



2020/0353(COD)

13.12.2021

OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on the Environment, Public Health and Food Safety

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))

Rapporteur for opinion: Antonius Manders (*)

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

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SHORT JUSTIFICATION

Through this opinion, we aim to guarantee the future of the EU economy, strengthen its competitiveness in the world, while protecting the environment, climate, jobs and social standards. In a few years from now, roughly 95% of all batteries deployed in the EU will be used for stationary energy storage and electric mobility. Electric vehicle (EV) batteries and the related software (BMS) are the most valuable parts of EV's. We need to **use the leverage of the Internal Market to establish a new, vital and world leading industry in the EU: that of battery cell production**. In doing so, we can **reduce our dependency on other parts of the world and keep the European car industry competitive while it transitions to electric mobility**.

From past policy mistakes (for example regarding the solar panel industry - no substantial capacities left in the EU), we have learned that it is key to **strictly enforce a level playing field, also for products of manufacturers established outside the EU**. Setting **high environmental and social standards**, for example through due diligence rules, enables companies that manufacture batteries in the EU to **compete on more elements than price alone**. Reducing the duration and thus costs of legal procedures in case of conflicts regarding cross-border market access are necessary to enable SME's to fully participate in, and reap the benefits of the single market.

At the same time, a focus on consumers is of the utmost importance. Batteries may look similar; however, their performance can be very different. We should therefore work towards a better labelling of batteries, using modern techniques like QR codes, so that consumers can take better-informed decisions. Interoperability of battery chargers between similar devices will improve convenience and reduce waste. And stimulating innovation to accelerate the take-up of smart charging functions, like the use of an automotive powerbank to emergency-charge an electric car in case it's battery is low, can prevent drivers from getting stranded. The introduction of a deposit refund scheme for batteries can help consumers convince old batteries have a value and lead to a higher recycling rate.

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 2

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

(2) Batteries are thus an important source of energy and one of the key enablers for sustainable development, green mobility, clean energy and climate neutrality. It is expected that the demand for batteries will grow rapidly in the coming years, notably for electric road transport vehicles **and light means of transport** using batteries for traction, making this market an increasingly strategic one at the global level. Significant scientific and technical progress in the field of battery technology will continue. In view of the importance of batteries, and **in order, in particular, to make the Union the leader and to allow it to achieve strategic autonomy in this sector**, to provide legal certainty to all operators involved **and incentives to produce batteries that have higher levels of performance and less environmental impact**, and to avoid discrimination, barriers to trade and distortions on the market for batteries, **while ensuring a level playing field for companies complying with Union rules and taking into consideration regulatory burden**, it is necessary to set out **ambitious requirements, to be strictly enforced under this Regulation**, on sustainability parameters, performance, safety, collection, recycling, second life of batteries **and information to consumers and economic operators**. It is necessary to create a harmonised regulatory framework **on the basis of Article 114 of the TFEU** for dealing with the entire life cycle of batteries that are placed on the market in the Union, **as well as swift market surveillance and dispute settlement procedures regarding the placing of batteries on the market in the Union**.

Amendment 2

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) The new Circular Economy Action Plan adopted on 11 March 2020²⁸ states that the proposal for a new regulatory framework for batteries will consider rules on recycled content and measures to improve the collection and recycling rates of all batteries, in order to ensure the recovery of valuable materials and to provide guidance to consumers and will address the possible phasing out of non-rechargeable batteries where alternatives exist. Furthermore, it is stated that sustainability and transparency requirements will be considered, taking into account the carbon footprint of battery manufacturing, the ethical sourcing of raw materials and the security of supply in order to facilitate reuse, repurposing and recycling of batteries.

²⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 11 March 2020, A new Circular Economy Action Plan – For a cleaner and more competitive Europe (COM(2020)98 final).

Amendment 3

Proposal for a regulation
Recital 19 a (new)

Text proposed by the Commission

Amendment

(8) The new Circular Economy Action Plan adopted on 11 March 2020 states that the proposal for a new regulatory framework for batteries will consider rules on recycled content and measures to improve the collection and recycling rates of all batteries, in order to ensure the recovery of valuable materials and to provide guidance to consumers and will address the possible phasing out of non-rechargeable batteries where alternatives exist ***in view of minimising their environmental impact***. Furthermore, it is stated that sustainability and transparency requirements will be considered, taking into account the carbon footprint of battery manufacturing, the ethical sourcing of raw materials and the security of supply in order to facilitate reuse, repurposing and recycling of batteries.

²⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 11 March 2020, A new Circular Economy Action Plan – For a cleaner and more competitive Europe (COM(2020)98 final).

(19a) Substituting scarce raw materials with cheaper and more widely available materials is crucial to reducing the Union's dependence on third countries in the long term, decreasing the impact of cell and battery production on the

environment, to creating more jobs in the Union and to reducing costs. It is, therefore, of vital importance that the Union and the Member States increase support for research and development initiatives in the Union concerning the substitution of such materials.

Amendment 4

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 of general use, **batteries powering mobile phones and tablets and batteries for light means of transport** 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. 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. **The Commission should assess the level of complementarity and coherence of the Union's rules in relation to international rules in order to ensure that a stable and positive regulatory environment exists to facilitate innovation and competitiveness.**

Amendment 5

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. ***However, non-rechargeable batteries are still used for certain devices. Whether rechargeable or not, portable batteries of general use should meet minimum performance parameters.*** 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 6

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 under implementing measures under Directive 2009/125/EC of the European Parliament and of the Council³³. Where

Amendment

(26) In order to ensure that portable batteries incorporated into appliances ***and batteries for light means of transport*** are subject to proper separate collection, treatment and high quality recycling once they have become waste, provisions to ensure their removability and replaceability are necessary. Used batteries should also be replaceable so as to prolong the expected lifetime of the appliances ***or light means of transport*** they are part of. ***For portable batteries, including battery powering light means of transport, end users should be able to replace the battery themselves. Bigger batteries should only be replaceable by professionals, for safety***

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.

reasons. The right to repair an equipment by replacing the battery should be effective and end users should be informed as to how to purchase a replacement battery. The compatible replacement battery should be designed in such a way that it can be recognised by the equipment. Software, unnecessary permanent glue or other technical means to impede the right to repair should not be used The general provisions of this Regulation may be complemented with 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.

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).

Amendment 7

Proposal for a regulation Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) Interoperability of chargers within specific categories of products could reduce unnecessary waste and costs for the benefit of consumers and other end-users. It should be possible therefore to recharge batteries for products such as electric vehicles, light means of transport, IT, telecommunications and consumer equipment, such as mobile phones and tablets, printers and laptops, as well as electric or electronic tools such as

gardening tools or power drills, by making use of common chargers that allow interoperability within each category of products. This Regulation should therefore include provisions to that aim. A common charger specifically for small and medium sized electronic devices, like mobile phones and tablets, should be introduced at an earlier stage through the revision of the Directive 2014/53/EU on the harmonization of the laws of the Member States relating to the making available on the market of radio equipment.

Amendment 8

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, **all** batteries, **modules and cells** should be labelled, **either individually or collectively where the battery pack contains identical cells**. Batteries should be labelled with the necessary information concerning their main characteristics, including their capacity, **performance**, content of certain hazardous substances, **collection and recycling and production characteristics, including social and environmental impacts**. To ensure the availability of information over time, that information should also be made available by means of QR codes. **The QR code printed or engraved on all batteries should give access the relevant battery's product information. Labels and QR codes should be accessible for persons with disabilities**

in accordance with requirements set up in Directive (EU) 2019/882.

Amendment 9

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 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.***

Amendment

(29) Information about the performance of batteries is essential to ensure that end-users, ***especially*** 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, ***batteries powering light means of transport,*** automotive ***batteries and rechargeable industrial*** batteries should be marked with a label containing the information on their minimum average duration when used in specific applications.

Amendment 10

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

Amendment

(30) ***Stationary battery energy storage systems*** and electric-vehicle batteries with internal storage with a capacity above 2 kWh ***and batteries for light means of transport,*** should contain ***in their*** battery management system 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

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) 2019/944 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 Environment on data access in electric vehicles.

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) 2019/944 of the European Parliament and of the Council, which operate virtual power plants in electricity grids. ***The battery management system for electric vehicle batteries should also have a communication function so as to make it possible to have smart charging functions such as vehicle-to-grid, vehicle-to-load, vehicle-to-vehicle and vehicle-to-powerbank and vehicle-to-building charging. These requirements*** 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 Environment on data access in electric vehicles. ***The technical specifications based on the UNECE Global Technical Regulations (UNECE GTR) once applicable in Union law should be considered to be a benchmark for the data on the parameters for determining the state of health and expected lifetime of batteries to be contained in the battery management system.***

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)

Amendment 11

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) A number of product-specific

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Amendment

(31) A number of product-specific

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requirements under this Regulation, including on performance, durability, repurposing and safety, should be measured by using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art measurements and calculation methodologies. In order to ensure that there are no barriers to trade on the internal market, standards should be harmonised at Union level. Such methods and standards should, to the extent possible, take into account the real-life usage of batteries, reflect the average range of consumer behaviour and be robust in order to deter intentional and unintentional circumvention. Once a reference to such a standard has been adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council³⁵ and published in the Official Journal of the European Union, presumption of conformity shall be established with those product-specific requirements adopted on the basis of this Regulation, provided that the outcome of such methods demonstrate that the minimum values established for those substantive requirements are attained. In the absence of published standards at the time of the application of product-specific requirements, the Commission should adopt common specifications through implementing acts and the compliance with such specifications should also give rise to the presumption of conformity. In cases where the common specifications are, at a later stage, found to have shortcomings, the Commission should by implementing act amend or repeal the common specifications in question.

requirements under this Regulation, including on performance, durability, repurposing and safety, should be measured by using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art measurements, **standards** and calculation methodologies. In order to ensure that there are no barriers to trade on the internal market, standards should be harmonised at Union level. Such methods and standards should, to the extent possible, take into account the real-life usage of batteries, reflect the average range of consumer behaviour and be robust in order to deter intentional and unintentional circumvention. Once a reference to such a standard has been adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council and published in the Official Journal of the European Union, presumption of conformity shall be established with those product-specific requirements adopted on the basis of this Regulation, provided that the outcome of such methods demonstrate that the minimum values established for those substantive requirements are attained. **In order to avoid doubling of standards, to maximise efficiency and to include the highest expertise and state-of art knowledge, the Commission should seek to request one or more European standardisation organisations to draft a standard in case of absence of such a standard. In the absence of published standards at the time of the application of product-specific requirements, or in case of a non satisfactory response by the relevant European standardisation organisation the Commission should adopt, in exceptional, justified cases and after consultation with the relevant stakeholders,** common specifications through implementing acts and the compliance with such specifications should also give rise to the presumption of conformity. In cases where the common specifications are, at a later stage, found to

have shortcomings, the Commission should by implementing act amend or repeal the common specifications in question.

³⁵ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12)

³⁵ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12)

Amendment 12

Proposal for a regulation Recital 31 a (new)

Text proposed by the Commission

Amendment

(31a) An active involvement in the work of international standardisation committees is an important strategic prerequisite to place future technologies into the market. In some cases, participation of the Union has been underrepresented in these committees. Therefore, the Commission and Member States should actively support the work of European companies in such international standardisation committees. Before considering the adoption of standards by secondary legislation, the Commission shall carefully assess the work done at international level.

Amendment 13

Proposal for a regulation Recital 31 b (new)

Text proposed by the Commission

Amendment

(31b) The Commission should ensure consistency regarding harmonised standards and common specifications adopted under this Regulation and should take a consistent approach to harmonised standards and common specifications when it reviews Regulation (EU) No 1025/2012.

Amendment 14

Proposal for a regulation

Recital 32

Text proposed by the Commission

Amendment

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

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

Amendment 15

Proposal for a regulation

Recital 35

Text proposed by the Commission

Amendment

(35) The chosen modules do not however reflect certain specific aspects of batteries and thus, it is necessary to adapt the modules chosen for the conformity assessment procedure. In order to take account of the novelty and complexity of the sustainability, safety **and** labelling requirements set out in this Regulation and for the purpose of ensuring the conformity

(35) The chosen modules do not however reflect certain specific aspects of batteries and thus, it is necessary to adapt the modules chosen for the conformity assessment procedure. In order to take account of the novelty and complexity of the sustainability, safety, labelling **and information** requirements set out in this Regulation and for the purpose of ensuring

of batteries placed on the market with the legal requirements, 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 conformity assessment procedures by adding verifications steps or changing assessment module, on the basis of developments on the battery market or in the battery value chain.

the conformity of batteries placed on the market with the legal requirements, 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 conformity assessment procedures by adding verifications steps or changing assessment module, on the basis of developments on the battery market or in the battery value chain. ***Robust conformity assessment procedures are needed to ensure conformity with sustainable requirements and value chain due diligence obligations set out in this Regulation.***

Amendment 16

Proposal for a regulation Recital 38

Text proposed by the Commission

(38) Due to the novelty and complexity of the sustainability, safety **and** labelling requirements for batteries and in order to ensure a consistent level of quality in the performance of conformity assessment of batteries, it is necessary to set requirements for notifying authorities involved in the assessment, notification and monitoring of notified bodies. In particular, it should be ensured that the notifying authority is objective and impartial with regard to its activity. Furthermore, notifying authorities should be required to safeguard the confidentiality of the information it obtains but should nonetheless be able to exchange information on notified bodies with national authorities, the notifying authorities of other Member States and the Commission to ensure consistency in the conformity assessment.

Amendment

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

Amendment 17

Proposal for a regulation

Recital 39

Text proposed by the Commission

(39) It is essential that all notified bodies perform their functions to the same level and under conditions of fair competition and autonomy. Therefore, requirements for conformity assessment bodies wishing to be notified in order to provide conformity assessment activities should be set. Those requirements should continue to apply as a prerequisite for the maintenance of the competence of the notified body. To ensure its autonomy, the notified body and the staff it employs should be required to maintain independence from economic operators in the battery value chain and from other companies, including business associations and parent companies and subsidiaries. The notified body should be required to document its independence and provide that documentation to the notifying authority.

Amendment

(39) It is essential that all notified bodies perform their functions to the same level and under conditions of fair competition and autonomy. Therefore, requirements for conformity assessment bodies wishing to be notified in order to provide conformity assessment activities should be set. Those requirements should continue to apply as a prerequisite for the maintenance of the competence of the notified body. To ensure its autonomy, the notified body and the staff it employs should be required to maintain independence from economic operators in the battery value chain and from other companies, including business associations and parent companies and subsidiaries. The notified body should be required to document its independence and provide that documentation to the notifying authority. ***Rotating teams and appropriate “cooling off” periods should also be guaranteed.***

Amendment 18

Proposal for a regulation

Recital 42

Text proposed by the Commission

(42) Since the services offered by notified bodies in a Member State might relate to batteries made available on the market throughout the Union, it is appropriate to give the other Member States ***and*** the Commission the opportunity to raise objections concerning a notified body. In order to ensure uniform conditions for the implementation of this Regulation,

Amendment

(42) Since the services offered by notified bodies in a Member State might relate to batteries made available on the market throughout the Union, it is appropriate to give the other Member States, the Commission, ***economic operators and relevant stakeholders*** the opportunity to raise objections concerning a notified body. ***The Commission, during***

implementing powers should be conferred on the Commission in order to request the notifying authority to take corrective action in case a notified body does not meet or no longer meets the requirements of this Regulation.

the investigation proceedings, should seek the advice of a Union Testing Facility designated in accordance with Regulation (EU) 2019/1020. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in order to request the notifying authority to take corrective action in case a notified body does not meet or no longer meets the requirements of this Regulation.

Amendment 19

Proposal for a regulation Recital 43

Text proposed by the Commission

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

Amendment

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

Amendment 20

Proposal for a regulation Recital 45 a (new)

Text proposed by the Commission

Amendment

(45a) Consumers and consumer organisations should have a direct way to report non-compliance with this

Amendment 21

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, ***including social and environmental requirements***, 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. ***Special attention should be given to ensuring that the third party auditing of requirements of this Regulation relating to the production process of batteries is robust and independent. The respect of the carbon footprint declaration, recycled content, as well as to human rights and environmental due diligence obligations should be therefore fully ensured.*** 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. ***Those authorities, in particular when carrying out controls on products entering the Union market from third countries, should ensure consistent enforcement of Union law through an effective and uniform level of control, in accordance with Regulation (EU) 2019/1020.***

Amendment 22

Proposal for a regulation Recital 53

Text proposed by the Commission

(53) When placing a battery on the market or putting it into service, every importer should indicate on the battery the importer's name, registered trade name or registered trade mark as well as the postal address. Exceptions should be provided for in cases where the size of the battery does not allow it. ***This includes*** cases where the importer would have to open the packaging to put the name and ***address on*** the battery or where ***the battery is too small in size to affix*** this information..

Amendment

(53) When placing a battery on the market or putting it into service, every importer should indicate on the battery the importer's name, registered trade name or registered trade mark as well as the postal address, ***e-mail address and telephone number***. Exceptions should be provided for in cases where the size of the battery does not allow it ***because the battery is too small in size to affix this information***. ***Exceptions should as well be provided for in*** cases where the importer would have to open the packaging to put the name and ***the other contact details***. ***In those exceptional cases, the importer should provide this information in a in a document accompanying*** the battery or ***in another immediately accessible way***. Where ***packaging exists, it should be used to indicate*** this information.

Amendment 23

Proposal for a regulation Recital 56

Text proposed by the Commission

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

Amendment

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

Amendment 24

Proposal for a regulation Recital 57

Text proposed by the Commission

(57) Ensuring traceability of a battery throughout the whole supply chain helps to make market surveillance simpler and more efficient. An efficient traceability system facilitates the market surveillance authorities' task of tracing economic operators who placed on the market or made available on the market or put into service non-compliant batteries. The economic operators should therefore be required to keep the information on their transactions of batteries for a certain period of time.

Amendment

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

Amendment 25

Proposal for a regulation Recital 59

Text proposed by the Commission

(59) Only few countries supply those materials and, in some cases, low standards of governance may exacerbate environmental and social problems. **Both** cobalt **and** nickel mining and refining are related to a large range of social and environmental issues, including environmental hazard potential and human health. While the social and environmental impacts for natural graphite are less severe, its mining has high shares of artisanal and small scale operations, which mostly takes place in informal settings and can lead to serious health and environmental impacts, including no regular mine closure and no rehabilitation, which results in the destruction of ecosystems and soils. For lithium, the expected increase in its use in battery manufacturing is likely to put

Amendment

(59) Only few countries supply those materials and, in some cases, low standards of governance may exacerbate environmental and social problems. Cobalt, **copper**, nickel **and bauxite** mining and refining are related to a large range of social and environmental issues, including environmental hazard potential and human health. While the social and environmental impacts for natural graphite are less severe, its mining has high shares of artisanal and small scale operations, which mostly takes place in informal settings and can lead to serious health and environmental impacts, including no regular mine closure and no rehabilitation, which results in the destruction of ecosystems and soils. For lithium, the expected increase in its use in battery manufacturing is likely to put

additional pressure on extraction and refining operations, what would recommend including lithium in the scope of the supply chain due diligence obligations. The expected massive increase in demand for batteries in the Union should not contribute to an increase of such environmental and social risks.

additional pressure on extraction and refining operations, what would recommend including lithium in the scope of the supply chain due diligence obligations. The expected massive increase in demand for batteries in the Union should not contribute to an increase of such environmental and social risks.

Amendment 26

Proposal for a regulation Recital 60

Text proposed by the Commission

(60) Some of the raw materials in question, such as cobalt, lithium and natural graphite, are considered as critical raw materials for the EU³⁸ and their sustainable sourcing is required for the EU battery ecosystem to perform adequately.

³⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Critical Raw Materials Resilience: Charting a Path towards greater Security and Sustainability (COM(2020) 474 final).

Amendment

(60) Some of the raw materials in question, such as ***bauxite***, cobalt, lithium and natural graphite, are considered as critical raw materials for the EU³⁸ and their sustainable sourcing is required for the EU battery ecosystem to perform adequately.

³⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Critical Raw Materials Resilience: Charting a Path towards greater Security and Sustainability (COM(2020) 474 final).

Amendment 27

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^{38a} and the OECD Guidelines for Multinational Enterprises^{38b} stipulate that economic operators should carry out due diligence as a means to meet their corporate responsibility with respect to***

battery production.

human rights and the environment. 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 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)

^{38a} **United Nations Guiding Principles on Business and Human, available at https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf.**

^{38b} **OECD Guidelines for Multinational Enterprises, available at <http://mneguidelines.oecd.org/guidelines/>.**

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)

Amendment 28

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 and business relationships of an economic operator throughout the value chain. As the extraction, processing and trading of certain raw materials that are used in the battery manufacturing carry particular risks, and**, in view of the expected exponential growth in battery demand in the EU, **requirements with regard to due diligence by economic operators before placing a battery on the EU market should**

be set up. 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, ***the manufacturing itself, as well as all relevant operations.***

Amendment 29

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.

Amendment

(64) When ***conducting*** a risk-based due diligence policy, it should be based on internationally recognised due diligence principles ***such as those set out in the United Nations Guiding Principles on Business and Human Rights***, the Ten Principles of the United Nations Global Compact⁴⁰, the ***UNEP*** 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>.

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>.

Amendment 30

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

Amendment

(65) According to *these standards*⁴⁵, due diligence is an on-going, proactive and reactive process through which companies can ensure that they respect human rights and *the environment and* do not contribute

contribute to conflict.⁴⁶ 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 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).

to conflict.⁴⁶ Risk-based due diligence refers to the steps companies should take to identify, **cease, prevent and mitigate** actual or potential risks **of** adverse impacts associated with their activities or sourcing decisions. **Economic operators should conduct informed, effective and meaningful consultation with actually and potentially affected rights-holders.** A company can assess risk posed by its activities and relationships and adopt risk-mitigating measures, **which may include requiring additional information, negotiating with a view to redress the situation, suspending or discontinuing engagement with suppliers,** in line with relevant standards provided under national and international law, recommendations on responsible business conduct by international organisations, government-backed tools, private sector voluntary initiatives and a company's internal policies and systems. This approach also helps to scale the due diligence exercise 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).

Amendment 31

Proposal for a regulation
Recital 65 a (new)

Text proposed by the Commission

Amendment

(65a) Some companies, particularly small and medium-sized companies, may need less extensive and formalised due diligence processes, and a proportionate approach should take into account, amongst other elements, the sector of activity, the size of the companies, the severity and likelihood of social and environmental risks intrinsic to its operations and to the context of its operations, including geographic, its business model, its position in value chains and the nature of its products and services. Specific technical assistance should be provided to economic operators, especially to small and medium-sized companies, by Member States so that they can comply with due diligence requirements. For the purpose of providing such assistance, Member States should be assisted by national battery competence centres set up pursuant to this Regulation.

Amendment 32

Proposal for a regulation
Recital 65 b (new)

Text proposed by the Commission

Amendment

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

Amendment 33

Proposal for a regulation
Recital 66

Text proposed by the Commission

(66) Mandatory **supply** chain due diligence policies should be adopted or modified and address, at least, the most prevalent social and environmental risk categories. This should cover the current and foreseeable impacts, on one hand, on social life, in particular human rights, human health and safety as well as occupational health and safety and labour rights, and, on the other hand, on the environment, in particular on water use, soil protection, air pollution and biodiversity, including community life.

Amendment 34

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

Amendment

(66) Mandatory **value** chain due diligence policies should be adopted or modified and address, at least, the most prevalent social and environmental risk categories. This should cover the current and foreseeable impacts, on one hand, on social life, in particular human rights, human health and safety as well as occupational health and safety and labour rights, and, on the other hand, on the environment, in particular on water use, soil protection, air pollution and biodiversity, including community life.

Amendment

(67) As regards the social risk categories, due diligence policies should address the risks in the battery **value** 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. 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)

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)

Amendment 35

Proposal for a regulation

Recital 69

Text proposed by the Commission

(69) The **supply** chain due diligence obligations on the identification and mitigation of social and environmental risks associated with raw materials going into battery manufacturing should contribute to the implementation of UNEP Resolution 19 on Mineral Resource Governance, which recognizes the important contribution of the mining sector towards the achievement of the 2030 Agenda and the Sustainable Development Goals.

Amendment

(69) The **value** chain due diligence obligations on the identification and mitigation of social and environmental risks associated with raw materials going into battery manufacturing should contribute to the implementation of UNEP Resolution 19 on Mineral Resource Governance, which recognizes the important contribution of the mining sector towards the achievement of the 2030 Agenda and the Sustainable Development Goals.

Amendment 36

Proposal for a regulation Recital 69 a (new)

Text proposed by the Commission

Amendment

(69a) Even when due diligence has been carried out, harm might occur. Economic operators should actively remedy such harm, by themselves or in cooperation with other actors. Such operators should be liable for any adverse impact they, or the entities they control or are able to control, caused or contributed to. Persons adversely impacted should be entitled to remedies and should be provided with access to justice.

Amendment 37

Proposal for a regulation Recital 70

Text proposed by the Commission

Amendment

(70) Other EU legislative instruments that lay down requirements regarding ***supply chain*** due diligence should apply in so far as there are no specific provisions with the same objective, nature and effect in this Regulation which may be adapted in the light of future legislative amendments.

(70) Other EU legislative instruments that lay down requirements regarding due diligence should apply ***to both Union companies and companies established outside of the Union that intend to place batteries on the Union market, to ensure a level playing field***, in so far as there are no specific provisions with the same objective, nature and effect in this Regulation which may be adapted in the light of future legislative amendments.

Amendment 38

Proposal for a regulation Recital 71

Text proposed by the Commission

(71) In order to adapt to developments in the battery value chain, including to changes in the scope and nature of the relevant environmental and social risks, as well as to technical and scientific progress in batteries and battery chemistries, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the list of raw materials and risk categories and the **supply** chain due diligence requirements.

Amendment 39

Proposal for a regulation
Recital 89

Text proposed by the Commission

(89) Producers **and** distributors should be actively involved in providing information to end users that batteries should be collected separately, that collection schemes are available and that end users have an important role in ensuring an environmentally optimal management of waste batteries. The disclosure of information to all end users as well as reporting on batteries should make use of modern information technologies. The information should be provided either by classical means, such as outdoors, posters and social media campaigns, or by more innovative means, such as electronic access to websites provided by QR codes affixed to the battery.

Amendment

(71) In order to adapt to developments in the battery value chain, including to changes in the scope and nature of the relevant environmental and social risks, as well as to technical and scientific progress in batteries and battery chemistries, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the list of raw materials and risk categories and the **value** chain due diligence requirements.

Amendment

(89) Producers, distributors **and fulfilment service providers, including online marketplaces**, should be actively involved in providing information to end users that batteries should be collected separately, that collection schemes are available and that end users have an important role in ensuring an environmentally optimal management of waste batteries, **in particular by explaining how safer and cleaner waste streams could contribute to the reduction of waste exports to third countries and closed materials loops within the Union. Provisions to that aim, together with a ban on the export of waste portable batteries, waste electric vehicle batteries, waste automotive batteries and waste industrial batteries could substantially support achieving the collection targets, a closed material loop and Union strategic autonomy.** The disclosure of information to all end users as well as reporting on batteries should make use of modern

information technologies. The information should be provided either by classical means, such as outdoors, posters and social media campaigns, or by more innovative means, such as electronic access to websites provided by QR codes affixed to the battery *in an accessible and understandable way*.

Amendment 40

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.

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)

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, *which include 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)

Amendment 41

Proposal for a regulation Recital 97

Text proposed by the Commission

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

Amendment

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

Amendment 42

Proposal for a regulation

Recital 98

Text proposed by the Commission

(98) The market surveillance authorities should have the right to require economic operators to take corrective actions on the basis of findings that either the battery is not compliant with the requirements of this Regulation or the economic operator infringes the rules on the placing or making available on the market of a battery, or on sustainability, safety **and** labelling or on supply chain due diligence.

Amendment

(98) The market surveillance authorities should have the right to require economic operators to take corrective actions on the basis of findings that either the battery is not compliant with the requirements of this Regulation or the economic operator infringes the rules on the placing or making available on the market of a battery, or on sustainability, safety, labelling **and information** or on supply chain due diligence.

Amendment 43

Proposal for a regulation

Recital 98 a (new)

Text proposed by the Commission

Amendment

(98a) To ensure the effectiveness and consistency of testing across the Union in the market surveillance framework with regard to batteries, as well as to provide independent technical and scientific advice in the course of evaluations carried out regarding batteries presenting a risk, the Commission should designate a Union testing facility. Furthermore, compliance with the Union legislative framework on batteries established by this Regulation should be promoted also at national level through battery competence centres. Such battery competence centres should be set up by market surveillance authorities and organisations representing economic operators and research facilities, with funding provided by industry, for the purpose of carrying out activities that have the aim of promoting compliance, identifying non-compliance, including the assessment of concerns brought forward in the context of grievance mechanisms, raising awareness and providing guidance and technical advice in relation to the requirements of this Regulation.

Amendment 44

Proposal for a regulation Recital 98 b (new)

Text proposed by the Commission

Amendment

(98b) The free movement of goods in the Union is often hindered by barriers set at national level that impede the full realisation of the internal market and reduce the opportunities for companies to do business and develop, in particular SMEs, which represent the backbone of the Union economy. Member States should therefore make full use of the possibility to enter into agreements with one another to allow arbitration

procedures in order to swiftly settle disputes arising in relation to the access to the internal market for batteries.

Amendment 45

Proposal for a regulation

Recital 99

Text proposed by the Commission

(99) Public procurement constitutes an important sector with regard to reducing the impacts on the environment of human activities and to stimulate market transformation towards more sustainable products. Contracting authorities, as defined in Directive 2014/24/EU⁶³ of the European Parliament and of the Council and Directive 2014/25/EU of the European Parliament and of the Council⁶⁴, and contracting entities as defined in Directive 2014/25/EU should take account of the environmental impacts when procuring batteries or products containing batteries, in order to promote and stimulate the market for clean and energy-efficient mobility and energy-storage and thus **contribute** to the environment, climate and energy policy objectives of the Union.

⁶³ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65)

⁶⁴ Directive 2014/25/EU of the European

Amendment

(99) Public procurement constitutes an important sector with regard to reducing the impacts on the environment of human activities and to stimulate market transformation towards more sustainable products. Contracting authorities, as defined in Directive 2014/24/EU of the European Parliament and of the Council and Directive 2014/25/EU of the European Parliament and of the Council, and contracting entities as defined in Directive 2014/25/EU should take account of the environmental impacts when procuring batteries or products containing batteries **and ensure effective compliance with social and environmental requirements by the economic operators**, in order to promote and stimulate the market for clean and energy-efficient mobility and energy-storage, and thus **contributeing** to the environment, climate and energy policy objectives of the Union. **Furthermore, improving access for SMEs to public procurement in the batteries market and encouraging more local and Union stakeholders to join would also significantly contribute to reaching those objectives.**

⁶³ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65)

⁶⁴ Directive 2014/25/EU of the European

Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243)

Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243)

Amendment 46

Proposal for a regulation Recital 101 a (new)

Text proposed by the Commission

Amendment

(101a) Together with distributors, end users play a key role in maximising the separate collection of waste batteries and attaining a high level of material recovery. Deposit refund schemes should therefore be put in place by Member States to provide effective incentives to consumers and other end users to return batteries, in particular portable batteries of general use, so as to allow their treatment and recycling. Consumers and other end-users should also be informed in a clear and comprehensible manner about such schemes and refund amounts.

Amendment 47

Proposal for a regulation Recital 105

Text proposed by the Commission

Amendment

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

(105) The Commission should adopt, ***without delay***, immediately applicable implementing acts determining whether a national measure taken in respect of a compliant battery that presents a risk is justified or not where, in duly justified cases relating to the protection of human health, safety, property or the environment, imperative grounds of urgency so require.

Amendment 48

Proposal for a regulation Recital 106

Text proposed by the Commission

(106) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive.

Amendment

(106) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive ***and should also be applicable to natural persons responsible for infringements, in accordance with national law and where necessary to ensure the full enforcement of the obligations laid down in this Regulation. The Commission shall review the penalties established by the Member States and propose possible changes to them, when necessary, in view of ensuring an harmonised enforcement across the Union.***

Amendment 49

Proposal for a regulation Recital 107

Text proposed by the Commission

(107) In view of the need to ensure a high level of environmental protection and the need to take into account new developments based on scientific facts, the Commission should submit to the European Parliament and to the Council a report on the implementation of this Regulation ***and*** its impact on the environment and the functioning of the internal market. The Commission should in its report include an evaluation of the sustainability, safety, labelling and information criteria provisions, the waste batteries management measures and the supply chain due diligence requirements. Where appropriate, the report should be

Amendment

(107) In view of the need to ensure a high level of environmental protection and the need to take into account new developments based on scientific facts, the Commission should submit to the European Parliament and to the Council a report on the implementation of this Regulation, its impact on the environment and the functioning of the internal market ***and its contribution to achieving Union leadership and strategic autonomy in the sector.*** The Commission should in its report include an evaluation of the sustainability, safety, labelling and information criteria provisions, the waste batteries management measures and the

accompanied by a proposal to amend relevant provisions of this Regulation.

supply chain due diligence requirements. Where appropriate, the report should be accompanied by a proposal to amend relevant provisions of this Regulation.

Amendment 50

Proposal for a regulation Recital 110

Text proposed by the Commission

(110) Since the objective of this Regulation, namely to guarantee the functioning of the internal market while ensuring that batteries placed on the market fulfil the requirements providing for a high level of protection of human health, safety, property and the environment, cannot be sufficiently achieved by the Member States but can rather, by reason of the need for harmonisation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

Amendment

(110) Since the objective of this Regulation, namely to guarantee the functioning of the internal market, ***allow the Union to attain a position of leadership and achieve economic strategic autonomy*** while ensuring that batteries placed on the market, ***which include batteries produced outside the Union and that enter the Union market***, fulfil the requirements providing for a high level of protection of human health, safety, property, ***social standards*** and the environment, cannot be sufficiently achieved by the Member States but can rather, by reason of the need for harmonisation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,

Amendment 51

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation establishes requirements on sustainability, safety,

Amendment

1. This Regulation establishes requirements on ***social and environmental***

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.

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, **preparation for reuse, repurposing and remanufacturing** and recycling of waste batteries, **with a view to ensuring a high level of protection of public interests, such as health and safety, protection of consumers, protection of the environment and stimulating innovation and the use of widely available alternative raw materials.**

Amendment 52

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, **batteries for light means of transport**, 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 53

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 **machine readable** matrix **code** that links to information about a battery model;

Amendment 54

Proposal for a regulation
Article 2 – paragraph 1 – point 33

Text proposed by the Commission

(33) ‘conformity assessment’ means the process demonstrating whether the sustainability, safety and labelling requirements of this Regulation relating to a battery have been fulfilled;

Amendment

(33) ‘conformity assessment’ means the process demonstrating whether the **social and environmental** sustainability, safety, and labelling **and information** requirements of this Regulation relating to a battery have been fulfilled;

Amendment 55

Proposal for a regulation
Article 2 – paragraph 1 – point 36

Text proposed by the Commission

(36) ‘**supply** chain due diligence’ means the obligations of the economic operator which places a **rechargeable industrial battery or an electric-vehicle** battery on the market, in relation to its management system, risk management, third party verifications by notified bodies and disclosure of information with a view to identifying and addressing actual and potential risks linked to the sourcing, processing and trading of the raw materials required for battery manufacturing;

Amendment

(36) ‘**value** chain due diligence’ means the obligations of the economic operator which places a battery on the market, **with regard to social and environmental risk categories**, in relation to its management system, risk management, third party verifications by notified bodies and disclosure of information with a view to identifying, **preventing** and addressing actual and potential risks linked to the sourcing, processing and trading of the raw materials, **chemicals and secondary raw materials** required for battery manufacturing, **linked to its manufacturing operations and linked to all other business relationships**;

Amendment 56

Proposal for a regulation
Article 2 – paragraph 1 – point 36 a (new)

Text proposed by the Commission

Amendment

(36a) ‘value chain’ means all activities, operations, business relationships and investment chains of an undertaking and

includes entities with which the undertaking has a direct or indirect business relationship, upstream and downstream, and which:

- supply products, parts of products or services that contribute to the undertaking's own products or services;*
- receive products or services from the undertaking;*

Amendment 57

Proposal for a regulation

Article 2 – paragraph 1 – point 36 b (new)

Text proposed by the Commission

Amendment

(36b) 'business relationships' means the relationships between an undertaking and its subsidiaries and the commercial relationships of an undertaking throughout its value chain, including suppliers and sub-contractors, and which are directly linked to the undertaking's business operations, products or services;

Amendment 58

Proposal for a regulation

Article 2 – paragraph 1 – point 36 c (new)

Text proposed by the Commission

Amendment

(36c) 'high-risk areas' means areas in which there is weak or non-existent governance and security, such as failed states, or areas where there are widespread and systematic violations of international law, including human rights abuses;

Amendment 59

Proposal for a regulation
Article 2 – paragraph 1 – point 36 d (new)

Text proposed by the Commission

Amendment

(36d) ‘grievance mechanism’ means an early-warning and remediation mechanism allowing any interested party to voice concerns on potential and actual social and environmental risks regarding the circumstances of extraction, refining, cathode manufacturing, trade and handling of minerals and export of minerals;

Amendment 60

Proposal for a regulation
Article 2 – paragraph 1 – point 40

Text proposed by the Commission

Amendment

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

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

Amendment 61

Proposal for a regulation
Article 2 – paragraph 1 – point 56 a (new)

Text proposed by the Commission

Amendment

(56a) ‘remanufacturing’ means any process involving the dismantling of a product, the restoration and replacement of a product’s components, and the testing of the individual parts and the whole product against its original design specifications, and as a result of which the performance of the product is expected to be at least equivalent to the original performance;

Amendment 62

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 63

Proposal for a regulation Article 3 – paragraph 2

Text proposed by the Commission

2. At trade fairs, exhibitions, demonstrations or similar events, Member States shall not prevent the showing of batteries, which do not comply with this Regulation, provided that a visible sign clearly indicates that such batteries do not comply with this Regulation and that they are not for sale until they have been brought into conformity.

Amendment

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

Amendment 64

Proposal for a regulation Article 4 – title

Text proposed by the Commission

Sustainability, safety, labelling and information requirements for batteries

Amendment

Sustainability, safety, labelling and information **and due diligence**

requirements for batteries

Amendment 65

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.

Amendment 66

Proposal for a regulation

Article 4 – paragraph 2

Text proposed by the Commission

Amendment

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.

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.

Amendment 67

Proposal for a regulation

Article 5 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Each Member State shall also designate one contact point among the competent authorities referred to in this paragraph for the purpose of communicating with the Commission pursuant to paragraph 3.

Amendment 68

Proposal for a regulation

Article 5 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the setting up of the deposit refund scheme referred to in Article 72a.

Amendment 69

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. By [three months after the date of entry into force of this Regulation], Member States shall notify the Commission of the **names and addresses** of the **competent authorities** designated pursuant to paragraph 1. Member States shall inform the Commission without undue delay of any changes to the **names or addresses of those competent authorities**.

3. By [three months after the date of entry into force of this Regulation], Member States shall notify the Commission of the **name and address** of the **contact point** designated pursuant to paragraph 1. Member States shall inform the Commission without undue delay of any changes to the **name or address of the contact point**.

Amendment 70

Proposal for a regulation Article 9 – title

Text proposed by the Commission

Amendment

Performance and durability requirements for portable batteries of general use

Performance and durability requirements for portable batteries of general use, **batteries powering mobile phones and tablets and batteries for light means of transport**

Amendment 71

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. From 1 January 2027, portable

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.

batteries of general use, **batteries powering mobile phones and tablets and batteries for light means of transport** 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 72

Proposal for a regulation

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. From... [12 months after entry into force of this Regulation], other portable batteries incorporated in appliances shall be accompanied by a technical documentation containing the information set out in Annex III point 2, 3 and 4.

Amendment 73

Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

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.

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 **and batteries for light means of transport** shall attain.

Amendment 74

Proposal for a regulation

Article 9 – paragraph 2 – 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 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 general use ***and batteries for light means of transport*** 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 ***and expected lifetime*** of those batteries or the appliances into which those batteries are incorporated, ***including as a consequence of software updates, where relevant***, 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 75

Proposal for a regulation
Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. By 1 January 2026, information on the performance and durability of rechargeable industrial batteries and electric vehicle batteries referred to in paragraph 1 shall be available via the publicly available part of the electronic exchange system as set out in Article 64 and Annex XIII. The information on the performance and durability of electric vehicle batteries, shall be available to consumers prior to purchasing the vehicle.

Amendment 76

Proposal for a regulation
Article 10 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. For electric vehicle batteries with internal storage and capacity above 2 kWh, the Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the electrochemical performance and durability parameters set out in Part A of Annex IV by aligning the parameters and establishing minimum values, which shall be more ambitious than those defined in the Global Technical Regulations set out by UNECE.

Amendment 77

Proposal for a regulation
Article 11 – title

Text proposed by the Commission

Amendment

Removability and replaceability of portable batteries

Removability and replaceability of portable batteries ***and batteries for light means of transport***

Amendment 78

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.***

By 1 January 2026 portable batteries incorporated in appliances ***and batteries for light means of transport shall be designed in such a manner that they, or where the batteries' modular design so allows, their cells, can be readily and safely removed and replaced by using basic and commonly available tools and***

without causing damage to the appliance or the batteries, and shall be removable and replaceable by the end-user or by independent operators *including community repair initiatives*.

Amendment 79

Proposal for a regulation Article 11 – paragraph 1 – subparagraph 2

Text proposed by the Commission

A battery is readily replaceable where, after its removal from an appliance, it can be substituted *by a similar battery*, without affecting the functioning *or the* performance of that appliance.

Amendment

A battery is readily replaceable where, after its removal from an appliance *or light means of transport*, it can be substituted without affecting the functioning, performance *or safe operation* of that appliance *or light means of transport*.

Amendment 80

Proposal for a regulation Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Clear and detailed instructions for removal and replacement of the battery shall be provided by the relevant economic operator at the time of purchase of the appliance and, where relevant, shall be made permanently available online in an easily understandable way for end users, including consumers, on its website for the expected lifetime of the product.

Amendment 81

Proposal for a regulation Article 11 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The relevant economic operator shall inform the purchaser about the availability of batteries, including batteries powering light means of transport, as spare parts of the equipment they power during the expected lifetime of the product. This information may be provided through the QR code or the labels referred to in paragraphs 6 and 6a of Article 13. Where a mandatory minimum period reflecting the product's estimated lifetime is set out for the provision of spare parts after the final unit has been placed on the market by the relevant legislation, the batteries shall be available at least for that minimum period.

Amendment 82

Proposal for a regulation

Article 11 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Software shall not be used to impede the replacement of a portable battery or of its key components with another compatible battery or key components. For batteries with control software, software updates shall not limit the functionality of the batteries for the expected lifetime of the product.

Amendment 83

Proposal for a regulation

Article 11 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The obligations set out in ***paragraph 1*** shall not apply where

2. The obligations set out in ***paragraphs 1 and 1b*** shall not apply where

Amendment 84

Proposal for a regulation

Article 11 – paragraph 2 – point a

Text proposed by the Commission

(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

Amendment

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

Amendment 85

Proposal for a regulation

Article 11 – paragraph 2 – point b

Text proposed by the Commission

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

Amendment

(b) the functioning of the battery is only possible when the battery **components and** the appliance **share the same structure, as in the case of printed batteries**.

Amendment 86

Proposal for a regulation

Article 11 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The relevant economic operator shall inform end-users accordingly in a clear and comprehensible manner at the time of purchase of the appliance, including through labelling, of any case where the derogation provided for in the first subparagraph applies and of the battery expected lifetime.

Amendment 87

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

3. The Commission shall adopt guidance to facilitate harmonised application of the derogations set out in paragraph 2.

Amendment

3. The Commission shall adopt guidance ***to establish expected lifetime of the batteries referred to in paragraph 1 and*** to facilitate harmonised application of the derogations set out in paragraph 2.

Amendment 88

Proposal for a regulation Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Common chargers

1. From 1 January 2026, rechargeable batteries designed for electric vehicles and light means of transport, as well as rechargeable batteries incorporated into specific categories of electrical and electronic equipment covered by Directive 2012/19/EU, shall be capable of being recharged by making use of a common wired or wireless charger.

2. Without prejudice to any sectoral legislation providing for the introduction at an earlier date of common chargers for specific categories or classes of products, the Commission is empowered to adopt, by 31 December 2024, a delegated act in accordance with Article 73 to supplement this Regulation by determining the categories of products and equipment to which this Article shall apply.

3. When adopting the delegated act referred to in paragraph 2, the Commission shall take into account the size of the market, the reduction of waste, and the reduction of costs for consumers

and other end-users.

Amendment 89

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. Stationary battery energy storage systems shall be accompanied by **easily understandable** 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 **shall** be used.

Amendment 90

Proposal for a regulation Article 13 – paragraph 6

Text proposed by the Commission

6. Labels and QR code referred to in paragraphs 1 to 5 shall be printed or engraved visibly, legibly and indelibly on the battery. Where this is not possible or not warranted on account of the nature and size of the battery, labels shall be affixed to the packaging and to the documents accompanying the battery.

Amendment

6. Labels and QR code referred to in paragraphs 1 to 5 shall be printed or engraved visibly, legibly and indelibly on the battery. Where this is not possible or not warranted on account of the nature and size of the battery, labels shall be affixed to the packaging and to the documents accompanying the battery, **and where possible, for batteries incorporated into an appliance, printed or engraved on the appliance, as well as provided in an easy-to-read format. In the case of second life or repurposing of the battery, the label shall be replaced by a new one reflecting also its second use status.**

The label and QR code requirements referred to in the first subparagraph shall also apply to the individual cells as a part of rechargeable industrial batteries or in

electrical vehicle batteries.

The QR code shall also provide access to the publicly accessible part of the battery passport established pursuant to Article 65.

Amendment 91

Proposal for a regulation Article 13 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. *The Commission may adopt implementing acts to provide for alternative types of smart labels giving access to the information about a battery, in view of technological progress in this area. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).*

Amendment 92

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. ***Battery management systems of stationary battery energy storage systems and of electric vehicles*** with internal storage and a capacity above 2 kWh ***and of light means of transport*** shall data on the parameters for determining the state of health and expected lifetime of batteries as laid down in Annex VII.

Amendment 93

Proposal for a regulation Article 14 – paragraph 2 – introductory part

Text proposed by the Commission

2. Access to the data in the battery management system referred to in paragraph 1 shall be provided on a non-discriminatory basis to the legal or natural person who has legally purchased the battery or any third party acting on their behalf at any time for the purpose of:

Amendment

2. **Read-only** access to the data in the battery management system referred to in paragraph 1 shall be provided on a non-discriminatory basis to the legal or natural person who has legally purchased the battery or any third party acting on their behalf at any time for the purpose of:

Amendment 94

Proposal for a regulation

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The battery management system for electric vehicle batteries shall be designed in such a manner that it can communicate with smart charging systems, including by having vehicle-to-grid, vehicle-to-load, vehicle-to-vehicle, vehicle-to-powerbank and vehicle-to-building charging functions.

Amendment 95

Proposal for a regulation

Article 14 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission is empowered to adopt a delegated act in accordance with Article 73 to amend the parameters for determining the state of health and expected lifetime of batteries as laid down in Annex VII by introducing parameters, which shall be more ambitious than those defined in the Global Technical Regulations set out by UNECE.

In preparing the delegated act referred to in the first subparagraph, the Commission shall ensure that no excessive

administrative burden is imposed on manufacturers of the batteries and the appliances concerned.

Amendment 96

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

1. For the purposes of compliance and verification of compliance with the requirements set out in Articles 9, 10, 12, 13 and 59(5)(a) of this Regulation, measurements and calculations shall be made using a reliable, accurate and reproducible method, which takes into account the generally recognised state-of-the-art methods, and whose results are deemed to be of low uncertainty, including methods set out in standards, the reference numbers of which have been published for that purpose in the Official Journal of the European Union.

Amendment

1. For the purposes of compliance and verification of compliance with the requirements set out in Articles 9, 10, **11a**, 12, 13 and 59(5)(a) of this Regulation, measurements and calculations shall be made using a reliable, accurate and reproducible method, which takes into account the generally recognised state-of-the-art methods, and whose results are deemed to be of low uncertainty, including methods set out in standards, the reference numbers of which have been published for that purpose in the Official Journal of the European Union.

Amendment 97

Proposal for a regulation Article 15 – paragraph 2

Text proposed by the Commission

2. Batteries which are tested following harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements referred to in Articles 9, 10, 13 and 59(5)(a) to the extent that those requirements are covered by such harmonised standards.

Amendment

2. Batteries which are tested following harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements referred to in Articles 9, 10, 13 and 59(5)(a) to the extent that those requirements are covered by such harmonised standards **or parts thereof**.

Amendment 98

Proposal for a regulation

Article 16 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

1. The Commission **shall be empowered to** adopt implementing acts laying down common specifications for the requirements set out in Articles 9, 10, 12, 13, 59(5)(a) or tests referred to in Article 15(2), where:

Amendment

1. The Commission **may** adopt **in exceptional cases, after consultation of the relevant European standardisation organisations and European stakeholder organisations receiving Union financing under Regulation (EU) No 1025/2012,** implementing acts laying down common specifications for the requirements set out in Articles 9, 10, **11a**, 12, 13, 59(5)(a) or tests referred to in Article 15(2), where:

Amendment 99

Proposal for a regulation

Article 16 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) the Commission observes undue delays in the adoption of requested harmonised standards, **or** considers that relevant harmonised standards **are not sufficient**; or

Amendment

(b) the Commission observes undue delays in the adoption of requested harmonised standards, **namely by exceeding the deadlines set for the standardisation organisation in the standardisation request, or reasonably** considers that relevant harmonised standards **do not sufficiently fulfil the criteria described in the standardisation request**; or

Amendment 100

Proposal for a regulation

Article 16 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall actively support the Union industry and strengthen its presence in international standardisation organisations by aiming for the greatest possible coherence

between international and European standards, and by promoting the general use of European standards outside the Union.

Amendment 101

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

1. Before a battery is placed on the market or put *it* into service, the manufacturer or its authorised representative shall ensure that an assessment of the product's conformity with the requirements of Chapters II and III of this Regulation is carried out.

Amendment

1. Before a battery is placed on the market or put into service, the manufacturer or its authorised representative shall ensure that an assessment of the product's conformity with the requirements of Chapters II and III **and Article 39** of this Regulation is carried out.

Amendment 102

Proposal for a regulation Article 17 – paragraph 2

Text proposed by the Commission

2. Conformity assessment of batteries with the requirements set out in Articles 6, 9, **10, 11, 12**, 13 and 14 shall be carried out in accordance with the procedure set out in Part A of Annex VIII.

Amendment

2. Conformity assessment of batteries with the requirements set out in Articles 6, 9, **11**, 13 and 14 shall be carried out in accordance with the procedure set out in Part A of Annex VIII.

Amendment 103

Proposal for a regulation Article 17 – paragraph 3

Text proposed by the Commission

3. Conformity assessment of batteries with requirements set out in Articles 7, 8 and 39 shall be carried out in accordance with the procedure set out in Part B of

Amendment

3. Conformity assessment of batteries with requirements set out in Articles 7, 8, **10, 12** and 39 shall be carried out in accordance with the procedure set out in

Amendment 104

Proposal for a regulation Article 17 – paragraph 5

Text proposed by the Commission

5. Records and correspondence relating to the conformity assessment of batteries shall be drawn up in **an** official language of the Member State where the notified body carrying out the conformity assessment procedures referred to in paragraphs 1 and 2 is established, or in a language accepted by that body.

Amendment

5. Records and correspondence relating to the conformity assessment of batteries shall be drawn up in **the** official language **or languages** of the Member State where the notified body carrying out the conformity assessment procedures referred to in paragraphs 1 and 2 is established, or in a language accepted by that body.

Amendment 105

Proposal for a regulation Article 17 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. This Article shall apply [12 months] after the date of publication by the Commission of the list of notified bodies referred to in Article 30(2).

Amendment 106

Proposal for a regulation Article 18 – paragraph 1

Text proposed by the Commission

1. The EU declaration of conformity shall state that the fulfilment of the requirements set out in Chapters II and III has been demonstrated.

Amendment

1. The EU declaration of conformity shall state that the fulfilment of the requirements set out in Chapters II and III **and Article 39** has been demonstrated.

Amendment 107

Proposal for a regulation
Article 18 – paragraph 2

Text proposed by the Commission

2. The EU declaration of conformity shall have the model structure set out in Annex IX, shall contain the elements specified in the relevant modules set out in Annex VIII and shall be continuously updated. It shall be translated into the language or languages required by the Member State in which the battery is placed on the market or put into service.

Amendment

2. The EU declaration of conformity **may be completed electronically and** shall have the model structure set out in Annex IX, shall contain the elements specified in the relevant modules set out in Annex VIII and shall be continuously updated. It shall be translated into the language or languages required by the Member State in which the battery is placed **or made available** on the market or put into service.

Amendment 108

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 109

Proposal for a regulation
Article 23 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Amendment 110

Proposal for a regulation
Article 25 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 111

Proposal for a regulation
Article 25 – paragraph 6 – subparagraph 2 – introductory part

Text proposed by the Commission

6. A conformity assessment body shall be capable of carrying out all the conformity assessment **activities** mentioned in Annex VIII and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

Amendment

6. A conformity assessment body shall be capable of carrying out all the conformity assessment **tasks** mentioned in Annex VIII and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.

Amendment 112

Proposal for a regulation
Article 25 – paragraph 6 – subparagraph 2 – point a

Text proposed by the Commission

(a) in-house personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment **activities**;

Amendment

(a) in-house personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment **tasks**;

Amendment 113

Proposal for a regulation

Article 25 – paragraph 6 – subparagraph 2 – point c

Text proposed by the Commission

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

Amendment

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

Amendment 114

Proposal for a regulation

Article 25 – paragraph 6 – subparagraph 3

Text proposed by the Commission

A conformity assessment body shall at all times have access to all testing equipment or facilities needed for each conformity assessment procedure and each battery model in relation to which it has been notified.

Amendment

A conformity assessment body shall at all times have access to all **the information**, testing equipment or facilities needed for each conformity assessment procedure and each battery model in relation to which it has been notified.

Amendment 115

Proposal for a regulation

Article 25 – paragraph 7 – point c

Text proposed by the Commission

(c) appropriate knowledge and understanding of the requirements set out in Chapters II and III, of the applicable harmonised standards referred to in Article 15 and common specifications referred to in Article 16 and of the relevant provisions of Union harmonisation legislation and of national legislation;

Amendment

(c) appropriate knowledge and understanding of the requirements set out in Chapters II and III, **and in Article 39**, of the applicable harmonised standards referred to in Article 15 and common specifications referred to in Article 16 and of the relevant provisions of Union harmonisation legislation and of national legislation;

Amendment 116

Proposal for a regulation
Article 25 – paragraph 8 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 117

Proposal for a regulation
Article 25 – paragraph 8 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 118

Proposal for a regulation
Article 25 – paragraph 10

Text proposed by the Commission

10. The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out the conformity assessment **activities** in accordance with Annex VIII, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.

Amendment

10. The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out the conformity assessment **tasks** in accordance with Annex VIII, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.

Amendment 119

Proposal for a regulation
Article 25 – paragraph 11

Text proposed by the Commission

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

Amendment

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

Amendment 120

Proposal for a regulation
Article 28 – paragraph 2

Text proposed by the Commission

2. The application for notification shall be accompanied by a description of the conformity assessment activities, of the conformity assessment modules set out in Annex VIII and of the battery model for which the conformity assessment body claims to be competent, as well as by an accreditation certificate, issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Article 25.

Amendment

2. The application for notification shall be accompanied by a description of the conformity assessment activities, of the conformity assessment **module or** modules set out in Annex VIII and of the battery model for which the conformity assessment body claims to be competent, as well as by an accreditation certificate, issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Article 25.

Amendment 121

Proposal for a regulation
Article 32 – paragraph 1

Text proposed by the Commission

1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention regarding, the

Amendment

1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention, **in particular by**

competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject.

economic operators and other relevant stakeholders, regarding the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject.

Amendment 122

Proposal for a regulation Article 32 – paragraph 3

Text proposed by the Commission

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

Amendment

3. The Commission ***may seek the advice of the Union testing facility referred to in Article 68a and*** shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.

Amendment 123

Proposal for a regulation Article 33 – paragraph 2 – subparagraph 1

Text proposed by the Commission

A notified body shall ***perform its activities*** in a proportionate manner, avoiding unnecessary burdens for economic operators, and taking due account of the size of an undertaking, the sector in which the undertaking operates, the structure of the undertaking, the degree of complexity of the battery to be assessed and the mass or serial nature of the production process.

Amendment

A notified body shall ***carry out conformity assessments*** in a proportionate manner, avoiding unnecessary burdens for economic operators, ***in particular small and medium-sized enterprises***, and taking due account of the size of an undertaking, the sector in which the undertaking operates, the structure of the undertaking, the degree of complexity of the battery to be assessed and the mass or serial nature of the production process.

Amendment 124

Proposal for a regulation Article 33 – paragraph 3

Text proposed by the Commission

3. Where a notified body finds that the requirements set out in Chapters II **and III**, harmonised standards referred to in Article 15, common specifications referred to in Article 16 or other technical specifications have not been met by a manufacturer, it shall require **that** manufacturer to take appropriate corrective action in view of a second and final certification decision, unless the deficiencies cannot be remedied, in which case the certificate cannot be issued.

Amendment 125

Proposal for a regulation
Article 35 – paragraph 2

Text proposed by the Commission

2. A notified body shall provide other notified **bodies** carrying out similar conformity assessment activities covering the same batteries with relevant information on issues relating to negative and, on request, positive conformity assessment results.

Amendment 126

Proposal for a regulation
Article 36 – title

Text proposed by the Commission

Exchange of experience

Amendment 127

Proposal for a regulation
Article 36 – paragraph 1

Amendment

3. Where a notified body finds that the requirements set out in Chapters II, **III or Article 39**, harmonised standards referred to in Article 15, common specifications referred to in Article 16 or other technical specifications have not been met by a manufacturer, it shall require **the** manufacturer to take appropriate corrective action in view of a second and final certification decision, unless the deficiencies cannot be remedied, in which case the certificate cannot be issued.

Amendment

2. A notified body shall provide other **bodies** notified **under this Regulation** carrying out similar conformity assessment activities covering the same batteries with relevant information on issues relating to negative and, on request, positive conformity assessment results.

Amendment

Exchange of experience **and good practice**

Text proposed by the Commission

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

Amendment

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

Amendment 128

**Proposal for a regulation
Article 37 – paragraph 1**

Text proposed by the Commission

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

Amendment

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

Amendment 129

**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 postal address, and web address, **e-mail address and telephone number** 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 130

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 batteries on the market to **conduct value chain due diligence**

Amendment 131

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 batteries on the market shall **take all proportionate and commensurate measures and make efforts within its means to put in place and carry out value chain due diligence by complying 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.**

Amendment 132

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 **value chain of batteries, and all related business operations, including** raw materials

indicated in Annex X, point 1;

Amendment 133

Proposal for a regulation

Article 39 – paragraph 2 – point b

Text proposed by the Commission

(b) incorporate in its **supply chain** policy standards consistent with the standards set out in the model supply chain policy in Annex II to the OECD Due Diligence Guidance;

Amendment

(b) incorporate in its **due diligence** policy standards consistent with **internationally recognised due diligence standards, such as the UN Guiding Principles on Business and Human Rights and OECD Guidelines for Multinational Enterprises as well as** the standards set out **in the “Five-Step Framework for Risk-Based Due Diligence in the Mineral Supply Chain” in Annex I** and in the model supply chain policy in Annex II to the OECD Due Diligence Guidance;

Amendment 134

Proposal for a regulation

Article 39 – paragraph 2 – point c

Text proposed by the Commission

(c) structure its respective internal management systems to support **supply** chain due diligence by assigning responsibility to senior management to oversee the **supply** chain due diligence process as well as maintain records of those systems for a minimum of five years;

Amendment

(c) structure its respective internal management systems to support **value** chain due diligence by assigning responsibility to senior management to oversee the **value** chain due diligence process as well as maintain records of those systems for a minimum of five years;

Amendment 135

Proposal for a regulation

Article 39 – paragraph 2 – point d – subparagraph 1

Text proposed by the Commission

Amendment

(d) establish and operate a system of controls and transparency over the **supply** chain, including a chain of custody or traceability system **or the identification of** upstream actors in the **supply** chain.

(d) establish and operate a system of controls and transparency over the **value** chain, including a chain of custody or traceability system, **identifying** upstream actors in the **value** chain

Amendment 136

Proposal for a regulation

Article 39 – paragraph 2 – point d – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

Such a system shall be supported by documentation that provides the following information:

Such a system shall be supported by documentation that provides **at least** the following information

Amendment 137

Proposal for a regulation

Article 39 – paragraph 2 – point d – subparagraph 2 – point iii a (new)

Text proposed by the Commission

Amendment

(iii a) where the raw material originates from a high-risk area, additional information in accordance with the specific recommendations for upstream economic operators, as set out in the OECD Due Diligence Guidance, where relevant, such as the mine of origin, locations where raw materials are consolidated, traded and processed, and taxes, fees and royalties paid;

Amendment 138

Proposal for a regulation

Article 39 – paragraph 2 – point d – subparagraph 3

Text proposed by the Commission

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

Amendment

Without prejudice to the individual responsibility of each economic operator placing batteries on the market to comply with the requirements set out in paragraph 2, the requirements laid down under point (d) may be implemented through participation in industry-led schemes or due diligence schemes established in collaboration with other actors.

Amendment 139

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

Text proposed by the Commission

(e) incorporate its **supply** chain policy into contracts and agreements with suppliers, including their risk management measures;

Amendment

(e) incorporate its **value** chain policy into contracts and agreements with suppliers, including their risk management measures;

Amendment 140

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

Text proposed by the Commission

(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.

Amendment

(f) establish a grievance mechanism as an early-warning risk-awareness **and remediation mechanism** or provide such **mechanisms** through collaborative arrangements with other economic operators or organisations, or by facilitating recourse to an external expert or body, such as an ombudsman **or the national battery competence centres established pursuant to Article 68b. Such mechanisms shall take into account the criteria of grievance mechanisms outlined in the UN Guiding Principles on Business and Human Rights.**

Amendment 141

Proposal for a regulation

Article 39 – paragraph 3 – subparagraph 1 – point a

Text proposed by the Commission

(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;

Amendment

(a) identify and assess the **risk of** adverse impacts associated to the risk categories listed in Annex X, point 2, in its **value** chain on the basis of the information provided pursuant to paragraph 2, **as well as any further relevant information that may be either publicly available or be provided by third parties**, against the standards of their **value** chain policy;

Amendment 142

Proposal for a regulation

Article 39 – paragraph 3 – subparagraph 1 – point b – introductory part

Text proposed by the Commission

(b) implement a strategy to respond to the identified risks designed so as to prevent **or** mitigate adverse impacts by:

Amendment

(b) implement a strategy to respond to the identified risks designed so as to prevent, mitigate **and address** adverse impacts by:

Amendment 143

Proposal for a regulation

Article 39 – paragraph 3 – subparagraph 1 – point b – point i

Text proposed by the Commission

(i) reporting findings of the **supply** chain risk assessment to senior management designated for that purpose;

Amendment

(i) reporting findings of the **value** chain risk assessment to senior management designated for that purpose;

Amendment 144

Proposal for a regulation

Article 39 – paragraph 3 – subparagraph 1 – 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 ***internationally recognised due diligence standards, such as the UN Guiding Principles on Business and Human Rights and OECD Guidelines for Multinational Enterprises, as well as the standards set out in Annex I and II to the OECD Due Diligence Guidance, and which are adequate and proportionate to minimize effectively the identified risk,*** also considering their ability to influence, and where necessary take steps to exert pressure on ***business relationships*** who can most effectively prevent or mitigate the identified risk;

Amendment 145

Proposal for a regulation

Article 39 – paragraph 3 – subparagraph 1 – point b – point ii a (new)

Text proposed by the Commission

Amendment

(ii a) setting up a prioritisation strategy on the basis of Principle 17 of the UN Guiding Principles on Business and Human Rights in the event that the economic operator is not in a position to deal with all the potential or actual adverse impacts at the same time, and considering the level of severity, likelihood and urgency of the different potential or actual adverse impacts associated to the risk categories listed in Annex X, point 2, the nature and context of their operations, including geographic, the size and length of their value chain, the size of the company, its capacity, resources and leverage, the scope of the risks, their scale and how irremediable they might be, and if necessary, use the prioritisation policy in dealing with them;

Amendment 146

Proposal for a regulation

Article 39 – paragraph 3 – subparagraph 1 – point b – point iii

Text proposed by the Commission

(iii) implementing the risk management plan, monitoring and tracking performance of risk mitigation efforts, reporting back to senior management designated for this purpose and considering suspending or discontinuing engagement with a **supplier** after failed attempts at mitigation, based on relevant contractual arrangements in line with the second subparagraph to paragraph 2 above;

Amendment

(iii) implementing the risk management plan, monitoring and tracking performance of risk mitigation efforts, reporting back to senior management designated for this purpose and considering suspending or discontinuing engagement with a **business relationship** after failed attempts at mitigation, based on relevant contractual arrangements in line with the second subparagraph to paragraph 2 above;

Amendment 147

Proposal for a regulation

Article 39 – paragraph 3 – subparagraph 2

Text proposed by the Commission

If the economic operator referred to in paragraph 1 pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with **suppliers** and with the stakeholders concerned, including local and central government authorities, international or civil society organisations and affected **third parties**, and agree on a strategy for measurable risk mitigation in the risk management plan.

Amendment

If the economic operator referred to in paragraph 1 pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with **business relationships** and with the stakeholders concerned, including local and central government authorities, international or civil society organisations and **potentially** affected **communities**, and agree on a strategy for measurable risk mitigation in the risk management plan.

Amendment 148

Proposal for a regulation

Article 39 – paragraph 3 – subparagraph 3

Text proposed by the Commission

The economic operator referred to in

Amendment

The economic operator referred to in

paragraph 1 shall identify and assess the probability of adverse impacts in the risk categories listed in Annex X, point 2, in its **supply** chain based on available reports by third-party verification done by a notified body concerning **the suppliers** in that chain, and, by assessing, as appropriate, its due diligence practices. Those verification reports shall be in accordance with the first subparagraph in paragraph 4. In the absence of such third-party verification reports concerning **suppliers**, the economic operator referred to in paragraph 1 shall identify and assess the risks in its **supply** chain as part of its own risk management systems. In such cases, economic operators referred to in paragraph 1 shall carry out third party verifications of its own **supply chains** due diligence via a notified body in accordance with the first subparagraph in paragraph 4.

paragraph 1 shall identify and assess the probability of adverse impacts in the risk categories listed in Annex X, point 2, in its **value** chain based on available reports by third-party verification done by a notified body concerning **business relationships** in that chain, and, by assessing, as appropriate, its due diligence practices. Those verification reports shall be in accordance with the first subparagraph in paragraph 4. In the absence of such third-party verification reports concerning **business relationships**, the economic operator referred to in paragraph 1 shall identify and assess the risks in its **value** chain as part of its own risk management systems, **also taking into account relevant information provided by external sources**. In such cases, economic operators referred to in paragraph 1 shall carry out third party verifications of its own **value chain** due diligence via a notified body in accordance with the first subparagraph in paragraph 4.

Amendment 149

Proposal for a regulation Article 39 – paragraph 6 – subparagraph 1

Text proposed by the Commission

6. The economic operator referred to in paragraph 1 shall make available to its immediate downstream purchasers all information gained and maintained pursuant to its **supply** chain due diligence policies with due regard for business confidentiality and other competitive concerns.

Amendment 150

Proposal for a regulation Article 39 – paragraph 6 – subparagraph 2

Amendment

6. The economic operator referred to in paragraph 1 shall make available to its immediate downstream purchasers all information gained and maintained pursuant to its **value** chain due diligence policies with due regard for business confidentiality and other competitive concerns.

Text proposed by the Commission

The economic operator referred to in paragraph 1 shall on an annual basis, publicly report as widely as possible, including on the internet, on its **supply** chain due diligence policies. That report shall contain the steps taken by that economic operator to comply with the requirements set out in paragraphs 2 and 3, including findings of significant adverse impacts in the risk categories listed in Annex X, point 2, and how they have been addressed, as well as a summary report of the third-party verifications carried out in accordance with point 4, including the name of the notified body, with due regard for business confidentiality and other competitive concerns.

Amendment

The economic operator referred to in paragraph 1 shall on an annual basis, publicly report as widely as possible, including on the internet, on its **value** chain due diligence policies **regarding in particular the raw materials contained in each battery model placed on the market.** That report shall contain, **in a manner that is easily comprehensible for end-users and clearly identifies the batteries concerned,** the steps taken by that economic operator to comply with the requirements set out in paragraphs 2 and 3, including findings of significant adverse impacts in the risk categories listed in Annex X, point 2, and how they have been addressed, as well as a summary report of the third-party verifications carried out in accordance with point 4, including the name of the notified body, with due regard for business confidentiality and other competitive concerns.

Amendment 151

**Proposal for a regulation
Article 39 – paragraph 7 a (new)**

Text proposed by the Commission

Amendment

7a. Member States shall provide specific technical assistance to economic operators, especially to small and medium-sized companies, for the compliance with the value chain due diligence requirements set out in this Article. Member States may be assisted by their national battery competence centres established pursuant to Article 68b in providing such technical support.

Amendment 152

Proposal for a regulation
Article 39 – paragraph 8 – point a a (new)

Text proposed by the Commission

Amendment

(aa) amend the list of international instruments in Annex X in accordance with the developments within the relevant international fora;

Amendment 153

Proposal for a regulation
Article 39 – paragraph 8 – point b

Text proposed by the Commission

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 I to the OECD Due Diligence Guidance.

(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 ***and II*** to the OECD Due Diligence Guidance, ***and in other internationally recognized due diligence standards.***

Amendment 154

Proposal for a regulation
Article 40 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. When considering or having reason to believe that a battery presents a risk, an authorised representative shall immediately inform the market surveillance authorities thereof.

Amendment 155

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 is compliant with the requirements of Chapters II and III

Amendment 156

Proposal for a regulation

Article 41 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Before placing a battery on the market or putting it into service, importers shall verify that the relevant conformity assessment procedure referred to in Article 17 has been carried out by the manufacturer. They shall verify that the manufacturer has drawn up the technical documentation referred to in Annex VIII, that the battery bears the CE marking referred to in Article 19 and the QR code referred to in Article 13(5), is accompanied by the required documents and that the manufacturer has complied with the obligations set out in paragraphs 7, 8 and 9 of Article 38.

Amendment 157

Proposal for a regulation

Article 41 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where an importer considers or has reason to believe that a battery is not in conformity with the requirements set out in Chapters II and III, the importer shall not place it on the market or put it into service until it has been brought into conformity.

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 **and Article 39.**

Amendment

Before placing a battery on the market or putting it into service, importers shall verify that the relevant conformity assessment procedure referred to in Article 17 has been carried out by the manufacturer. They shall verify that the manufacturer has drawn up the technical documentation referred to in Annex VIII, that the battery bears the CE marking referred to in Article 19 and the QR code referred to in Article 13(5), is accompanied by the required documents and that the manufacturer has complied with the obligations set out in paragraphs 7, 8 and 9 of Article 38 **and, where relevant, with those set out in paragraph 10 of that Article.**

Amendment

Where an importer considers or has reason to believe that a battery is not in conformity with the requirements set out in Chapters II and III **and Article 39**, the importer shall not place it on the market or put it into service until it has been brought

Furthermore, **where** the battery presents a risk, the importer shall inform the manufacturer and the market surveillance authorities to that effect.

into conformity. Furthermore, **when considering or having reason to believe that** the battery presents a risk, the importer shall inform the manufacturer and the market surveillance authorities to that effect.

Amendment 158

Proposal for a regulation Article 41 – paragraph 3

Text proposed by the Commission

3. Importers shall indicate on the battery their name, registered trade name or registered trade mark, **and** the address at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the battery. The contact details shall be in a language easily understood by consumers, other end-users and the market surveillance authorities.

Amendment

3. Importers shall indicate on the battery their name, registered trade name or registered trade mark, the address, **the e-mail address and the telephone number** at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the battery. The contact details shall be in a language easily understood by consumers, other end-users and the market surveillance authorities.

Amendment 159

Proposal for a regulation Article 41 – paragraph 4

Text proposed by the Commission

4. **Importers shall ensure the manufacturer has fulfilled its obligations under paragraphs 7, 9 and 10 of Article 38.**

Amendment

deleted

Amendment 160

Proposal for a regulation Article 41 – paragraph 7

Text proposed by the Commission

7. Importers who consider or have

Amendment

7. Importers who consider or have

reason to believe that a battery, which they have placed on the market or put into service, is not in conformity with the requirements set out in Chapters II and III, shall immediately take the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate. Furthermore, *where* the battery presents a risk, importers shall immediately inform the national authority of the Member State in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken.

reason to believe that a battery, which they have placed on the market or put into service, is not in conformity with the requirements set out in Chapters II and III **and Article 39**, shall immediately take the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate. Furthermore, ***when considering or having reason to believe that*** the battery presents a risk, importers shall immediately inform the national authority of the Member State in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken.

Amendment 161

Proposal for a regulation Article 42 – paragraph 2 – point a

Text proposed by the Commission

(a) the *manufacturer, the manufacturer's authorised representative, importer or other distributors are* registered on the territory of a Member State in accordance with Article 46;

Amendment

(a) the *producer is* registered on the territory of a Member State in accordance with Article 46;

Amendment 162

Proposal for a regulation Article 42 – paragraph 2 – point d

Text proposed by the Commission

(d) the manufacturer and the importer have complied with the requirements set out in paragraphs 7, **9 and 10** of Article 38 and Article 41(3) **and (4)** respectively.

Amendment

(d) the manufacturer and the importer have complied with the requirements set out in paragraphs 7, **8 and 9** of Article 38 and Article 41(3) respectively.

Amendment 163

Proposal for a regulation
Article 42 – paragraph 3

Text proposed by the Commission

3. Where a distributor considers or has reason to believe that a battery is not in conformity with the requirements set out in Chapters II and III, the distributor shall not make the battery available on the market until it has been brought into conformity. Furthermore, **where** the battery presents a risk, the distributor shall inform the manufacturer or the importer to that effect as well as the relevant market surveillance authorities.

Amendment

3. Where a distributor considers or has reason to believe that a battery is not in conformity with the requirements set out in Chapters II and III, the distributor shall not make the battery available on the market until it has been brought into conformity. Furthermore, **when considering or having reason to believe that** the battery presents a risk, the distributor shall inform the manufacturer or the importer to that effect as well as the relevant market surveillance authorities.

Amendment 164

Proposal for a regulation
Article 42 – paragraph 5

Text proposed by the Commission

5. Distributors who consider or have reason to believe that a battery, which they have made available on the market, is not in conformity with the requirements set out in Chapters II and III shall make sure that the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate, are taken. Furthermore, **where** the battery presents a risk, distributors shall immediately inform the national authority of the Member States in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken.

Amendment

5. Distributors who consider or have reason to believe that a battery, which they have made available on the market, is not in conformity with the requirements set out in Chapters II and III **and Article 39** shall make sure that the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate, are taken. Furthermore, **when considering or having reason to believe that** the battery presents a risk, distributors shall immediately inform the national authority of the Member States in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken.

Amendment 165

Proposal for a regulation
Article 42 – paragraph 6

Text proposed by the Commission

6. Distributors shall, further to a reasoned request from a national authority provide *it* with all the information and the technical documentation necessary to demonstrate the conformity of a battery with the requirements set out in Chapters II and III in a language that can be easily understood by that authority. That information and the technical documentation shall be provided in paper or electronic form. Distributors shall cooperate with the national authority, at its request, on any action taken to eliminate the risks posed by batteries that they have made available on the market.

Amendment 166

Proposal for a regulation
Article 43 – paragraph 1

Text proposed by the Commission

Fulfilment service providers shall ensure that, for batteries that they handle, the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the batteries' compliance with the requirements set out in Chapters II *and III*.

Amendment 167

Amendment

6. Distributors shall, further to a reasoned request from a national authority provide *that authority* with all the information and the technical documentation necessary to demonstrate the conformity of a battery with the requirements set out in Chapters II and III in a language that can be easily understood by that authority. That information and the technical documentation shall be provided in paper or electronic form. Distributors shall cooperate with the national authority, at its request, on any action taken to eliminate the risks posed by batteries that they have made available on the market.

Amendment

Fulfilment service providers, *including online marketplaces*, shall ensure that, for batteries that they handle, the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the batteries' compliance with the requirements set out in Chapters II, *III and VII*.

Without prejudice to the obligations of the relevant economic operators set out in Chapter VI, fulfilment service providers shall in addition to the requirement referred to in the first subparagraph perform the tasks set out in paragraphs 4(d) and 4a of Article 40.

Proposal for a regulation

Article 44 – paragraph 1 – introductory part

Text proposed by the Commission

An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and that importer or distributor shall be subject to the obligations of the manufacturer under Article 40, where

Amendment

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

Amendment 168

Proposal for a regulation

Article 44 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

Amendment 169

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 ***and the producer's safety recommendations*** concerning the use of batteries aiming at extending their use phase and the possibilities of preparation for reuse;

Amendment 170

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) 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, ***and in particular the contribution of separate collection to the reduction of waste exports to third countries and circularity of raw materials;***

Amendment 171

Proposal for a regulation

Article 60 – paragraph 1 – subparagraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) for portable batteries, the deposit refund schemes established by Member States pursuant to Article 72a and information on the amount of the refund.

Amendment 172

Proposal for a regulation

Article 60 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) in a language, which can be easily understood by consumers ***and*** other end-users, as determined by the Member State concerned.

(b) in a language, which can be easily understood by consumers, other end-users ***and accessible for persons with disabilities in accordance with Directive (EU)2019/882 of the European Parliament and of the Council^{1a}(European Accessibility Act)***, as determined by the Member State concerned;

^{1a} Directive (EU)2019/882 of the European Parliament and of the Council on the accessibility requirements for products and services (OJ L 151,

Amendment 173

Proposal for a regulation

Article 60 – paragraph 1 – subparagraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) *for the information referred to in point (fa) of this paragraph, through the QR code referred to in Article 13.*

Amendment 174

Proposal for a regulation

Article 60 – paragraph 4

Text proposed by the Commission

Amendment

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 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.

4. Distributors that supply batteries to end-users shall provide in ***a visible and permanent manner in*** their retail premises, 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.

Amendment 175

Proposal for a regulation

Article 64 – paragraph 5 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

5. The Commission shall, by 31 December 2024, adopt ***implementing acts to establish***:

5. The Commission shall, by 31 December 2024, adopt ***delegated acts in accordance with Article 73 to supplement this Regulation by the establishment of***.

Amendment 176

Proposal for a regulation Article 64 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).

Amendment

deleted

Amendment 177

Proposal for a regulation Article 65 – paragraph 2

Text proposed by the Commission

2. The battery passport shall be unique for each individual battery referred to in paragraph 1 and shall be identified through a unique identifier that the economic operator placing the battery on the market shall attribute to it and which shall be printed or engraved on it.

Amendment

2. The battery passport shall be unique for each individual battery referred to in paragraph 1 and shall be identified through a unique identifier that the economic operator placing the battery on the market shall attribute to it and which shall be printed or engraved on it ***and the information contained in the publicly accessible part shall be available via the QR code described in Article 13 (5) and (6).***

Amendment 178

Proposal for a regulation Article 65 – paragraph 5

Text proposed by the Commission

5. The battery passport shall allow access to information about the values for performance and durability parameters referred to in Article 10(1), when the battery is placed on the market and when it is subject to changes in its status.

Amendment

5. The battery passport shall allow access to information about the values for performance and durability parameters referred to in Article 10(1), ***as well as to information on the state of health of the battery pursuant to Article 14,*** when the battery is placed on the market and when it is subject to changes in its status.

Amendment 179

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 **remanufacturing** 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. ***The record for remanufactured or repurposed batteries shall be linked to the record of the original battery or batteries.***

When the change in the status is due to recycling, the responsibility for the battery record in the battery passport shall be transferred to the producers or producer responsibility organisations acting on their behalf.

Amendment 180

Proposal for a regulation Article 65 – paragraph 7 – subparagraph 1

Text proposed by the Commission

7. The Commission is empowered to adopt **implementing** acts to **establish** the rules for accessing, sharing, managing, exploring, publishing and reusing of the information and data accessible through the battery passport.

Amendment

7. The Commission is empowered to adopt **delegated** acts to **supplement this Regulation by establishing** the rules for accessing, sharing, managing, exploring, publishing and reusing of the information and data accessible through the battery passport.

Amendment 181

Proposal for a regulation Article 65 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).

deleted

Amendment 182

Proposal for a regulation Article 66 – paragraph 2

Text proposed by the Commission

Amendment

2. ***Where the*** market surveillance authorities ***consider that non-compliance is not restricted to their national territory, they*** shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take.

2. Market surveillance authorities shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take.

Amendment 183

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

Text proposed by the Commission

Amendment

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

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

Amendment 184

Proposal for a regulation Article 66 – paragraph 7

Text proposed by the Commission

Amendment

7. Where, within ***three*** months of receipt of the information referred to in the second subparagraph of paragraph 4, no objection has been raised by either a

7. Where, within ***two*** months of receipt of the information referred to in the second subparagraph of paragraph 4, no objection has been raised by either a

Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.

Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.

Amendment 185

Proposal for a regulation Article 66 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Consumers shall be enabled to enter information on batteries presenting a risk to consumer in a separate section of the Safety Gate portal provided for in Article 12 of Directive 2001/95/EC. The Commission shall take due consideration of the information received and ensure follow up, where appropriate.

The Commission shall adopt an implementing act in accordance with the advisory procedure referred to in Article 74(2) to establish the modalities for the transmission of the information referred to in the first subparagraph as well as for the transmission of such information to the relevant national authorities for follow up.

Amendment 186

Proposal for a regulation Article 67 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

1. Where, on completion of the procedure set out in Article 66(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators

1. Where, on completion of the procedure set out in Article 66(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators

and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not.

Amendment 187

Proposal for a regulation Article 68 – paragraph 1

Text proposed by the Commission

1. Where, having carried out an evaluation under Article **67(1)**, a Member State finds that although a battery is in compliance with the requirements set out in Chapters II and III, it presents a risk to the human health or safety of persons, to the protection of property or to the environment, it shall require the relevant economic operator to take all appropriate measures to ensure that the battery concerned, when placed on the market, no longer presents that risk, to withdraw the battery from the market or to recall it, within a reasonable period which is commensurate with the nature of that risk.

Amendment 188

Proposal for a regulation Article 68 – paragraph 3

Text proposed by the Commission

3. The Member State shall immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the batteries concerned, the origin and the **supply** chain of the battery, the nature of the risk involved and

and shall evaluate the national measure. ***The Commission shall conclude that evaluation within one month.*** On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not.

Amendment

1. Where, having carried out an evaluation under Article **66(1)**, a Member State finds that although a battery is in compliance with the requirements set out in Chapters II and III, it presents a risk to the human health or safety of persons, to the protection of property or to the environment, it shall require the relevant economic operator to take all appropriate measures to ensure that the battery concerned, when placed on the market, no longer presents that risk, to withdraw the battery from the market or to recall it, within a reasonable period which is commensurate with the nature of that risk.

Amendment

3. The Member State shall immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the batteries concerned, the origin and the **value** chain of the battery, the nature of the risk involved and

the nature and duration of the national measures taken.

the nature and duration of the national measures taken.

Amendment 189

Proposal for a regulation Article 68 a (new)

Text proposed by the Commission

Amendment

Article 68a

Union testing facility

1. By [two years after the entry into force of this Regulation] the Commission shall designate a Union testing facility specialised in batteries in accordance with Article 21(2), second subparagraph, of Regulation (EU) 2019/1020.

2. The Union testing facility shall serve as a competence centre for:

(a) providing, by way of derogation to Article 21(6)(b) of Regulation (EU) 2019/1020, independent technical and scientific advice to the Commission in the course of the investigations referred to in Article 32 of this Regulation and in the course of the evaluations referred to in Articles 67(1) and 68(4) of this Regulation;

(b) carrying out the testing of batteries at the request of market surveillance authorities for the purpose of the evaluation referred to in Article 66(1);

Amendment 190

Proposal for a regulation Article 68 b (new)

Text proposed by the Commission

Amendment

Article 68b

National battery competence centres

1. Market surveillance authorities shall agree with the organisations representing economic operators and research centres to set up a national battery competence centre in each Member State.

2. National battery competence centres referred to in paragraph 1 shall carry out activities that have the aim of promoting compliance, identifying non-compliance, raising awareness and providing guidance and technical advice in relation to the requirements of this Regulation. Where relevant, other stakeholders, such as organisations representing end-users, may also participate in the activities of the national battery competence centres.

3. In accordance with Article 9(2) of Regulation (EU) 2019/1020, the market surveillance authority and the parties referred to in paragraph 1 shall ensure that the activities carried out by national battery competence centres do not lead to unfair competition between economic operators and do not affect the objectivity, independence and impartiality of the parties.

Amendment 191

Proposal for a regulation

Article 69 – paragraph 1 – introductory part

Text proposed by the Commission

1. Without prejudice to Article 66, where a Member State finds that a battery falling outside the scope of Article 68 is non-compliant with this Regulation or an economic operator has infringed an obligation set out in this Regulation, shall require the relevant economic operator to put an end to the non-compliance concerned. Such non-compliances shall include the following:

Amendment

1. Without prejudice to Article 66, where a Member State finds that a battery falling outside the scope of Article 68 is non-compliant with this Regulation or an economic operator has infringed an obligation set out in this Regulation, shall require the relevant economic operator to put an end to the non-compliance concerned. ***To facilitate this task, Member States shall establish easily accessible reporting channels for consumers on non-compliance.*** Such non-compliances shall

include the following:

Amendment 192

Proposal for a regulation Article 69 – paragraph 1 – point k

Text proposed by the Commission

(k) the requirements related to the **supply** chain due diligence policy in Article 39 are not fulfilled.

Amendment

(k) the requirements related to the **value** chain due diligence policy in Article 39 are not fulfilled;

Amendment 193

Proposal for a regulation Article 69 – paragraph 1 – point k a (new)

Text proposed by the Commission

Amendment

(ka) the requirements on battery passport referred to in Article 65 are not fulfilled.

Amendment 194

Proposal for a regulation Article 69 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Competent authorities of the Member States shall be granted investigative powers in accordance with Article 14 of Regulation EU 2019/1020 to carry out appropriate controls, risk-based or on the basis of information received, to detect possible non-compliance.

Amendment 195

Proposal for a regulation Article 69 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. Market surveillance authorities shall cooperate to ensure cross-border enforcement of the provisions of this Regulation in accordance with the provisions set out in Chapter VI of Regulation EU 2019/1020.

Amendment 196

Proposal for a regulation Article 69 a (new)

Text proposed by the Commission

Amendment

Article 69a

Arbitration procedure

Member States shall agree on setting up an arbitration procedure allowing economic operators to submit to the Union testing facility referred to in Article 68a disputes regarding national measures restricting the free movement of goods and services as set out by Article 3 of this Regulation. The arbitration procedure shall be binding on the parties until a judgement is given by the European Court of Justice, where applicable.

Amendment 197

Proposal for a regulation Article 70 – paragraph 1

Text proposed by the Commission

Amendment

1. Contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3(1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU shall, when procuring batteries or products containing batteries in situations covered by those Directives, take account of the

1. Contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3(1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU shall, when procuring batteries or products containing batteries in situations covered by those Directives, take account of the

environmental impacts of batteries over their life cycle with a view to ensure that such impacts of the batteries procured are kept to a minimum.

environmental impacts of batteries over their life cycle, ***in particular by considering the batteries or products containing batteries with the lowest carbon footprint as set out in Article 7***, with a view to ensure that such impacts of the batteries procured are kept to a minimum. ***Where, in the order of importance of the award criteria, priority is given to other criteria, that prioritisation shall be justified by providing objective evidence .***

Amendment 198

Proposal for a regulation Article 70 – paragraph 2

Text proposed by the Commission

2. The obligation set out in paragraph 1 shall apply to any contracts entered into by contracting authorities or contracting entities for the purchase of batteries or products containing batteries and shall mean that these contracting authorities and contracting entities are obliged to include technical specifications and award criteria based on Articles 7 to **10** to ensure that a product is chosen among products with significantly lower environmental impacts over their lifecycle.

Amendment

2. The obligation set out in paragraph 1 shall apply to any contracts entered into by contracting authorities or contracting entities for the purchase of batteries or products containing batteries and shall mean that these contracting authorities and contracting entities are obliged to include technical specifications and award criteria based on Articles 7 to **11 and 39** to ensure that a product is chosen among products with significantly lower environmental impacts over their lifecycle.

Amendment 199

Proposal for a regulation Article 70 – paragraph 3

Text proposed by the Commission

3. The Commission shall, by 31 December 2026, adopt delegated acts in accordance with Article 73 supplementing this Regulation by establishing minimum mandatory green public procurement criteria or targets based on the

Amendment

3. The Commission shall, by 31 December 2026, adopt delegated acts in accordance with Article 73 supplementing this Regulation by establishing minimum mandatory green public procurement criteria or targets based on the

requirements set out in Articles 7 to 10.

requirements set out in Articles 7 to 10 **and 39**.

Amendment 200

Proposal for a regulation Article 72 a (new)

Text proposed by the Commission

Amendment

Article 72a

Deposit refund schemes

- 1. Member States shall introduce mandatory deposit refund schemes for the collection of waste batteries of general use.**
- 2. Consumers and other end-users shall be informed in a clear and comprehensible manner about the scheme and refund amounts in accordance with paragraph 1(fa) of Article 60.**
- 3. Member States shall allocate the revenues exceeding the scheme investment and operating costs to support innovation and research and development initiatives regarding the production of batteries and the substitution of scarce raw materials with more widely available materials.**
- 4. By 31 December 2030, the Commission shall evaluate the functioning of the national deposit refund schemes and consider if an EU-wide deposit refund scheme is necessary to reduce single market fragmentation.**

Amendment 201

Proposal for a regulation Article 73 – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt delegated acts

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), 9(2), 10(3), **11a**, 12(2), 17(4), 39(8), 55(4), 56(4), 57(6), 58(3), **64(5), 65(7) and 70(3)** 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.

Amendment 202

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 203

Proposal for a regulation Article 73 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to

Amendment

3. The delegation of power referred to in Articles 6(2), 7(1), (2) and (3), 9(2), 10(3), **11a**, 12(2), 17(4), 39(8), 55(4), 56(4), 57(6), 58(3), **64(5), 65(7) and 70(3)** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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.

Articles 6(2), 7(1), (2) and (3), 9(2), 10(3), **11a**, 12(2), 17(4), 39(8), 55(4), 56(4), 57(6), 58(3)), **64(5), 65(7) and 70(3)** 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 204

Proposal for a regulation

Article 75 – paragraph 1 – point 2 – introductory part Regulation (EU) 2019/1020
Annex I – point 71

Text proposed by the Commission

(2) in Annex I, **the following** point 71 **is added to** the list of Union harmonisation legislation:

71. Regulation of the European Parliament and of the Council on batteries and waste batteries, amending Regulation (EU) No 2019/1020 **and repealing Directive 2006/66/EC** (the Publications Office to fill in the OJ publication details);

Amendment

(2) in Annex I, point **21 of** the list of Union harmonisation legislation **is replaced by the following:**

71. ‘**21.** Regulation of the European Parliament and of the Council on batteries and waste batteries, **repealing Directive 2006/66/EC and** amending Regulation (EU) No 2019/1020 (the Publications Office to fill in the OJ publication details);’

Amendment 205

Proposal for a regulation

Article 76 – title

Text proposed by the Commission

Penalties

Amendment

Access to justice and penalties

Amendment 206

Proposal for a regulation
Article 76 – paragraph 1

Text proposed by the Commission

Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Amendment

The Commission shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall ***in particular ensure that such penalties are applicable as regards the members of management bodies and other natural persons responsible for the infringements, in accordance with national law.*** Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

By 1 January 2023, the Commission shall develop harmonised criteria for effective, proportionate and dissuasive penalties and for compensation of damages to individuals.

Amendment 207

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, ***and every 7 years thereafter*** the Commission shall ***publish*** a report on the application of this Regulation and its impact on the environment and the functioning of the internal market.

Amendment 208

Proposal for a regulation
Article 77 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) **supply** chain due diligence requirements set out in Articles 39 and 72;

(c) **value** chain due diligence requirements set out in Articles 39 and 72;

Amendment 209

Proposal for a regulation

Article 77 – paragraph 2 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) measures regarding end-of-life management of batteries set out in Chapter VII.

(d) measures regarding end-of-life management of batteries set out in Chapter VII;

Amendment 210

Proposal for a regulation

Article 77 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) the measures regarding the identification of economic operators set out in Article 45;

Amendment 211

Proposal for a regulation

Article 77 – paragraph 2 – point d b (new)

Text proposed by the Commission

Amendment

(db) the definitions set out in Article 2;

Amendment 212

Proposal for a regulation

Article 77 – paragraph 2 – point d c (new)

Text proposed by the Commission

Amendment

(dc) the impact of this Regulation on the proper functioning of the Union's internal market for batteries and waste batteries, including the impact on access to and prices of batteries and raw and recycled materials, also in comparison with the impacts of the regulatory frameworks of third countries on their respective batteries markets;

Amendment 213

**Proposal for a regulation
Article 77 – paragraph 2 – point d d (new)**

Text proposed by the Commission

Amendment

(dd) the number of administrative fines and criminal penalties imposed according to or in relation with this Regulation and the amount collected, listed by Member States;

Amendment 214

**Proposal for a regulation
Article 77 – paragraph 2 – point d e (new)**

Text proposed by the Commission

Amendment

(de) analysis of the impact of the Regulation on the competitiveness and on the investments of Union's companies in the batteries sector and on the administrative burden in relation to its application for each category of batteries.

Amendment 215

**Proposal for a regulation
Article 77 – paragraph 2 – subparagraph 2 a (new)**

Text proposed by the Commission

Amendment

By [22 months after the date of entry into force of this Regulation], the Commission shall assess the complementarity of the parameters in Part A of Annex IV with international norms in particular UNECE GTR.

Amendment 216

Proposal for a regulation Article 77 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall evaluate the functioning of the national deposit refund schemes and consider if an EU-wide deposit refund scheme is necessary to reduce single market fragmentation.

Amendment 217

Proposal for a regulation Article 78 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

By way of derogation from Articles 3 and 4 and Chapters II to VI and Chapter VIII, industrial batteries, automotive batteries and electric vehicle batteries designed before the entry into force of this Regulation may continue to be placed on the market for a period ending no later than... [five years after the entry into force of this Regulation] provided that those batteries:

(a) are placed on the market to be incorporated in safety-sensitive applications designed before the entry into force of this Regulation;

(b) are placed on the market to be used as spare parts for equipment designed before

the entry into force of this Regulation.

Amendment 218

Proposal for a regulation Annex III – title

Text proposed by the Commission

Electrochemical performance and durability parameters for portable batteries of general use

Amendment

Electrochemical performance and durability parameters for portable batteries of general use ***and batteries for light means of transport***

Amendment 219

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

Amendment 220

Proposal for a regulation Annex IV – Part A – paragraph 1 – point 4

Text proposed by the Commission

4. Energy round trip efficiency and its fade (in %).

Amendment

4. Energy round trip efficiency and its fade (in %), ***if applicable***.

Amendment 221

Proposal for a regulation Annex V – point 2 – paragraph 1

Text proposed by the Commission

This test shall evaluate the safety performance of a battery when applying an

Amendment

This test shall evaluate the safety performance of a battery when applying an

external short circuit. The test can evaluate the activation of the overcurrent protection device or the ability of cells to withstand the current without reaching a hazardous situation (e.g. thermal runaway, explosion, fire). The main risk factors are heat generation at cell level and electrical arcing which may damage circuitry or may lead to reduced isolation resistance.

external short circuit. The test can evaluate the activation of the overcurrent protection device or the ability of cells to withstand the current without reaching a hazardous situation (e.g. thermal runaway, explosion, fire). The main risk factors are heat generation at cell level and electrical arcing which may damage circuitry or may lead to reduced isolation resistance. ***Test results shall be shared with national fire authorities so as to develop and organise training on handling major fire accidents caused by batteries.***

Amendment 222

Proposal for a regulation Annex VI – Part C – paragraph 1

Text proposed by the Commission

The QR code shall be **100% black** and of a size that is easily readable by a commonly available QR reader, such as those integrated in hand-held communication devices.

Amendment

The QR code shall be ***of colour such that there is a high contrast against the surface colour of the battery*** and of a size that is easily readable by a commonly available QR reader, such as those integrated in hand-held communication devices.

Amendment 223

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

Text proposed by the Commission

Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 4, and ensures and declares that the battery satisfies the requirements set out in Articles 6, 9, **10**, **11**, **12**, 13 and 14 that apply to them.

Amendment

Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 4, and ensures and declares that the battery satisfies the requirements set out in Articles 6, 9, **11**, 13 and 14 that apply to them.

Amendment 224

Proposal for a regulation
Annex VIII – Part B – point 1 – paragraph 1

Text proposed by the Commission

Internal production control plus supervised verification is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3, 4, and 5, and ensures and declares that the battery satisfy the requirements set out in Articles 7, 8 and 39 that are applicable.

Amendment

Internal production control plus supervised verification is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3, 4, and 5, and ensures and declares that the battery satisfy the requirements set out in Articles 7, 8, **10, 12** and 39 that are applicable.

Amendment 225

Proposal for a regulation
Annex IX – point 4

Text proposed by the Commission

4. Object of the declaration (identification of the battery allowing traceability): description of the battery.

Amendment

4. Object of the declaration (identification of the battery allowing traceability, **and which may, where appropriate, include an image of the battery**): description of the battery.

Amendment 226

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

Text proposed by the Commission

Amendment

(aa) iron;

Amendment 227

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

Text proposed by the Commission

Amendment

(ab) copper;

Amendment 228

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

Text proposed by the Commission

Amendment

(ac) bauxite;

Amendment 229

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

Text proposed by the Commission

Amendment

(i a) waste treatment, including waste treatment facilities and not limited to the treatment of mine tailings.

Amendment 230

Proposal for a regulation Annex X – point 3 – introductory part

Text proposed by the Commission

Amendment

3. The international instruments **covering** the risks referred to in point 2 include:

3. The international instruments **concerning** the risks referred to in point 2 include:

Amendment 231

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**

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

Amendment 232

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

Text proposed by the Commission

Amendment

(fa) United Nations Guiding Principles on Business and Human Rights;

Amendment 233

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

Text proposed by the Commission

Amendment

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

Amendment 234

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

Text proposed by the Commission

Amendment

(fc) UNICEF Children’s Rights and Business Principles.

Amendment 235

Proposal for a regulation
Annex XIII – point 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) availability or not of spare parts essential for maintaining the functionality of the battery and if available the period of time during which such spare parts are available on the market;

Amendment 236

Proposal for a regulation
Annex XIII – point 1 – point g

Text proposed by the Commission

(g) Information on responsible sourcing as indicated in ***the relevant implementing measure(s)***;

Amendment

(g) Information on responsible sourcing as indicated in ***Article 39(6)***;

Amendment 237

Proposal for a regulation
Annex XIII – point 1 – point r a (new)

Text proposed by the Commission

Amendment

(ra) Current status of the battery (first life - waste - repaired - repurposed - recycled) and relevant economic operator responsible for the battery record.

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

The following list is drawn up on a purely voluntary basis under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the opinion, until the adoption thereof in committee:

Entity and/or person
Federation of German Consumer Organisations
European Garden Machinery industry Federation
The Advanced Rechargeable & Lithium Batteries Association
European Association of Automotive Suppliers
platformelectromobility.eu
Stora Enso
European Automobile Manufacturers' Association
Micro-Mobility for Europe
EUROBAT
CONEBI
EPBA
Municipal Waste Europe
FEAD
EUCOBAT
BDE
Brainport development

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Regulation concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020			
References	COM(2020)0798 – C9-0400/2020 – 2020/0353(COD)			
Committee responsible Date announced in plenary	ENVI 20.5.2021			
Opinion by Date announced in plenary	IMCO 20.5.2021			
Associated committees - date announced in plenary	20.5.2021			
Rapporteur for the opinion Date appointed	Antonius Manders 11.2.2021			
Discussed in committee	17.3.2021	1.9.2021	11.10.2021	8.11.2021
Date adopted	9.12.2021			
Result of final vote	+: –: 0:	37 5 2		
Members present for the final vote	Alex Agius Saliba, Clara Aguilera, Andrus Ansip, Pablo Arias Echeverría, Alessandra Basso, Brando Benifei, Adam Bielan, Biljana Borzan, Markus Buchheit, Andrea Caroppo, Anna Cavazzini, Deirdre Clune, David Cormand, Carlo Fidanza, Alexandra Geese, Sandro Gozi, Maria Grapini, Svenja Hahn, Virginie Joron, Eugen Jurzyca, Arba Kokalari, Marcel Kolaja, Kateřina Konečná, Andrey Kovatchev, Jean-Lin Lacapelle, Maria-Manuel Leitão-Marques, Morten Løkkegaard, Adriana Maldonado López, Antonius Manders, Beata Mazurek, Leszek Miller, Anne-Sophie Pelletier, Miroslav Radačovský, Christel Schaldemose, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Róza Thun und Hohenstein, Tom Vandenkendelaere, Kim Van Sparrentak, Marion Walsmann, Marco Zullo			
Substitutes present for the final vote	Vlad-Marius Botoș, Christian Doleschal			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

37	+
ID	Markus Buchheit, Virginie Joron, Jean-Lin Lacapelle
PPE	Pablo Arias Echeverría, Andrea Caroppo, Deirdre Clune, Christian Doleschal, Andrey Kovatchev, Antonius Manders, Andreas Schwab, Tomislav Sokol, Ivan Štefanec, Tom Vandenkendelaere, Marion Walsmann
Renew	Andrus Ansip, Vlad-Marius Botoș, Sandro Gozi, Svenja Hahn, Morten Løkkegaard, Róza Thun und Hohenstein, Marco Zullo
S&D	Alex Agius Saliba, Clara Aguilera, Brando Benifei, Biljana Borzan, Maria Grapini, Maria-Manuel Leitão-Marques, Adriana Maldonado López, Leszek Miller, Christel Schaldemose
The Left	Kateřina Konečná, Anne-Sophie Pelletier
Verts/ALE	Anna Cavazzini, David Cormand, Alexandra Geese, Marcel Kolaja, Kim Van Sparrentak

5	-
ECR	Adam Bielan, Carlo Fidanza, Eugen Jurzyca, Beata Mazurek
NI	Miroslav Radačovský

2	0
ID	Alessandra Basso
PPE	Arba Kokalari

Key to symbols:

+ : in favour

- : against

0 : abstention