



2020/0353(COD)

15.7.2021

DRAFT 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))

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

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SHORT JUSTIFICATION

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 supply chain 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

Text proposed by the Commission

(2) Batteries are thus an important source of energy and one of the key

Amendment

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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.

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 achieve strategic autonomy in this sector**, and to provide legal certainty to all operators involved 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**, it is necessary to set out **ambitious requirements, to be strictly enforced**, on sustainability, performance, safety, collection, recycling, second life of batteries **and** information. 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**.

Or. en

Amendment 2

Proposal for a regulation Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Substituting scarce raw materials with cheaper and more widely available materials is crucial for reducing the Union's dependence on third countries in

the long term, decreasing the impact of cell production on the environment and reducing costs. It is, therefore, of vital importance that the Union and the Member States increase support for research and development initiatives concerning the substitution of such materials.

Or. en

Amendment 3

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 and light means of transport, as well as batteries for IT and telecommunications equipment, such as mobile phones and tablets, and electric or electronic tools, such as gardening tools, by making use of common chargers that allow interoperability within each category of products. This Regulation should therefore include provisions concerning that area.

Or. en

Amendment 4

Proposal for a regulation Recital 28

Text proposed by the Commission

Amendment

(28) In order to provide end users with

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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.

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 all the necessary information concerning their main characteristics, including their capacity, **performance**, content of certain hazardous substances **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.

Or. en

Amendment 5

Proposal for a regulation Recital 30

Text proposed by the Commission

(30) **Rechargeable industrial batteries** and electric-vehicle batteries with internal storage with a capacity above 2 kWh **should** contain a battery management system **that** stores data so that the state of health and expected lifetime of batteries may be determined at any time by the end-user or any other third party acting on his behalf. In order to repurpose or remanufacture a battery, access to the battery management system should be provided to the person that has purchased the battery or any third party acting on its behalf at any time for evaluating the residual value of the battery, facilitating the reuse, repurposing or remanufacturing of the battery and for making the battery

Amendment

(30) **Stationary battery energy storage systems** and electric-vehicle batteries with internal storage with a capacity above 2 kWh, **which** contain a battery management system, **should ensure that that system** stores data so that the state of health and expected lifetime of batteries may be determined at any time by the end-user or any other third party acting on his behalf. In order to repurpose or remanufacture a battery, access to the battery management system should be provided to the person that has purchased the battery or any third party acting on its behalf at any time for evaluating the residual value of the battery, facilitating the reuse, repurposing or remanufacturing of the battery and for

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.

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).

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. ***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 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.

³⁴ Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125).

Or. en

Amendment 6

Proposal for a regulation Recital 31

Text proposed by the Commission

(31) A number of product-specific requirements under this Regulation, including on performance, durability, repurposing and safety, should be measured by using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art measurements and calculation methodologies. In order to ensure that there are no barriers to trade on the internal

Amendment

(31) A number of product-specific requirements under this Regulation, including on performance, durability, repurposing and safety, should be measured by using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art measurements 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.

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).

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, ***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).

Amendment 7**Proposal for a regulation****Recital 32***Text proposed by the Commission*

(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.

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 ***for example*** online in the form of a single EU declaration of conformity.

Or. en

Amendment 8**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

Amendment

(38) Due to the novelty and complexity of the sustainability, ***performance***, 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 ***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

authorities of other Member States and the Commission to ensure consistency in the conformity assessment.

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.

Or. en

Amendment 9

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, 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

(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 *and economic operators* the opportunity to raise objections concerning a notified body. 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.

Or. en

Amendment 10

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

Amendment

(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.

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. 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.***

Or. en

Amendment 11

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. 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.***

Or. en

Amendment 12

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) Therefore, in view of the expected exponential growth in battery demand in the EU, the economic operator should **establish** supply chain due diligence **policies before placing** a battery on the EU market. 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.

Or. en

Amendment 13

Proposal for a regulation Recital 65

Text proposed by the Commission

(65) According to the OECD Due Diligence Guidance⁴⁵, due diligence is an on-going, proactive and reactive process through which companies can ensure that they respect human rights and do not contribute to 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

Amendment

(65) According to the OECD Due Diligence Guidance⁴⁵, due diligence is an on-going, proactive and reactive process through which companies can ensure that they respect human rights and do not contribute to 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, **which may include requiring additional information, suspending or discontinuing engagement with suppliers**, in line with relevant

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.

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.

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).

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

Or. en

Amendment 14

Proposal for a regulation Recital 70

Text proposed by the Commission

(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.

Amendment

(70) Other EU legislative instruments, ***such as those concerning sustainable corporate governance***, that lay down requirements regarding supply chain due diligence should apply ***to raw materials needed for the production of batteries, and to both EU and non-EU companies that intend to place batteries on the EU 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.

Or. en

Amendment 15

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

(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, ***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.*** 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.

Or. en

Amendment 16

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).

Or. en

Amendment 17

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

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 determine whether national measures in respect of non-compliant batteries are justified or not.

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.

Or. en

Amendment 18

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.

Or. en

Amendment 19

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 special agreements with one another to refer any such matter to the Court of Justice in order to swiftly settle disputes arising in relation to the access to the internal market for batteries.

Or. en

Amendment 20

Proposal for a regulation Recital 99

Text proposed by the Commission

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/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

(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 ***and ensure effective compliance with social and environmental requirements by***

mobility and energy-storage **and thus contribute** to the environment, climate and energy policy objectives of the Union.

the economic operators, in order to promote and stimulate the market for clean and energy-efficient mobility and energy-storage, **thus contributing** to the environment, climate and energy policy objectives of the Union. **Furthermore, improving access for SMEs to public procurement in the batteries market would also significantly contribute to reaching that objective.**

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).

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).

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).

Or. en

Amendment 21

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.

Or. en

Amendment 22

Proposal for a regulation Recital 105

Text proposed by the Commission

(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.

Amendment

(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.

Or. en

Amendment 23

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.***

Or. en

Amendment 24

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

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

Or. en

Amendment 25

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

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**

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,

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,

Or. en

Amendment 26

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

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

Amendment

1. This Regulation establishes requirements on **social and environmental** 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, as well as** recycling of waste batteries.

Or. en

Amendment 27

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, ***including 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.

Or. en

Justification

Clarification necessary to ensure that batteries for light means of transport are included in the scope of the Regulation.

Amendment 28

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 barcode that links to ***a website providing up-to-date*** information about a battery model;

Or. en

Amendment 29

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

Amendment

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

a battery have been fulfilled;

fulfilled;

Or. en

Amendment 30

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) ‘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, ***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 and addressing actual and potential risks linked to the sourcing, processing and trading of the raw materials required for battery manufacturing;

Or. en

Amendment 31

Proposal for a regulation

Article 2 – paragraph 1 – point 56 a (new)

Text proposed by the Commission

Amendment

(56a) ‘high-risk areas’ means areas in which there is weak or non-existent governance and security, such as failed states, and there are widespread and systematic violations of international law, including human rights abuses;

Or. en

Amendment 32

Proposal for a regulation

Article 2 – paragraph 1 – point 56 b (new)

Text proposed by the Commission

Amendment

(56b) ‘grievance mechanism’ means an early-warning risk awareness mechanism allowing any interested party to voice concerns regarding the circumstances of extraction, trade and handling of minerals in and export of minerals from high-risk areas;

Or. en

Amendment 33

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

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.

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.

Or. en

Amendment 34

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. At trade fairs, exhibitions, demonstrations or similar events, Member

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.

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. ***Adequate measures shall be taken to ensure the protection of persons during demonstrations.***

Or. en

Amendment 35

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

Setting adequate environmental and social standards for all companies placing batteries on the single market is essential to ensure companies producing batteries in the EU can compete on a level playing field with companies producing elsewhere in the world. Therefore supply chain due diligence must be set up as a condition to place batteries on the market.

Amendment 36

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.

Or. en

Amendment 37

Proposal for a regulation Article 5 – paragraph 1

Text proposed by the Commission

1. Member States shall designate one or more competent authorities responsible for carrying out obligations arising from Chapter VII and monitoring and verifying compliance of the producers and producer responsibility organisations with the requirements of that Chapter.

Amendment

1. Member States shall designate one or more competent authorities responsible for carrying out obligations arising from Chapter VII and monitoring and verifying compliance of the producers and producer responsibility organisations with the requirements of that Chapter. ***Each Member State shall also designate one contact point for the purpose of communicating with the Commission pursuant to paragraph 3.***

Or. en

Amendment 38

Proposal for a regulation Article 5 – paragraph 2 – point e

Text proposed by the Commission

(e) making information available in accordance with Article 62.

Amendment

(e) making information available in accordance with Article 62;

Or. en

Amendment 39

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 40**Proposal for a regulation
Article 5 – paragraph 3***Text proposed by the Commission*

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**.

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 **contact point** designated pursuant to paragraph 1. Member States shall inform the Commission without delay of any changes to the names or addresses of **the contact point**.

Amendment 41**Proposal for a regulation
Article 9 – paragraph 2 – subparagraph 3***Text proposed by the Commission*

In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of portable batteries of general use and take into consideration relevant international standards and labelling schemes. The Commission shall also ensure that the provisions laid down by that delegated act do not have a significant negative impact on the functionality of those batteries or the appliances into which those batteries are incorporated, the affordability and the cost for end-users and the industry's competitiveness. No excessive administrative burden shall be imposed on

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 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**, the affordability and the cost for end-users and the industry's

manufacturers of the batteries and the appliances concerned.

competitiveness. No excessive administrative burden shall be imposed on manufacturers of the batteries and the appliances concerned.

Or. en

Amendment 42

Proposal for a regulation Article 10 – title

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 43

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

Text proposed by the Commission

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

Amendment

1. From [**6** months after entry into force of the Regulation], rechargeable industrial batteries, electric vehicle batteries with internal storage and a capacity above 2 kWh *and batteries for light means of transport* shall be accompanied by a technical documentation containing values for the electrochemical performance and durability parameters laid down in Part A of Annex IV.

Or. en

Justification

A reference to batteries for light means of transport is necessary to clarify that performance and durability requirements are to be applied also to those batteries.

Amendment 44

Proposal for a regulation

Article 11 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. 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.

Amendment

1. Portable batteries incorporated in appliances shall be **such that they can be** readily **and safely removed with commonly available tools and without causing damage to the appliance or the batteries, and shall be** 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. **Clear instructions for removal and replacement shall be provided by the relevant economic operator at the time of purchase of the appliance. Removability and replaceability requirements may only apply to battery packs as a whole and not individual cells or other parts included in the battery pack.**

Or. en

Justification

Batteries must be easily and safely removable and clear instructions are to be provided for the benefit of consumers and other end-users.

Amendment 45

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 of any case where the derogation provided for in the

first subparagraph applies.

Or. en

Amendment 46

Proposal for a regulation Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Common chargers

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 charged by making use of a common charger.

The Commission is empowered to adopt, no later than 31 December 2024, a delegated act in accordance with Article 73 determining the categories of products and equipment to which this Article shall apply.

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.

Or. en

Justification

Interoperability of chargers is key to reduce waste and costs. The introduction of a procedure to set up common chargers is therefore needed.

Amendment 47

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 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.

Or. en

Amendment 48

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. This paragraph 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.***

Or. en

Amendment 49

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).

Or. en

Justification

A procedure is introduced to ensure that the provisions on labelling can be adapted to technological development.

Amendment 50

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. **Stationary battery energy storage systems** and electric vehicle batteries with internal storage and a capacity above 2 kWh **that** include a battery management system **shall contain in their battery management system** data on the parameters for determining the state of health and expected lifetime of batteries as laid down in Annex VII.

Or. en

Amendment 51

Proposal for a regulation

Article 14 – paragraph 2 – subparagraph 1- 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:

Or. en

Amendment 52

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 and vehicle-to-powerbank charging functions.

Or. en

Justification

A communication functionality in the design of the battery management system for electric vehicles is needed to allow smart charging. This will contribute to facilitating the energy transition.

Amendment 53

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.

Or. en

Amendment 54

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 shall be empowered to adopt 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:

Or. en

Amendment 55

Proposal for a regulation

Article 16 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Those implementing acts shall be adopted in accordance with the examination

Amendment

Those implementing acts shall be adopted, ***after consultation of the relevant***

procedure referred to in Article 74(3).

stakeholders, in accordance with the examination procedure referred to in Article 74(3).

Or. en

Amendment 56

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 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 **and Article 39** of this Regulation is carried out.

Or. en

Amendment 57

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.

Or. en

Amendment 58

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

Or. en

Amendment 59

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 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;

Or. en

Amendment 60

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

Amendment

1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention, ***in particular by economic operators***, 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 61

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 ***shall 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 62

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

3. Where a notified body finds that the requirements set out in Chapters II and III ***and 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 63

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 establish supply chain due diligence policies

Or. en

Amendment 64

**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 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.

Or. en

Justification

Supply chain due diligence policies have to be applied to all batteries and not be limited only to rechargeable industrial batteries and electric vehicle batteries with internal storage and a capacity above 2kWh.

Amendment 65

**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 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 ***and, where relevant, the corresponding corporate due diligence obligations pursuant to the applicable Union legislation;***

Or. en

Amendment 66

Proposal for a regulation

Article 39 – paragraph 2 – point d – paragraph 1 – point iii a (new)

Text proposed by the Commission

Amendment

(iiia) 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;

Or. en

Amendment 67

Proposal for a regulation

Article 39 – paragraph 2 – point d – subparagraph 3

Text proposed by the Commission

Amendment

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

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, point (d), *such requirements* may be implemented through participation in industry-led schemes.

Or. en

Amendment 68

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 system or provide such mechanism through collaborative arrangements with other economic operators or organisations, or by facilitating recourse to an external expert or body, such as an ombudsman *or the national battery competence centres established pursuant to Article 68b*.

Or. en

Amendment 69

Proposal for a regulation

Article 39 – paragraph 3 – 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 supply chain on the basis of the information provided pursuant to paragraph 2 against the standards of their supply chain policy;

Or. en

Amendment 70

Proposal for a regulation

Article 39 – paragraph 3 – point b – point ii

Text proposed by the Commission

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

Amendment

(ii) adopting risk management measures consistent with Annex 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 suppliers who can most effectively prevent or mitigate the identified risk;

Or. en

Amendment 71

Proposal for a regulation

Article 39 – paragraph 6 – subparagraph 2

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 supply chain due diligence policies **regarding 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 battery models 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.

Or. en

Amendment 72

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.

Or. en

Amendment 73

Proposal for a regulation Article 41 – paragraph 1

Text proposed by the Commission

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

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.**

Or. en

Amendment 74

Proposal for a regulation Article 41 – paragraph 2 –subparagraph 1

Text proposed by the Commission

Amendment

2. Before placing a battery on the market or putting it into service, importers

2. 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.

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, 9 of Article 38 *and, where relevant, with those set out in paragraph 10 of that Article.*

Or. en

Amendment 75

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

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 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.

Or. en

Amendment 76

Proposal for a regulation

Article 41 – paragraph 4

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 77

Proposal for a regulation Article 41 – paragraph 7

Text proposed by the Commission

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.

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 **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.

Or. en

Amendment 78

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

Text proposed by the Commission

Amendment

(a) the **manufacturer, the**

(a) the **producer is** registered on the

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

territory of a Member State in accordance with Article 46;

Or. en

Amendment 79

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.

Or. en

Amendment 80

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.

Or. en

Amendment 81

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.

Or. en

Amendment 82

Proposal for a regulation Article 43 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

Further specification of tasks to be performed by fulfilment service providers to ensure full effectiveness of market surveillance activities.

Amendment 83

Proposal for a regulation Article 60 – paragraph 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;***

Or. en

Amendment 84

Proposal for a regulation Article 60 – paragraph 1 – point f

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 85

Proposal for a regulation Article 60 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) for portable batteries of general use, the deposit refund schemes established by Member States pursuant to

Article 72a and information on the amount of the refund.

Or. en

Amendment 86

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ba) through the QR code referred to in Article 13 as regards the information referred to in point (fa) of this paragraph.

Or. en

Amendment 87

Proposal for a regulation

Article 65 – paragraph 5

Text proposed by the Commission

Amendment

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.

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.

Or. en

Amendment 88

Proposal for a regulation

Article 65 – paragraph 6 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

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.

Or. en

Amendment 89

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.

Or. en

Amendment 90

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

Or. en

Amendment 91

Proposal for a regulation Article 66 – paragraph 7

Text proposed by the Commission

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

Amendment

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.

Or. en

Amendment 92

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

Text proposed by the Commission

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

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, **to be concluded within one month**, the Commission shall decide by means of an implementing act whether the national measure is justified or not.

Or. en

Amendment 93

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

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.

Or. en

Amendment 94

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) by way of derogation to Article 21(6)(b) of Regulation (EU) 2019/1020, providing 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);

Or. en

Justification

Given the complexity and relevance of the sector, in accordance with Regulation 2019/1020, a Union testing facility specialised in batteries is established to carry out testing and provide technical and scientific advice.

Amendment 95

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 the national battery competence centre do not lead to unfair competition between economic operators and do not affect the objectivity, independence and impartiality of the parties.

Or. en

Justification

National battery competence centres are established as a key forum to raise awareness and improve compliance with the requirements set out by this Regulation.

Amendment 96

Proposal for a regulation Article 69 a (new)

Text proposed by the Commission

Amendment

Article 69a

Arbitration procedure before the Court of Justice

Member States shall agree on setting up an arbitration procedure allowing economic operators to submit to the Court of Justice disputes regarding national measures restricting the free movement of goods and services as set out by Article 3 of this Regulation. The judgement shall take no longer than 3 months and shall be binding on the parties to the proceedings.

Or. en

Justification

Despite the existence of dispute resolution mechanisms for cross-border trade issues, companies, in particular SME's, are still facing massive problems. As a result, the majority of them could not take full advantage of the internal market. Before being able to go to the ECJ,

they now have to navigate extremely lengthy and costly national legal procedures, where additionally they often are faced with a national bias in the legal system. As a result, market momentum is long gone after the ruling, and the company concerned often bankrupt. Therefore, we need a better, faster and fairer alternative, with the aim to further improve the functioning of the internal market.

Amendment 97

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. 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.

Or. en

Justification

Financial incentives must be introduced to maximise collection of waste batteries. A mandatory deposit refund scheme is set up to that aim.

Amendment 98

Proposal for a regulation Article 73 – paragraph 2

Text proposed by the Commission

Amendment

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

2. The power to adopt delegated acts referred to in Articles 6(2), 7(1), (2) and (3), 9(2), 10(3), **11a**, 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.

shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than three months before the end of each period.

Or. en

Amendment 99

Proposal for a regulation Article 73 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Articles 6(2), 7(1), (2) and (3), 9(2), 10(3), 12(2), 17(4), 27(3), 39(8), 55(4), 56(4), 57(6), 58(3) and 70(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Articles 6(2), 7(1), (2) and (3), 9(2), 10(3), **11a**, 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.

Or. en

Amendment 100

Proposal for a regulation Article 73 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 6(2), 7(1), (2) and (3), 9(2), 10(3),

Amendment

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.

11a, 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.

Or. en

Amendment 101

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

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 ***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.

Or. en

Justification

To ensure dissuasive effect of penalties set up by Member States, such penalties must apply also to the responsible management bodies and natural persons.

Amendment 102

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.

Or. en

Amendment 103

Proposal for a regulation Annex IV – title

Text proposed by the Commission

Electrochemical performance and durability requirements for rechargeable industrial batteries **and** electric vehicle batteries

Amendment

Electrochemical performance and durability requirements for rechargeable industrial batteries, electric vehicle batteries **and light means of transport batteries**

Or. en

Amendment 104

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 a high colour contrast** and of a size that is easily readable by a commonly available QR reader, such as those integrated in hand-held communication devices.

Or. en

Amendment 105

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.

Or. en

Amendment 106

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 107

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)**;

Or. en

Amendment 108

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 - repurposed - recycled)*

Or. en

**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 draft opinion:

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