batteries from the end-user at no charge and without an obligation to buy a new battery, **or without an obligation to have bought the battery from the same distributor** regardless of their chemical composition or origin. Take back for portable batteries shall be provided at or in the immediate vicinity of their retail outlet. Take back for **light means of transport batteries**, waste automotive batteries, industrial batteries and electric vehicle batteries shall be provided at or in the vicinity of their retail outlet. This obligation is limited to the types of waste batteries which the distributor has, or had,

as new batteries in its offer and, for portable batteries, to the quantity that non professional end-users normally discard.

Or. en

Amendment 157

Proposal for a regulation Article 50 – paragraph 3

Text proposed by the Commission

3. Distributors shall hand over waste batteries that they have taken back to the producers or producer responsibility organisations who are responsible for the collection of those batteries in accordance with Articles 48 and 49 respectively , or to an waste management operator with a view to their treatment and recycling in accordance with Article 56.

Amendment

3. Distributors shall hand over waste batteries that they have taken back to the producers or producer responsibility organisations who are responsible for the collection of those batteries in accordance with Articles 48, **48a** and 49 respectively , or to an waste management operator with a view to their treatment and recycling in accordance with Article 56.

Or. en

Amendment 158

Proposal for a regulation Article 50 – paragraph 4

Text proposed by the Commission

4. The obligations under this article shall apply mutatis mutandis to operators supplying batteries by means of distance contracts to end users. Those operators 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 automotive, industrial and electric vehicle batteries, accessibility and vicinity to end users allowing end users to return batteries.

Amendment

4. The obligations under this article shall apply mutatis mutandis to operators supplying batteries by means of distance contracts to end users. Those operators 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 **of portable, light means of transport**, automotive, industrial and electric vehicle batteries, accessibility and vicinity to end users allowing end users to return batteries.

Amendment 159

Proposal for a regulation Article 50 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In the case of sales with delivery, distributors shall offer to take back batteries free of charge at the point of delivery of the battery. When ordering a battery, the end user of the battery shall be informed of the arrangements for having the used battery taken back.

Or. en

Amendment 160

Proposal for a regulation Article 51 – paragraph 2

Text proposed by the Commission

Amendment

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 48 and 49.

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 48, **48a** and 49.

Or. en

Amendment 161

Proposal for a regulation Article 55 – title

Text proposed by the Commission

Amendment

Collection rates for waste portable batteries

Collection rates for waste portable batteries
**and light means of transport waste
batteries**

Or. en

Amendment 162

Proposal for a regulation Article 55 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that the following minimum collection targets are achieved for light means of transport waste batteries,

(a) 45 % by 31 December 2023;

(b) 65 % by 31 December 2025;

(c) 70 % by 31 December 2030.

Member States shall calculate the collection rates set out in the first subparagraph in accordance with the methodology set out in Annex XIa.

Or. en

Amendment 163

Proposal for a regulation Article 55 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall, by 31 December 2030, review the target laid down in paragraph 1(c) and, **as part of that review consider the setting of a collection target for batteries powering light means of transport, in the light of the evolution of the market share, as a separate target**

3. The Commission shall, by 31 December 2030, review the target laid down in paragraph 1(c) and **2(a)** . This review may also consider introducing a calculation methodology for the calculation of the separate collection rate with a view to reflecting the quantity of waste batteries

or as part of a review of the target laid down in paragraph 1(c) and in Article 48(4). This review may also consider introducing a calculation methodology for the calculation of the separate collection rate with a view to reflecting the quantity of waste batteries available for collection. To that end, the Commission shall submit a report to the European Parliament and the Council on the outcome of the review accompanied, if appropriate, by a legislative proposal.

available for collection. To that end, the Commission shall submit a report to the European Parliament and the Council on the outcome of the review accompanied, if appropriate, by a legislative proposal.

Or. en

Amendment 164

Proposal for a regulation Article 55 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the methodology to calculate the collection rate for portable batteries laid down in Annex XI.

deleted

Or. en

Amendment 165

Proposal for a regulation Article 56 – paragraph 1

Text proposed by the Commission

Amendment

1. Collected waste batteries shall not be *landfilled or incinerated*.

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

Or. en

Amendment 166

Proposal for a regulation Article 57 – paragraph 1

Text proposed by the Commission

1. All waste batteries collected shall *enter* a recycling process.

Amendment

1. All waste batteries collected shall ***undergo preparation for reuse, preparation for repurposing or*** a recycling process, ***except batteries containing mercury, which shall be disposed of in a manner that does not entail any negative impacts on human health or the environment.***

Or. en

Amendment 167

Proposal for a regulation Article 57 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In order to enable proper sorting and reporting of lithium-ion batteries waste batteries, the Commission shall consider including lithium-ion waste batteries in the list of wastes provided in Decision 2000/532/EC.

Or. en

Amendment 168

Proposal for a regulation Article 58 – paragraph 1

Text proposed by the Commission

1. Treatment and recycling may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of waste batteries is in

Amendment

1. Treatment, ***preparation for reuse, preparation for repurposing*** and recycling may be undertaken outside the Member State concerned or outside the Union,

compliance with Regulation (EC) No 1013/2006 and Regulation (EC) No 1418/2007.

provided that the shipment of waste batteries is in compliance with Regulation (EC) No 1013/2006 and Regulation (EC) No 1418/2007

Or. en

Amendment 169

Proposal for a regulation Article 58 – paragraph 2

Text proposed by the Commission

2. Waste batteries exported out of the Union in accordance with paragraph 1 shall only count towards the fulfilment of obligations, efficiencies and targets set out in Article 56 and Article 57 if the recycler or other waste holder exporting the waste batteries for treatment and recycling can prove that the treatment took place in conditions that are equivalent to the requirements of this Regulation.

Amendment

2. Waste batteries exported out of the Union in accordance with paragraph 1 shall only count towards the fulfilment of obligations, efficiencies and targets set out in Article 56 and Article 57 if the recycler or other waste holder exporting the waste batteries for treatment and recycling can prove that the treatment took place in conditions that are equivalent to the requirements of this Regulation ***and to relevant environmental, social and human health protection requirements in other Union legislation.***

Or. en

Amendment 170

Proposal for a regulation Article 59 – paragraph 1

Text proposed by the Commission

1. Independent operators shall be given access to the battery management system of ***rechargeable industrial*** batteries and electric vehicle batteries ***with internal storage with a capacity above 2 kWh***, on equal terms and conditions, for the purpose of assessing and determining the state of health and remaining lifetime of batteries,

Amendment

1. Independent operators shall be given access to the battery management system of ***light means of transport*** batteries, ***where available and of batteries within stationary battery energy storage*** and electric vehicle batteries, on equal terms and conditions, for the purpose of assessing and determining the state of

according to the parameters laid down in Annex VII.

health and remaining lifetime of batteries, according to the parameters laid down in Annex VII.

Or. en

Amendment 171

Proposal for a regulation Article 59 – paragraph 2

Text proposed by the Commission

2. Independent operators carrying out repurposing or remanufacturing operations shall be given adequate access on equal terms and conditions, to the information relevant for the handling and testing of **rechargeable** industrial batteries and electric vehicle batteries, or of appliances and vehicles in which such batteries are incorporated as well as of components of such batteries, appliances or vehicles, including safety aspects.

Amendment

2. Independent operators carrying out **preparation for repurposing**, repurposing or remanufacturing operations shall be given adequate access on equal terms and conditions, to the information relevant for the handling and testing of **light means of transport batteries**, industrial batteries and electric vehicle batteries, or of appliances and vehicles in which such batteries are incorporated as well as of components of such batteries, appliances or vehicles, including safety aspects.

Or. en

Amendment 172

Proposal for a regulation Article 59 – paragraph 3

Text proposed by the Commission

3. Operators carrying out repurposing or remanufacturing operations of batteries shall ensure that the examination, performance testing, packing and shipment of batteries and their components is carried out following adequate quality control and safety instructions.

Amendment

3. Operators carrying out **preparation for repurposing**, repurposing or remanufacturing operations of batteries shall ensure that the examination, performance **and safety** testing, packing and shipment of batteries and their components is carried out following adequate quality control and safety instructions.

Amendment 173

Proposal for a regulation

Article 59 – paragraph 4 – subparagraph 1

Text proposed by the Commission

Operators carrying out repurposing or remanufacturing operations of batteries shall ensure that the repurposed or remanufactured battery complies with this Regulation, relevant product, environmental and human health protection requirements in other legislation and technical requirements for its specific purpose of use when placed on the market.

Amendment

Operators carrying out ***preparation for repurposing***, repurposing or remanufacturing operations of batteries shall ensure that the repurposed or remanufactured battery complies with this Regulation, relevant product, environmental and human health protection requirements in other legislation and technical requirements for its specific purpose of use when placed on the market.

Or. en

Amendment 174

Proposal for a regulation

Article 59 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Producers placing repurposed or remanufactured batteries on the market shall be registered in accordance with Article 46 and shall have an extended producer responsibility in accordance with Article 47.

Or. en

Amendment 175

Proposal for a regulation

Article 59 – paragraph 5 – introductory part

Text proposed by the Commission

5. In order to document that a waste battery, subject to a repurposing or remanufacturing operation, is no longer waste, **the battery holder** shall demonstrate the following upon request by a competent authority:

Amendment

5. In order to document that a waste battery, subject to a repurposing or remanufacturing operation, is no longer waste, **operators carrying out repurposing or remanufacturing operations** shall demonstrate the following upon request by a competent authority:

Or. en

Amendment 176

Proposal for a regulation

Article 60 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) the contribution of end users to waste prevention, including by information on good practices concerning the use of batteries aiming at extending their use phase and the possibilities of preparation for reuse;

Amendment

(a) the contribution of end users to waste prevention, including by information on good practices concerning the use of batteries aiming at extending their use phase and the possibilities of preparation for reuse, **reuse, preparation for repurposing, repurposing and remanufacturing**;

Or. en

Amendment 177

Proposal for a regulation

Article 60 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) the role of end users in contributing to the separate collection of waste batteries in accordance with their obligations under Article 51 so as to allow their treatment and recycling;

Amendment

(b) **information and awareness campaigns about** the role of end users in contributing to the separate collection of waste batteries in accordance with their obligations under Article 51 so as to allow their treatment and recycling;

Amendment 178

Proposal for a regulation

Article 60 – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

(c) the separate collection, preparation for re-use and recycling systems available for waste batteries;

Amendment

(c) the separate collection, **take back and collection points**, preparation for re-use, **preparation for repurposing, repurposing, remanufacturing** and recycling systems available for waste batteries;

Or. en

Amendment 179

Proposal for a regulation

Article 60 – paragraph 1 – subparagraph 1 – point f

Text proposed by the Commission

(f) the impact of substances contained in batteries on the environment and on human health, including impact due to inappropriate discarding of waste batteries such as littering or discarding as unsorted municipal waste.

Amendment

(f) the impact of substances, **in particular hazardous substances**, contained in batteries on the environment and on human health, including impact due to inappropriate discarding of waste batteries such as littering or discarding as unsorted municipal waste.

Or. en

Amendment 180

Proposal for a regulation

Article 60 – paragraph 2

Text proposed by the Commission

2. Producers shall make available to distributors and operators referred to in

Amendment

2. Producers shall make available to distributors and operators referred to in

Articles 50, 52 and 53 and other waste management operators carrying out repair, remanufacturing, preparing for re-use, treatment and recycling activities information regarding the safety and protective measures, including on occupational safety, applicable to the storage and collection of waste batteries.

Articles 50, 52 and 53 and other waste management operators carrying out repair, remanufacturing, preparing for re-use, treatment and recycling activities information regarding the ***components and materials of batteries as well as the location of all hazardous substances in batteries. Producers shall make information available regarding the*** safety and protective measures, including on occupational safety, applicable to the storage and collection of waste batteries.

Or. en

Amendment 181

Proposal for a regulation

Article 60 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

(a) the processes to ensure the dismantling of vehicles and appliances in a way that allows the removal of incorporated batteries;

Amendment

(a) the processes to ensure the dismantling of ***light means of transport***, vehicles and appliances in a way that allows the removal of incorporated batteries;

Or. en

Amendment 182

Proposal for a regulation

Article 60 – paragraph 4

Text proposed by the Commission

4. Distributors that supply batteries to end-users shall provide in their retail premises, in a visible manner, and through their online marketplaces the information listed in paragraph 1 and 2, and information on how the end users may return waste batteries free of charge to the respective collection points established at

Amendment

4. Distributors that supply batteries to end-users shall provide in their retail premises, ***permanently*** in a visible manner, and through their online marketplaces the information listed in paragraph 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 a marketplace. That obligation shall be limited to the types of batteries which the distributor or retailer has, or had, as new batteries in its offer.

retail outlets or on behalf of a marketplace. That obligation shall be limited to the types of batteries which the distributor or retailer has, or had, as new batteries in its offer.

Or. en

Amendment 183

Proposal for a regulation

Article 61 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Producers of portable batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf shall report to the competent authority for each calendar year the following information according to the battery chemistry, ***specifying the amounts of batteries powering light means of transport:***

Amendment

Producers of portable batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf shall report to the competent authority for each calendar year the following information according to the battery chemistry:

Or. en

Amendment 184

Proposal for a regulation

Article 61 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Producers of light means of transport batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf shall report to the competent authority for each calendar year the following information according to the chemical composition of the battery , specifying the quantities of batteries powering light means of transport:

(a) the quantity of light means of transport batteries made available on the

market for the first time in the territory of a Member State, excluding any light means of transport batteries that have left the territory of that Member State in that year before being sold to end users;

(b) the quantity of light means of transport batteries collected in accordance with Article 48a, calculated on the basis of the methodology set out in Annex XIa;

(c) the collection target reached by the producer or producer responsibility organisation acting on behalf of their members;

(d) the quantity of collected light means of transport waste batteries delivered for treatment and recycling to permitted facilities;

(e) the quantity of batteries delivered for reuse, repurposing and remanufacturing.

Where waste management operators other than producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, collect light means of transport batteries from distributors or other take back and collection points for light means of transport batteries, they shall report to the competent authority for each calendar year the quantity of light means of transport batteries collected with a breakdown according to chemical composition and specifying the quantities of batteries powering light means of transport.

The operators referred to in the first and second subparagraphs shall report to the competent authority the data referred to in the first subparagraph within 4 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 adoption of the implementing act that establishes the format for reporting to the Commission, in accordance with Article 62(6). The

competent authorities shall establish the format and procedures in accordance with which data are to be reported to them.

Or. en

Amendment 185

Proposal for a regulation

Article 61 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the quantity of batteries delivered for reuse, repurposing and remanufacturing

Or. en

Amendment 186

Proposal for a regulation

Article 61 – paragraph 5 – subparagraph 1– point b

Text proposed by the Commission

Amendment

(b) the amount of waste batteries entering recycling processes;

(b) the amount of waste batteries entering *preparation for repurposing and* recycling processes;

Or. en

Amendment 187

Proposal for a regulation

Article 64 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The system shall serve the following purposes:

(a) supporting market surveillance authorities in carrying out their tasks

under this Regulation and the relevant delegated acts, including the enforcement by those authorities of the Regulation;

(b) providing the public with information about batteries placed on the market and their sustainability and safety requirements, and battery information sheets;

(c) providing the Commission and accredited remanufacturers, second-life operators and recyclers with up-to-date information for batteries.

Or. en

Amendment 188

Proposal for a regulation Article 64 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The system shall not replace or modify the responsibilities of the market surveillance authorities

Or. en

Amendment 189

Proposal for a regulation Article 65 – paragraph 1

Text proposed by the Commission

Amendment

1. By 1 January 2026, each industrial battery and electric vehicle battery placed on the market or put into service **and whose capacity is higher than 2 kWh** shall have an electronic record (“battery passport”).

1. By 1 January 2026, each industrial battery and electric vehicle battery placed on the market or put into service shall have an electronic record (“battery passport”).

Or. en

Amendment 190

Proposal for a regulation Article 65 – paragraph 6

Text proposed by the Commission

6. When the change in the status is due to repairing or repurposing activities, the responsibility for the battery record in the battery passport shall be transferred to the ***economic operator that is*** considered to place the industrial battery or the electric vehicle battery on the market or that puts it into service.

Amendment

6. When the change in the status is due to repairing or repurposing activities, the responsibility for the battery record in the battery passport shall be transferred to the ***producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, that are*** considered to place the industrial battery or the electric vehicle battery on the market or that puts it into service. ***The record for remanufactured or repurposed batteries shall be linked to the record of the original battery.***

Or. en

Amendment 191

Proposal for a regulation Article 66 – paragraph 5 – point a

Text proposed by the Commission

(a) failure of the battery to meet the requirements set out in Chapter II or III of this Regulation

Amendment

(a) failure of the battery to meet the requirements set out in Chapter II or III ***and Article 39*** of this Regulation

Or. en

Amendment 192

Proposal for a regulation Article 73 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts

Amendment

2. The power to adopt delegated acts

referred to in Articles 6(2), 7(1), (2) and (3), 9(2), 10(3), 12(2), 17(4), 27(3), 39(8), **55(4)**, 56(4), 57(6), 58(3) and 70(2) shall be conferred on the Commission for a period of five years from [date of entry into force of this Regulation]. 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.

referred to in Articles 6(2), 7(1), (2) and (3), **8(1)**, **8(4a)**, 9(2), 10(3), 12(2), 17(4), 27(3), 39(8), 56(4), 57(6), 58(3) and 70(2) shall be conferred on the Commission for a period of five years from [date of entry into force of this Regulation]. 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.

Or. en

Amendment 193

Proposal for a regulation Article 73 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Articles 6(2), 7(1), (2) and (3), 9(2), 10(3), 12(2), 17(4), 27(3), 39(8), **55(4)**, 56(4), 57(6), 58(3) and 70(2) 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.

Amendment

3. The delegation of power referred to in Articles 6(2), 7(1), (2) and (3), **8(1)**, **8(4a)**, 9(2), 10(3), 12(2), 17(4), 27(3), 39(8), 56(4), 57(6), 58(3) and 70(2) 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.

Or. en

Amendment 194

Proposal for a regulation Article 73 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 6(2), 7(1), (2) and (3), 9(2), 10(3), 12(2), 17(4), 27(3), 39(8), **55(4)**, 56(4), 57(6), 58(3) and 70(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two 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.

Amendment

6. A delegated act adopted pursuant to Articles 6(2), 7(1), (2) and (3), **8(1), 8(4a)**, 9(2), 10(3), 12(2), 17(4), 27(3), 39(8), 56(4), 57(6), 58(3) and 70(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two 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.

Or. en

Amendment 195

Proposal for a regulation Article 76 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The types of infringement by economic operators subject to penalties shall be at least the following:

- ***making false declarations during the conformity assessment procedures set out in Chapter IV and measures set out in Articles 66 and 68;***
- ***falsifying test results for conformity or for market surveillance;***
- ***withholding data or technical specifications that could lead to the recall of the battery or its components or to the refusal or withdrawal of the declaration***

of conformity.

Or. en

Amendment 196

Proposal for a regulation Article 77 – paragraph 1

Text proposed by the Commission

1. By 31 December 2030, the Commission shall draw up a report on the application of this Regulation and its impact on the environment and the functioning of the internal market.

Amendment

1. By 31 December 2030, the Commission shall draw up a report on the application of this Regulation and its impact on the environment and the functioning of the internal market ***and submit and present it to the European Parliament and to the Council.***

Or. en

Amendment 197

Proposal for a regulation Article 77 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where appropriate, the report shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Regulation.

Amendment

If appropriate, the report ***referred to in paragraph 1*** shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Regulation.

Or. en

Amendment 198

Proposal for a regulation Annex III – title

Text proposed by the Commission

Electrochemical performance and

Amendment

Electrochemical performance and

durability parameters for portable batteries
of general use

durability parameters for portable batteries

Or. en

Amendment 199

Proposal for a regulation Annex III – point 1

Text proposed by the Commission

1. Battery capacity, electric **charge** which a battery can deliver under a specific set of conditions.

Amendment

1. Battery capacity, electric **energy** which a battery can deliver under a specific set of conditions.

Or. en

Amendment 200

Proposal for a regulation Annex III – point 3

Text proposed by the Commission

3. Shelf life (delayed discharge performance), the relative decrease of the minimum average duration after a defined period of time and specific conditions.

Amendment

3. Shelf life (delayed discharge performance), the relative decrease of the minimum average duration, **with the initially measured capacity as the reference**, after a defined period of time and specific conditions.

Or. en

Amendment 201

Proposal for a regulation Annex IV – title

Text proposed by the Commission

Electrochemical performance and durability requirements for **rechargeable**

Amendment

Electrochemical performance and durability requirements for **light means of**

industrial batteries and electric vehicle batteries

transport batteries, industrial batteries and electric vehicle batteries

Or. en

Amendment 202

Proposal for a regulation Annex IV – Part A – paragraph 1 – point 1

Text proposed by the Commission

Amendment

1. **Rated** capacity (in Ah) and capacity fade (in %).

1. **Measured** capacity (in Ah) and capacity fade (in %).

Or. en

Amendment 203

Proposal for a regulation Annex IV – Part A – paragraph 1 – point 3

Text proposed by the Commission

Amendment

3. Internal resistance (in \square) **and** internal resistance increase (in %).

3. Internal resistance (in \square), internal resistance increase (in %) **and electrochemical impedance** (in \square).

Or. en

Amendment 204

Proposal for a regulation Annex IV – Part A – paragraph 1 – point 5 a (new)

Text proposed by the Commission

Amendment

5a. Self discharge

Or. en

Amendment 205

Proposal for a regulation Annex IV – Part A – paragraph 2

Text proposed by the Commission

‘***Rated*** capacity’ means the total number of ampere-hours (Ah) that can be withdrawn from a fully charged battery under specific conditions.

Amendment

‘***Measured*** capacity’ means the total number of ampere-hours (Ah) that can be withdrawn from a fully charged battery under specific conditions.

Or. en

Amendment 206

Proposal for a regulation Annex IV – Part A – paragraph 3

Text proposed by the Commission

‘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 ***declared by the manufacturer***.

Amendment

‘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 ***measured*** capacity.

Or. en

Amendment 207

Proposal for a regulation Annex V – point 9 a (new)

Text proposed by the Commission

Amendment

9a. Fire test

The objective of the fire test is to expose the battery to a fire and assess the risk of explosion. The measure of the energy released is an important safety indicator.

Or. en

Amendment 208

Proposal for a regulation Annex VI – Part A – paragraph 1 – point 8 a (new)

Text proposed by the Commission

Amendment

8a. information relating to the consumption of electric energy, other forms of energy and where relevant other essential resources during use

Or. en

Amendment 209

Proposal for a regulation Annex X – point 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) copper;

Or. en

Amendment 210

Proposal for a regulation Annex X – point 1 – point d b (new)

Text proposed by the Commission

Amendment

(db) iron;

Or. en

Amendment 211

Proposal for a regulation Annex X – point 1 – point d c (new)

Text proposed by the Commission

Amendment

(dc) bauxite

Or. en

Amendment 212

**Proposal for a regulation
Annex X – point 2 – point a a (new)**

Text proposed by the Commission

Amendment

(aa) climate change;

Or. en

Amendment 213

**Proposal for a regulation
Annex X – point 2 – point d a (new)**

Text proposed by the Commission

Amendment

(da) waste management;

Or. en

Amendment 214

**Proposal for a regulation
Annex X – point 2 – point i**

Text proposed by the Commission

Amendment

(i) community life.

(i) community life, ***including that of indigenous people.***

Or. en

Amendment 215

Proposal for a regulation Annex X – point 3 – point c

Text proposed by the Commission

(c) Convention on Biological Diversity Decision COP VIII/28- Voluntary guidelines on Biodiversity-Inclusive impact assessment;

Amendment

(c) Convention on Biological Diversity, **including** Decision COP VIII/28- Voluntary guidelines on Biodiversity-Inclusive impact assessment;

Or. en

Amendment 216

Proposal for a regulation Annex X – point 3 – point d

Text proposed by the Commission

(d) ***ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;***

Amendment

deleted

Or. en

Amendment 217

Proposal for a regulation Annex X – point 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) *The UN Paris Agreement*

Or. en

Amendment 218

Proposal for a regulation Annex X – point 3 – point e

Text proposed by the Commission

Amendment

**(e) OECD Due Diligence Guidance
for Responsible Business Conduct; and**

deleted

Or. en

Amendment 219

**Proposal for a regulation
Annex X – point 3 – point f**

Text proposed by the Commission

Amendment

**(f) OECD Due Diligence Guidance
for Responsible Supply Chains of
Minerals from Conflict-Affected and
High-Risk Areas.**

deleted

Or. en

Amendment 220

**Proposal for a regulation
Annex X – point 3 – point f a (new)**

Text proposed by the Commission

Amendment

**(fa) any other international human
rights conventions that are binding upon
the European Union or its Member States,
including the International Bill of Human
Rights and the other UN core
international human rights instruments;**

Or. en

Amendment 221

**Proposal for a regulation
Annex X – point 3 a (new)**

Text proposed by the Commission

Amendment

3a. The internationally recognized due diligence principles applicable to the due diligence established under Article 39 of this Regulation:

a) UN Guiding Principles for Businesses and Human Rights;

b) ILO Tripartite Declaration of Principles concerning Multinational Enterprises;

c) OECD Guidelines for Multinational Enterprises;

d) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;

e) OECD Due Diligence Guidance for Responsible Business Conduct;

f) OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas.

Or. en

Amendment 222

Proposal for a regulation Annex XI a (new)

Text proposed by the Commission

Amendment

ANNEX XIa

Calculation of collection rates of light means of transport batteries

1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, and Member States shall calculate the collection rate as the percentage obtained by dividing the weight of light means of transport batteries collected in accordance with

Article 48 and Article 55, respectively, in a given calendar year in a Member State by the average weight of such batteries that producers either sell directly to end-users or deliver to third parties in order to sell them to end-users in that Member State during that year and the preceding two calendar years.

2. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, and Member States shall calculate the annual sales of light means of transport 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 a Member State in the year concerned, excluding any light means of transport batteries that left the territory of that Member State in that year before being sold to end users.

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 2 and 3 shall be based on collected data or statistically significant estimates based on collected data.

Or. en

Amendment 223

Proposal for a regulation Annex XII – Part A – point 4

Text proposed by the Commission

4. Special precautions and safety measures shall be in place for the treatment of waste lithium based batteries that shall be protected from exposure to excessive heat, water, or any crushing or physical damage during handling, sorting **and** storage.

Amendment

4. Special precautions and safety measures shall be in place for the treatment of waste lithium based batteries that shall be protected from exposure to excessive heat, water, or any crushing or physical damage during handling, sorting, **they shall be stored in a dry place, not exposed to high temperatures, fire or direct sunlight,**

shall be kept from water and rain, stored in its normally installed orientation, in well ventilated areas. Waste lithium based batteries shall also be covered with a high voltage rubber insulation mat. The storage of waste lithium based batteries shall be marked with a warning sign and only those batteries which are sufficiently insulated against short circuiting shall be stored there.

Or. en

Amendment 224

Proposal for a regulation Annex XII – Part B – point 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) recycling of 75 % by average weight of nickel-cadmium batteries

Or. en

Amendment 225

Proposal for a regulation Annex XII – Part B – point 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) recycling of 70 % by average weight of other waste batteries.

Or. en

Amendment 226

Proposal for a regulation Annex XII – Part C – point 1 – point a

Text proposed by the Commission

Amendment

(a) **90** % for cobalt;

(a) **95** % for cobalt;

Or. en

Amendment 227

Proposal for a regulation Annex XII – Part C – point 1 – point b

Text proposed by the Commission

Amendment

(b) **90** % for copper;

(b) **95** % for copper;

Or. en

Amendment 228

Proposal for a regulation Annex XII – Part C – point 1 – point d

Text proposed by the Commission

Amendment

(d) **35** % for lithium;

(d) **70** % for lithium;

Or. en

Amendment 229

Proposal for a regulation Annex XII – Part C – point 2 – point a

Text proposed by the Commission

Amendment

(a) **95** % for cobalt;

(a) **98** % for cobalt;

Or. en

Amendment 230

Proposal for a regulation Annex XII – Part C – point 2 – point b

Text proposed by the Commission

(b) **95** % for copper;

Amendment

(b) **98** % for copper;

Or. en

Amendment 231

Proposal for a regulation Annex XII – Part C – point 2 – point d

Text proposed by the Commission

(d) **70** % for lithium;

Amendment

(d) **90** % for lithium;

Or. en

Amendment 232

Proposal for a regulation Annex XII – Part C – point 2 – point e

Text proposed by the Commission

(e) **95** % for nickel.

Amendment

(e) **98** % for nickel.

Or. en

EXPLANATORY STATEMENT

Batteries are a key technology for Europe's energy transition. They are crucial for sustainable mobility and for storing renewable energy, and are an integral part of everyday life in Europe. For a sustainable transition in line with the objectives of the Green Deal, we need to take action at every point in the lifecycle of these products.

This strategic approach is in keeping with the European Battery Alliance and is part and parcel of the new circular economy action plan and the new European industrial strategy.

With the current proposal for a regulation, the Commission intends, for the first time, to lay down a holistic set of rules to govern an entire product lifecycle, from the design phase to end-of-life.

In line with Parliament's recommendations in its resolution on the New Circular Economy Action Plan¹, the rapporteur supports this approach, which she considers essential for the shift to a circular economy.

The data which the Commission reports in its impact assessment accompanying the proposal for a regulation concerning batteries demonstrates that specific requirements are needed for this strategic product.

For example, it is estimated that the total volume of industrial batteries (including those for e-bikes and electric vehicles) could climb from the current 0.7 million tonnes to almost 4.4 million tonnes in 2035. The bulk of these will be electric vehicle batteries, which are set to account for around 87% of the market.

These figures imply an exponential increase in the use of strategic materials, such as those used in lithium-ion technology, in particular cobalt, lithium, nickel and magnesium, for which Europe currently relies entirely on imports as it has few resources of its own. If we are to keep pace with our global competitors, achieve strategic self-sufficiency and harness the full potential of these new technologies, we need to put industrialisation policies in place which leverage the principles of circularity as the best route to sustainable development. Indeed, the rapporteur believes that, in line with the current Directive, the new regulation should still set out to achieve a high level of protection for human health and the environment, but also lay down harmonised rules setting standards to promote end-to-end battery production in 'gigafactories'. These new standards could become a benchmark for the entire global battery market and should apply to all types of battery sold on the European market, including those imported from non-EU countries.

Against this background, the rapporteur agrees with the Commission's proposal to overhaul the current Batteries Directive to take account of technological developments which will see battery use spread to applications beyond the scope of the current legislation.

While the rapporteur agrees with the overall framework, she is proposing a series of amendments to fine-tune the new regulation.

In Chapter I, she believes that further work is needed on the definitions in order to make it

¹ (P9_TA(2021)0040)

clearer what the legal basis is for the main categories of battery admitted to the market and for their end uses, and to tighten up the thresholds and parameters currently set in the Commission's proposal. Based on the recent study by the Joint Research Council², the rapporteur has added a new definition for batteries used in 'light means of transport', since these batteries make up a significant share of the market due to their growing use in urban sustainable mobility. The rapporteur has also set clear weight limits for 'portable batteries' and 'electric vehicle batteries'.

The rapporteur agrees that specific sustainability criteria should be set in Chapter 2. Aside from adding the new 'light means of transport' category, she believes that the battery categories mentioned in the sustainability provisions should be broadened for the benefit of consumers. In particular, the rapporteur agrees that minimum requirements should be set for the recycled material content in all types of battery, with the exception of 'portable batteries for general use'. In any event, she believes that a methodology should be adopted as soon as possible to measure the specific material targets set in Article 8.

The rapporteur welcomes the new Article 39, which introduces, for the first time, obligatory measures concerning due diligence for a specific product. To be truly sustainable, the entire battery supply chain must combine environmental sustainability and a social dimension.

Greater use of batteries will mean larger amounts of waste: the number of lithium batteries to be recycled is expected to increase by 700 between 2020 and 2040.

The rapporteur stresses that achieving a circular model and creating an efficient secondary raw materials market will require the effective collection of ambitious quantities of all categories of battery.

The rapporteur also supports the Commission's proposal for obligations on extended producer responsibility (EPR). In this regard, she believes that the EPR requirements set in the Waste Framework Directive should constitute the minimum requirements applicable to batteries, while this Regulation should lay down additional specific requirements to enable proper management of battery waste and strengthen prevention measures.

The rapporteur also highlights the innovative nature of remanufacturing and repurposing operations which have, for the first time, been added to European legislation as fully fledged prevention instruments. In view of this, the rapporteur has attempted to tighten the definitions and establish more clearly the responsibilities of the various stakeholders. Clear rules on, for example, the use of end-of-life electric vehicle batteries to store renewable energy could in fact support the development of economic hubs rooted in industrial symbiosis, inspire new business models and lead to new jobs.

Finally, the rapporteur highlights the complexity of this legislation, which will need to evolve in step with technological developments. In view of this, she supports the idea of supplementing the Regulation with delegated acts, but would point out that any amendments to the essential elements of any of the articles will need to be made via the ordinary procedure.

² Huisman, J. and Bobba, S., 'Available for Collection' study on alternative collection targets for waste portable and light means of transport batteries, EUR 30746 EN, Publications Office of the European Union, Luxembourg, 2021, ISBN 978-92-76-39442-6, doi:10.2760/163961, JRC125615.

**ANNEX: LIST OF ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

The following list has been drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following organisations or individuals in the preparation of the report up to adoption thereof in committee:

Entity and/or person
Enel
Stora ENso
Eurobat
EPBA
The Cobalt Institute
Amazon
DUH Umweltschutz-Service GmbH
Eucobat
Transport and Environment
MWE
EEB
RECHARGE
Eramet
EPTA
Northvellan
LEVA EU
Confederation of Finnish Industries
Applia
Tesla
ECOS
Deutsche Umwelthilfe
EASE
Umicore
FEAD
FISE
CNH
BDE
CNH
Nickel Institute
Digitaleurope
EDF
Euric
Eurocommerce
EGMF