



**2020/0353(COD)**

29.9.2021

## **OPINION**

of the Committee on Industry, Research and Energy

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

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

Rapporteur for opinion (\*): Patrizia Toia

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

PA\_Legam

## SHORT JUSTIFICATION

Batteries are an important source of energy and one of the key enablers for sustainable development and clean energy. Batteries are an energy storage solution-provider, and as such they have the potential to effectively contribute to the decarbonisation targets of the European Union.

The new Regulation establishes a comprehensive framework that includes ensuring that battery cells, modules and packs are manufactured using clean energy, are energy efficient and designed to last long, and are properly collected, recycled or repurposed.

The new industrial strategy for Europe (COM(2020) 102 final), on which Parliament adopted an INI led by ITRE (2020/2076(INI)), proposes to reinforce Europe's open strategic autonomy, warning that Europe's transition to climate neutrality could replace today's reliance on fossil fuels with one on raw materials, many of which we source from abroad and for which global competition is becoming fiercer.

The Commission Communication "Critical Raw Materials Resilience: Charting a Path towards greater Security and Sustainability" (COM(2020) 474 final), underlines the need to address an increase in global demand of raw materials by reusing them before recycling them. Cobalt, lead, lithium and nickel are considered critical raw materials for the European industrial sector and in particular for battery production.

The proposed Regulation builds on the new industrial strategy for Europe, and proposes to mitigate the supply risk for raw materials by setting requirements to ensure a well-functioning market for secondary raw materials, which includes provisions on raw materials recovery targets and on supply chain due diligence policies and schemes.

The ITRE Rapporteur hence welcomes the Commission's initiative on batteries and waste batteries.

According to estimates from the World Economic Forum, there is a need to scale up global battery production by a factor of 19 to accelerate the transition to a low-carbon economy.

Therefore, an initiative aiming to modernise the EU's legislative framework for batteries is much needed.

The manufacture and use of batteries, the underlying value chain, and the handling of end-of-life batteries are cross-cutting issues that affect many policy areas.

The Regulation on batteries and waste batteries will have an important impact on energy and industrial policies, for which the ITRE Committee is responsible. The Conference of Presidents of the European Parliament, in its decision of 29 April 2021, has granted the ITRE Committee "shared competences" over certain parts of the proposal under Rule 57 of the Rules of Procedure. In line with this decision, the ITRE Rapporteur is focussing her draft opinion on these provisions, where she has identified several issues that need to be addressed.

The definitions of portable batteries and portable batteries of general use are addressed in the draft opinion.

There is a need to clarify the definition and requirements that apply to those portable batteries used in light modes of transport as well as in self-balancing vehicles or other vehicles not equipped with at least one seating position. In addition, although the e-bike and e-scooter sectors are growing fast, there seems to be very few provisions covering these sectors, and this needs further discussion and evaluation. Batteries used in these individual urban mobility solutions should be covered by the Regulation, in particular regarding recycled content, performance and durability, as well as due diligence requirements.

It is the opinion of the Rapporteur that, in the context of the new markets that this proposal is trying to develop, certain targets, in particular those concerning recycled content (article 8) and efficiency of material recycling and recovery (article 57), are essential elements of the Regulation, and therefore their revision, if necessary, should be made through the ordinary legislative procedure and not through secondary legislation.

The obligations for operators placing batteries on the market regarding due diligence are a crucial part of the proposal also in light of the Union's initiatives on critical raw materials. Hence, it is very important to discuss thoroughly the extent to which they will be applied to battery types and batteries manufacturer.

The parameters on health status and expected life, on performance and durability as well as on safety of batteries are integrated with additional tests, deemed useful by the Rapporteur in order to achieve the objectives of the Regulation and to ensure their alignment to ongoing international work on the matter.

Finally, the provisions on lithium and cadmium recycling efficiency and recovery are also addressed in this draft opinion in order to strengthen the environmental considerations of the proposed piece of legislation.

## AMENDMENTS

The Committee on Industry, Research and Energy 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 12**

*Text proposed by the Commission*

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

*Amendment*

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

hand, and industrial batteries and automotive batteries on the other hand under Directive 2006/66/EC should be further developed to better reflect new developments in the use of batteries. Batteries that are used for traction in electric vehicles and which under Directive 2006/66/EC fall in the category of industrial batteries, constitute a large and growing part of the market due to the quick growth of electric road transport vehicles. It is therefore appropriate to classify those batteries that are used for traction in road vehicles as a new category of electric vehicle batteries. Batteries used for traction in other transport vehicles including rail, waterborne and aviation transport, continue to fall under the category of industrial batteries under this Regulation. The industrial battery type encompasses a broad group of batteries, intended to be used for industrial activities, communication infrastructure, agricultural activities or generation and distribution of electric energy. In addition to this non exhaustive list of examples, any battery that is neither a portable battery nor an automotive battery nor an electric vehicle battery should be considered an industrial battery. Batteries used for energy storage in private or domestic environments are considered industrial batteries for the purposes of this Regulation. Furthermore, in order to ensure that all batteries used in light means of transport, such as ebikes and scooters, are classified as portable batteries, it is necessary to clarify the definition of portable batteries and to introduce a ***weight limit for such*** batteries.

hand, and industrial batteries and automotive batteries on the other hand under Directive 2006/66/EC should be further developed to better reflect new developments in the use of batteries. Batteries that are used for traction in electric vehicles and which under Directive 2006/66/EC fall in the category of industrial batteries, constitute a large and growing part of the market due to the quick growth of electric road transport vehicles. It is therefore appropriate to classify those batteries that are used for traction in road vehicles as a new category of electric vehicle batteries. Batteries used for traction in other transport vehicles including rail, waterborne and aviation transport, continue to fall under the category of industrial batteries under this Regulation. The industrial battery type encompasses a broad group of batteries, intended to be used for industrial activities, communication infrastructure, agricultural activities or generation and distribution of electric energy. In addition to this non exhaustive list of examples, any battery that is neither a portable battery nor an automotive battery nor an electric vehicle battery should be considered an industrial battery. Batteries used for energy storage in private or domestic environments are considered industrial batteries for the purposes of this Regulation. Furthermore, in order to ensure that all batteries used in light means of transport, such as ebikes and ***electric scooters (e-scooters), as well as those batteries used in other individual urban means of transport, such as monowheels and hoverboards***, are classified as portable batteries, it is necessary to clarify the definition of portable batteries, and to introduce a ***new category of batteries used both in light means of transport and in other individual urban means of transport, in order for the latter to be covered by specific provisions***.

## Amendment 2

### Proposal for a regulation Recital 64

*Text proposed by the Commission*

(64) When putting in place a risk-based due diligence policy, it should be based on internationally recognised due diligence principles in the Ten Principles of the United Nations Global Compact<sup>40</sup>, the Guidelines for Social Life Cycle Assessment of Products<sup>41</sup>, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy<sup>42</sup>, and the OECD Due Diligence Guidance for Responsible Business Conduct (RBC)<sup>43</sup>, which reflect a common understanding amongst governments and stakeholders, and should be tailored to the specific context and circumstances of each economic operator. In relation to the extraction, processing and trading of natural mineral resources used for battery production, the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas<sup>44</sup> ('OECD Due Diligence Guidance') represents a long-standing effort by governments and stakeholders to establish good practice in this area.

---

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

<sup>41</sup> UNEP Guidelines for social life cycle assessment of products, available at

*Amendment*

(64) When putting in place a risk-based due diligence policy, it should be based on internationally recognised due diligence principles in ***the United Nations Guiding Principles on Business and Human Rights***<sup>39a</sup>, the Ten Principles of the United Nations Global Compact<sup>40</sup>, the Guidelines for Social Life Cycle Assessment of Products<sup>41</sup>, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy<sup>42</sup>, ***the OECD Guidelines for Multinational Enterprises***<sup>42a</sup> and the OECD Due Diligence Guidance for Responsible Business Conduct (RBC)<sup>43</sup>, which reflect a common understanding amongst governments and stakeholders, and should be tailored to the specific context and circumstances of each economic operator. In relation to the extraction, processing and trading of natural mineral resources used for battery production, the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas<sup>44</sup> ('OECD Due Diligence Guidance') represents a long-standing effort by governments and stakeholders to establish good practice in this area.

---

<sup>39a</sup> ***The UN Guiding Principles on business and human rights:***  
***[https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf)***

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

<sup>41</sup> UNEP Guidelines for social life cycle assessment of products, available at

<https://www.lifecycleinitiative.org/wp-content/uploads/2012/12/2009%20-%20Guidelines%20for%20sLCA%20-%20EN.pdf>

<sup>42</sup> Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, available at [https://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---emp\\_ent/---multi/documents/publication/wcms\\_094386.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf)

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

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

<https://www.lifecycleinitiative.org/wp-content/uploads/2012/12/2009%20-%20Guidelines%20for%20sLCA%20-%20EN.pdf>

<sup>42</sup> Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, available at [https://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---emp\\_ent/---multi/documents/publication/wcms\\_094386.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf)

<sup>42a</sup> **OECD Guidelines for Multinational Enterprises, available at <http://mneguidelines.oecd.org/guidelines/>**

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

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

### Amendment 3

#### Proposal for a regulation Recital 65

*Text proposed by the Commission*

(65) According to **the OECD Due Diligence Guidance<sup>4</sup>**, 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.<sup>46</sup> 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

*Amendment*

(65) According to **these standards** due diligence is an on-going, proactive and reactive process through which companies can ensure that they respect human rights **and the environment** and do not contribute to conflict<sup>46</sup>. 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

activities and relationships and adopt risks mitigating measures in line with relevant standards provided under national and international law, recommendations on responsible business conduct by international organisations, government-backed tools, private sector voluntary initiatives and a company's internal policies and systems. This approach also helps to scale the due diligence exercise to the size of the company's activities or supply chain relationships.

and adopt risks mitigating measures in line with relevant standards provided under national and international law, recommendations on responsible business conduct by international organisations, government-backed tools, private sector voluntary initiatives and a company's internal policies and systems. This approach also helps to scale the due diligence exercise to the size of the company's activities or supply chain relationships. ***Due diligence requirements should apply to any economic operator, including online platforms, that places batteries on the European market.***

---

<sup>45</sup> ***Page 15 of the OECD Due Diligence Guidance.***

<sup>46</sup> 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).

---

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

## **Amendment 4**

### **Proposal for a regulation**

#### **Recital 66**

*Text proposed by the Commission*

(66) Mandatory supply chain due diligence policies should be adopted or modified and address, at least, the most prevalent social and environmental risk categories. This should cover the current and foreseeable impacts, on one hand, on

*Amendment*

(66) Mandatory supply chain due diligence policies should be adopted or modified and address, at least, the most prevalent ***human rights***, social and environmental risk categories. This should cover the current and foreseeable impacts,

social life, in particular human rights, human health and safety as well as occupational health and safety and labour rights, and, on the other hand, on the environment, in particular on water use, soil protection, air pollution and biodiversity, including community life.

on one hand, on social life, in particular human rights, human health and safety as well as occupational health and safety and labour rights, and, on the other hand, on the environment, in particular on water use, soil protection, air pollution, **climate change** and biodiversity, including community life.

## Amendment 5

### Proposal for a regulation

#### Recital 67

##### *Text proposed by the Commission*

(67) As regards the social risk categories, due diligence policies should address the risks in the battery supply chain in relation to the protection of human rights, including human health, protection of children and gender equality, in line with international human rights law<sup>47</sup>. The due diligence policies should include information on how the economic operator has contributed to the prevention of human rights abuses and on the instruments in place with the operator's business structure to fight corruption and bribery. The due diligence policies should also ensure correct implementation of the rules of fundamental conventions of the International Labour Organisation<sup>48</sup> as listed in Annex I of the ILO Tripartite Declaration.

---

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

##### *Amendment*

(67) As regards the social risk categories, due diligence policies should address the risks in the battery supply chain in relation to the protection of human rights, including human health, **rights of indigenous people**, protection of children and gender equality, in line with international human rights law<sup>47</sup>. The due diligence policies should include information on how the economic operator has contributed to the prevention of human rights abuses and on the instruments in place with the operator's business structure to fight corruption and bribery. The due diligence policies should also ensure correct implementation of the rules of fundamental conventions of the International Labour Organisation<sup>48</sup> as listed in Annex I of the ILO Tripartite Declaration.

---

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

<sup>48</sup> The eight fundamental Conventions are 1. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2. Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 3. Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol ), 4. Abolition of Forced Labour Convention, 1957 (No. 105), 5. Minimum Age Convention, 1973 (No. 138), 6. Worst Forms of Child Labour Convention, 1999 (No. 182), 7. Equal Remuneration Convention, 1951 (No. 100), 8. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

<sup>48</sup> The eight fundamental Conventions are 1. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2. Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 3. Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol ), 4. Abolition of Forced Labour Convention, 1957 (No. 105), 5. Minimum Age Convention, 1973 (No. 138), 6. Worst Forms of Child Labour Convention, 1999 (No. 182), 7. Equal Remuneration Convention, 1951 (No. 100), 8. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

## Amendment 6

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 1

*Text proposed by the Commission*

(1) ‘battery’ means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more non-rechargeable or rechargeable battery cells or of groups of them;

*Amendment*

(1) ‘battery’ means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more non-rechargeable or rechargeable battery cells or of groups of them, ***such as battery packs and battery modules***;

## Amendment 7

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 7 – introductory part

*Text proposed by the Commission*

(7) ‘portable battery’ means any battery that:

*Amendment*

(7) ‘portable battery’ means any battery ***and button cell*** that:

## Amendment 8

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 7 – indent 2

*Text proposed by the Commission*

*Amendment*

— weighs below **5** kg;

— weighs below **8** kg;

## **Amendment 9**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 7 – indent 3**

*Text proposed by the Commission*

*Amendment*

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

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

## **Amendment 10**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 7 – indent 4 a (new)**

*Text proposed by the Commission*

*Amendment*

— ***may be used in light means of transport and in other individual urban transport modes***;

## **Amendment 11**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7a) ‘button cell’ means any small round portable battery or accumulator whose diameter is greater than its height and which is used for special purposes such as hearing aids, watches, small portable equipment and back-up power***;

## **Amendment 12**

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 8**

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 13**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***(9a) ‘portable batteries used in light means of transport and in other individual urban transport modes’ means portable batteries used in light means of transport and in other wheeled vehicles with electric motor that are self-balancing or not equipped with at least one seating position because it is intended that the traveller will be standing;***

**Amendment 14**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 10**

*Text proposed by the Commission*

*Amendment*

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

(10) ‘automotive battery’ means any battery used for automotive **and non-road mobile machinery** starter, lighting or ignition power;

**Amendment 15**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 11**

*Text proposed by the Commission*

*Amendment*

(11) ‘industrial battery’ means any

(11) ‘industrial battery’ means any

battery designed for industrial uses and any other battery excluding portable batteries, electric vehicle batteries and automotive batteries;

battery designed *exclusively* for industrial uses and any other battery excluding portable batteries, electric vehicle batteries and automotive batteries;

## Amendment 16

### Proposal for a regulation Article 2 – paragraph 1 – point 12

#### *Text proposed by the Commission*

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

#### *Amendment*

(12) ‘electric vehicle battery’ means any battery specifically designed to provide traction to hybrid and electric vehicles for road transport, *excluding portable batteries used in light means of transport and in other individual urban transport modes*;

## Amendment 17

### Proposal for a regulation Article 2 – paragraph 1 – point 22

#### *Text proposed by the Commission*

(22) ‘battery management system’ means an electronic device that controls or manages the electric and thermal functions of the battery, that manages and stores the data on the parameters for determining the state of health and expected lifetime of batteries laid down in Annex VII and that communicates with the vehicle or appliance in which the battery is incorporated;

#### *Amendment*

(22) ‘battery management system’ means an electronic device that controls or manages the electric and thermal functions of the battery, that manages and stores the data on the parameters for determining the *safety, the* state of health and expected lifetime of batteries laid down in Annex VII and that communicates with the vehicle or appliance in which the battery is incorporated;

## Amendment 18

### Proposal for a regulation Article 2 – paragraph 1 – point 26 a (new)

*Text proposed by the Commission*

*Amendment*

**(26a) ‘remanufacturing’ means to return a used battery or its component to at least its original performance with a warranty that is equivalent or better than that of the newly manufactured battery;**

## **Amendment 19**

### **Proposal for a regulation**

#### **Article 8 – title**

*Text proposed by the Commission*

*Amendment*

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

Recycled content in batteries

## **Amendment 20**

### **Proposal for a regulation**

#### **Article 8 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

From 1 January 2027, ***industrial batteries, electric vehicle batteries and automotive batteries with internal storage and a capacity above 2 kWh*** that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by technical documentation containing information about the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model and batch per manufacturing plant.

From 1 January 2027, batteries that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by technical documentation containing information about the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model and batch per manufacturing plant.

## **Amendment 21**

### **Proposal for a regulation**

#### **Article 8 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

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

*Amendment*

By 31 December **2023**, the Commission shall adopt an implementing act laying down the methodology for the calculation and verification of the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in the batteries referred to in the first subparagraph and the format for the technical documentation. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).

**Amendment 22**

**Proposal for a regulation**

**Article 8 – paragraph 2 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

2. From 1 January 2030, batteries that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model and batch per manufacturing plant:

**Amendment 23**

**Proposal for a regulation**

**Article 8 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. From 1 January 2035, ***industrial batteries, electric vehicle batteries and automotive batteries with internal storage***

*Amendment*

3. From 1 January 2035, batteries that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by

**and a capacity above 2 kWh** that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by **a** technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model and batch per manufacturing plant:

technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model and batch per manufacturing plant:

## Amendment 24

### Proposal for a regulation Article 8 – paragraph 4

*Text proposed by the Commission*

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

*Amendment*

4. ***Following the establishment of the methodology referred to in paragraph 1, and not later than 31 December 2026, the Commission shall assess, by means of an impact assessment, whether*** due to the availability of cobalt, lead, lithium or nickel recovered from waste, ***it is justified to revise the list of materials and*** the targets laid down in paragraphs 2 and 3, ***and, where appropriate, it shall submit a legislative proposal for that purpose.***

## Amendment 25

### Proposal for a regulation Article 9 – title

*Text proposed by the Commission*

Performance and durability requirements for portable batteries of general use

*Amendment*

Performance and durability requirements for portable batteries of general use ***and portable batteries used in light means of transport and in other individual urban transport modes***

## Amendment 26

### Proposal for a regulation Article 9 – paragraph 1

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 27

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

*Text proposed by the Commission*

By 31 December 2025, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Annex III that portable batteries of general use shall attain.

*Amendment*

By 31 December 2025, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Annex III that portable batteries of general use ***and portable batteries used in light means of transport and in other individual urban transport modes*** shall attain.

## Amendment 28

### 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

*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 of those batteries or the appliances into which those batteries are incorporated, the affordability and the cost for end-users and the industry's competitiveness. No excessive administrative burden shall be imposed on manufacturers of the batteries and the appliances concerned.

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

## Amendment 29

### Proposal for a regulation Article 9 – paragraph 3

#### *Text proposed by the Commission*

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

#### *Amendment*

3. By 31 December 2030, the Commission shall assess the feasibility of measures to phase out the use of non-rechargeable portable batteries of general use in view of minimising their environmental impact based on the life cycle assessment methodology, ***taking into account the functionality of those batteries or the appliances in which those batteries are incorporated, the affordability, the cost and the benefit as well as possible alternatives for end-users.*** To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking the appropriate measures, ***such as setting ecodesign requirements for specific products,*** including the adoption of legislative proposals.

## Amendment 30

**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 **stationary battery energy storage systems** and electric vehicle batteries

**Amendment 31**

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

*Text proposed by the Commission*

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

*Amendment*

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

**Amendment 32**

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

*Text proposed by the Commission*

*Amendment*

***The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the electrochemical performance and durability parameters laid down in Annex IV so that they are complementary to or aligned with any technical specifications that may originate from the work of the informal UNECE Working Group on Electric Vehicles and the Environment.***

**Amendment 33**

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

*Text proposed by the Commission*

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

*Amendment*

2. From 1 January 2026, **stationary battery energy storage systems** shall meet the minimum values laid down in the delegated act adopted by the Commission pursuant to paragraph 3 for the electrochemical performance and durability parameters set out in Part A of Annex IV.

**Amendment 34**

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

*Text proposed by the Commission*

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

*Amendment*

By 31 December 2024, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Part A of Annex IV that **stationary battery energy storage systems** shall attain.

**Amendment 35**

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

*Text proposed by the Commission*

In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of **rechargeable industrial batteries with internal storage and a capacity above 2 kWh** and ensure that the requirements laid

*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 **stationary battery energy storage systems** and ensure that the requirements laid down therein do not have a significant negative impact on

down therein do not have a significant negative impact on the functionality of those batteries or the appliances into which those batteries are incorporated, its affordability and industry's competitiveness. No excessive administrative burden shall be imposed on manufacturers of the batteries and the appliances concerned.

the functionality of those batteries or the appliances into which those batteries are incorporated, its affordability and industry's competitiveness. No excessive administrative burden shall be imposed on manufacturers of the batteries and the appliances concerned.

## Amendment 36

### 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 **at least** for the safety parameters laid down in Annex V, **points 1 to 9c**, for which state-of-the-art testing methodologies should be used.

## Amendment 37

### Proposal for a regulation Article 14 – paragraph 1

*Text proposed by the Commission*

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.

*Amendment*

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

## Amendment 38

**Proposal for a regulation**  
**Article 14 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the parameters for determining the state of health and expected lifetime of batteries for electric vehicles batteries laid down in Annex VII so that they are complementary to or aligned with any technical specifications that may originate from the work of the informal UNECE Working Group on Electric Vehicles and the Environment.**

**Amendment 39**

**Proposal for a regulation**  
**Article 39 – title**

*Text proposed by the Commission*

*Amendment*

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

Obligation for economic operators that place batteries on the market to establish supply chain due diligence policies

**Amendment 40**

**Proposal for a regulation**  
**Article 39 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

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

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,

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.

including the results of the third-party verification carried out by notified bodies.

## Amendment 41

### 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, ***UN Guiding Principles on Business and Human Rights and OECD Guidelines for Multinational Enterprises***;

## Amendment 42

### Proposal for a regulation

#### Article 39 – paragraph 2 – point d – subparagraph 1

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 43

### Proposal for a regulation

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

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 44

### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

***(iva) any other relevant information for the purpose of the identification of risks listed in Annex X, point 2.***

## Amendment 45

### 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.

The requirements set out in the current point (d) may be implemented through participation in industry-led schemes, ***if they can prove they meet all the requirements established under Article 39, including third-party verification.***

## Amendment 46

### Proposal for a regulation

#### Article 39 – paragraph 3 – point b – point ii

*Text proposed by the Commission*

*Amendment*

(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;

(ii) adopting risk management measures consistent with Annex II to the OECD Due Diligence Guidance, ***the UN Guiding Principles on Business and Human Rights and OECD Guidelines for Multinational Enterprises***, 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 47

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

*Text proposed by the Commission*

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

*Amendment*

(b) amend the obligations on the economic operator referred to in paragraph 1 set out in paragraphs 2 to 4 in view of amendments to Regulation (EU) 2017/821 and changes to the due diligence recommendations set out in Annex I to the OECD Due Diligence Guidance, ***the UN Guiding Principles on Business and Human Rights and OECD Guidelines for Multinational Enterprises.***

## Amendment 48

### Proposal for a regulation Article 57 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. All waste batteries shall be differentiated by a coloured marking in order to be better identified and correctly classified in the recycling process.***

## Amendment 49

### Proposal for a regulation Article 57 – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. ***The Commission shall, by 31 December 2023, adopt an implementing act to establish detailed rules regarding the calculation and verification of recycling efficiencies and recovery of materials. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).***

4. By 31 December 2022, ***the Commission shall adopt delegated acts in accordance with Article 73, supplementing this Regulation by establishing, on the basis of an economic and environmental impact assessment, detailed rules regarding the calculation and verification of recycling efficiencies and recovery of materials.***

## Amendment 50

### Proposal for a regulation Article 57 – paragraph 5

*Text proposed by the Commission*

5. The Commission shall **be empowered to adopt delegated acts, in accordance with Article 73, to amend** the minimum levels of recovered materials for waste batteries laid down in Annex XII, **Parts B and C**, in light of technical and scientific progress and emerging new technologies in waste management.

*Amendment*

5. **By 31 December 2026**, the Commission shall **assess the progress made towards reaching** the minimum levels of recovered materials for waste batteries laid down in Annex XII, **Part B, point 2**, and **Part C, point 2**, in light of technical and scientific progress and emerging new technologies in waste management **and submit a report to the European Parliament and to the Council accompanied, if appropriate, by a legislative proposal to revise the list of materials and those minimum levels upwards, if appropriate.**

## Amendment 51

### Proposal for a regulation Article 59 – title

*Text proposed by the Commission*

Requirements related to the repurposing and remanufacturing of **industrial batteries** and electric-vehicle batteries

*Amendment*

Requirements related to the repurposing and remanufacturing of **stationary battery energy storage system** and electric-vehicle batteries

## Amendment 52

### Proposal for a regulation Article 59 – paragraph 1

*Text proposed by the Commission*

1. Independent operators shall be given access to the battery management system of **rechargeable industrial batteries** and electric vehicle batteries **with**

*Amendment*

1. Independent operators shall be given access to the battery management system of **stationary battery energy storage system** and electric vehicle

***internal storage with a capacity above 2 kWh***, on equal terms and conditions, for the purpose of assessing and determining the state of health and remaining lifetime of batteries, according to the parameters laid down in Annex VII.

batteries, on equal terms and conditions, for the purpose of assessing and determining the state of health and remaining lifetime of batteries, according to the parameters laid down in Annex VII.

## Amendment 53

### Proposal for a regulation

#### Article 59 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

***1a. All used stationary battery energy storage system and electric vehicle batteries shall be assessed whether they are suitable for reuse, repurposing or remanufacturing. If the assessment shows that such batteries are suitable for reuse, they shall be reused. If the assessment shows that they are not suitable for reuse, but suitable for repurposing or remanufacturing, they shall be repurposed or remanufactured.***

## Amendment 54

### Proposal for a regulation

#### Article 59 – paragraph 4 – subparagraph 2

*Text proposed by the Commission*

*Amendment*

A battery that has been repurposed or remanufactured shall not be subject to the obligations laid down in Article 7(1), (2) and (3), Article 8(1), (2) and (3), **Article 10(1) and (2)** and Article 39(1) where the economic operator placing a repurposed or remanufactured battery on the market can demonstrate that the battery, before its repurposing or remanufacturing, was placed on the market before the dates on which those obligations become applicable in accordance with those Articles.

A battery that has been repurposed or remanufactured shall not be subject to the obligations laid down in Article 7(1), (2) and (3), Article 8(1), (2) and (3) and Article 39(1) where the economic operator placing a repurposed or remanufactured battery on the market can demonstrate that the battery, before its repurposing or remanufacturing, was placed on the market before the dates on which those obligations become applicable in accordance with those Articles.

## Amendment 55

### Proposal for a regulation Article 73 – paragraph 2

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in **Articles** 6(2), 7(1), (2) and (3), 9(2), 10(3), 12(2), 17(4), 27(3), 39(8), 55(4), 56(4), **57(6)**, 58(3) and 70(2) shall be conferred on the Commission for a period of five years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than three months before the end of each period.

*Amendment*

2. The power to adopt delegated acts referred to in **Article** 6(2), **Article** 7(1), (2) and (3), 9(2), **Article** 10(1) and 10(3), **Article** 12(2), **Article** 14(3a), **Article** 17(4), **Article** 27(3), **Article** 39(8), **Article** 55(4), **Article** 56(4), **Article** 57(4), **Article** 58(3) and **Article** 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.

## Amendment 56

### 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 **Article** 6(2), 7(1), (2) and (3), **Article** 9(2), **Article** 10(1) and (3), **Article** 12(2), **Article** 14(3a), **Article** 17(4), **Article** 27(3), **Article** 39(8), **Article** 55(4), **Article** 56(4), **Article** 57(4), **Article** 58(3) and **Article** 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 57

### Proposal for a regulation Annex III – title

*Text proposed by the Commission*

Electrochemical performance and durability parameters for portable batteries of general use

*Amendment*

Electrochemical performance and durability parameters for portable batteries of general use **and for portable batteries used in light means of transport and in other individual urban transport modes**

## Amendment 58

### 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. **Real-life** battery capacity, electric charge which a battery **delivers** under **real-life** conditions.

## Amendment 59

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

*Text proposed by the Commission*

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

*Amendment*

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

## Amendment 60

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

*Text proposed by the Commission*

3. Internal resistance (in  $\square$ ) **and**

*Amendment*

3. Internal resistance (in  $\square$ ), internal

internal resistance increase (in %).

resistance increase (in %) **and electrochemical impedance (in □).**

## **Amendment 61**

### **Proposal for a regulation Annex IV – Part A – paragraph 1 – point 5**

*Text proposed by the Commission*

*Amendment*

5. ***An indication of their*** expected life-time under the conditions for which they have been designed.

5. Expected life-time under the conditions for which they have been designed.

## **Amendment 62**

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

*Text proposed by the Commission*

*Amendment*

**5a. *Self discharge.***

## **Amendment 63**

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

*Text proposed by the Commission*

*Amendment*

‘Capacity fade’ means the decrease over time and upon usage in the amount of charge that a battery can deliver at the rated voltage, with respect to the original ***rated capacity declared by the manufacturer.***

‘Capacity fade’ means the decrease over time and upon usage in the amount of charge that a battery can deliver at the rated voltage, with respect to the original ***measured*** capacity.

## **Amendment 64**

### **Proposal for a regulation Annex IV – Part A – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**'Self discharge' means the reduction of the stored electric charge when the battery's electrodes are not connected (for example, when the battery is stored or not used) for an extended period of time (for example 48 h, 168 h, 720 h), with the effect that the battery's charge gradually reduces over time.**

## **Amendment 65**

### **Proposal for a regulation Annex V – point 6 – introductory part**

*Text proposed by the Commission*

*Amendment*

6. Thermal propagation

6. Thermal propagation **protection**

## **Amendment 66**

### **Proposal for a regulation Annex V – point 7 – introductory part**

*Text proposed by the Commission*

*Amendment*

7. Mechanical damage **by external forces (drop and impact)**

7. Mechanical damage **protection**

## **Amendment 67**

### **Proposal for a regulation Annex V – point 7 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

These tests shall simulate one or more situations in which a battery accidentally **drops or is impacted by a heavy load** and remains operational for the purpose for which it was designed. The criteria to simulate these situations should reflect real life uses.

These tests shall simulate one or more situations in which a battery **is** accidentally **exposed to mechanical stresses** and remains operational for the purpose for which it was designed. The criteria to simulate these situations should reflect real life uses.

## Amendment 68

### Proposal for a regulation Annex V – point 9 – paragraph 2

*Text proposed by the Commission*

Proper considerations to the risk of toxic gases emitted from non-aqueous electrolytes should be made for all safety parameters listed in points 1 to 9.

*Amendment*

Proper considerations to the risk of toxic gases emitted from non-aqueous electrolytes should be made for all safety parameters listed in points 1 to 9c.

## Amendment 69

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

*Text proposed by the Commission*

*Amendment*

#### **9a. Gas emission – Hazardous substances measurements**

***Batteries could contain significant amounts of potentially hazardous materials (e.g. highly flammable electrolytes, corrosive and toxic components). If exposed to certain conditions, the integrity of the battery could be compromised with release of hazardous gases. Therefore, it is important to identify and quantify substances being released from the battery during tests representing misuse and abuse.***

## Amendment 70

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

*Text proposed by the Commission*

*Amendment*

#### **9b. Flammability tests**

***Determination of the flammability of any substance (e.g. liquid, solid materials)***

*emitted from the battery.*

#### **Amendment 71**

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

*Text proposed by the Commission*

*Amendment*

##### **9c. Fire test**

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

#### **Amendment 72**

##### **Proposal for a regulation Annex VII – paragraph 1 – point 4**

*Text proposed by the Commission*

*Amendment*

4. Remaining round trip efficiency;

4. Remaining round trip efficiency ***in a standard cycle;***

#### **Amendment 73**

##### **Proposal for a regulation Annex VII – paragraph 1 – point 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***7a. The difference/deviation in voltage of the individual battery cells/modules with respect to the average values of the battery;***

#### **Amendment 74**

##### **Proposal for a regulation Annex VII – paragraph 1 – point 7 b (new)**

*Text proposed by the Commission*

*Amendment*

**7b. *Temperature history.***

#### **Amendment 75**

##### **Proposal for a regulation Annex VII – paragraph 1 – point 7 c (new)**

*Text proposed by the Commission*

*Amendment*

**7c. *Errors.***

#### **Amendment 76**

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

*Text proposed by the Commission*

*Amendment*

(a) air;

(a) air, ***including air pollution;***

#### **Amendment 77**

##### **Proposal for a regulation Annex X – point 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) water;

(b) water, ***including pollution and depletion of freshwater, drinking water, oceans and seas; access to drinking water;***

#### **Amendment 78**

##### **Proposal for a regulation Annex X – point 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) soil;

(c) soil, ***including soil contamination from waste disposal and treatment;***

## Amendment 79

### Proposal for a regulation Annex X – point 2 – point d

*Text proposed by the Commission*

(d) biodiversity;

*Amendment*

(d) biodiversity, ***including damage to natural habitats, wildlife, flora and ecosystems as well as deep-sea tailing placement (DSTP) practices;***

## Amendment 80

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

*Text proposed by the Commission*

*Amendment*

***(da) climate, including greenhouse gas emissions;***

## Amendment 81

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

*Text proposed by the Commission*

(i) community life.

*Amendment*

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

## Amendment 82

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

*Text proposed by the Commission*

*Amendment*

***(aa) UN Guiding Principles on Business and Human Rights;***

## Amendment 83

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

*Text proposed by the Commission*

*Amendment*

**(ca) the eight fundamental ILO Conventions as defined under the ILO Declaration on Fundamental Principles and Rights at Work;**

**Amendment 84**

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

*Text proposed by the Commission*

*Amendment*

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

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

**Amendment 85**

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

*Text proposed by the Commission*

*Amendment*

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

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

**Amendment 86**

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

*Text proposed by the Commission*

*Amendment*

**(fa) the UN Paris Agreement; and**

**Amendment 87**

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

*Text proposed by the Commission*

*Amendment*

**(fb) OECD Guidelines for  
Multinational Enterprises.**

**Amendment 88**

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

*Text proposed by the Commission*

*Amendment*

**(aa) recycling of 75 % by average  
weight of nickel cadmium batteries;**

**Amendment 89**

**Proposal for a regulation**  
**Annex XII – Part B – point 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) recycling of **50** % by average  
weight of other waste batteries.

(c) recycling of **60** % by average  
weight of other waste batteries.

**Amendment 90**

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

*Text proposed by the Commission*

*Amendment*

**(aa) recycling of 75 % by average  
weight of nickel cadmium batteries;**

**Amendment 91**

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

*Text proposed by the Commission*

*Amendment*

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

#### **Amendment 92**

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

*Text proposed by the Commission*

*Amendment*

(d) 35 % for lithium;

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

#### **Amendment 93**

##### **Proposal for a regulation Annex XII – Part C – point 1 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) 95 % for cadmium.***

#### **Amendment 94**

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

*Text proposed by the Commission*

*Amendment*

(d) 70 % for lithium;

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

#### **Amendment 95**

##### **Proposal for a regulation Annex XII – Part C – point 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) 95 % for cadmium.***

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

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

<b>Entity and/or person</b>
Enel
Terna
Eurobat
EPBA
The Cobalt Institute
Amazon
Eurometaux
Eucobat
CLEPA
Energizer
BorgWarner
RECHARGE
Eramet
Politecnico di Milano
Università di Milano-Bicocca
LEVA EU
Transport&Environment
ENEA
Tesla
ECOS
EEB
Deutsche Umwelthilfe
Fortum
EASE
EdEn
Umicore
FEAD
FISE
ACEA
BDE
CNH
STELLANTIS
Ferrari
EGMF

## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	Regulation concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020
<b>References</b>	COM(2020)0798 – C9-0400/2020 – 2020/0353(COD)
<b>Committee responsible</b> Date announced in plenary	ENVI 20.5.2021
<b>Opinion by</b> Date announced in plenary	ITRE 18.1.2021
<b>Associated committees - date announced in plenary</b>	20.5.2021
<b>Rapporteur for the opinion</b> Date appointed	Patrizia Toia 19.1.2021
<b>Discussed in committee</b>	26.5.2021
<b>Date adopted</b>	27.9.2021
<b>Result of final vote</b>	+: 60 –: 1 0: 13
<b>Members present for the final vote</b>	Nicola Beer, François-Xavier Bellamy, Hildegard Bentele, Tom Berendsen, Vasile Blaga, Michael Bloss, Paolo Borchia, Marc Botenga, Markus Buchheit, Cristian-Silviu Buşoi, Jerzy Buzek, Carlo Calenda, Maria da Graça Carvalho, Ignazio Corrao, Ciarán Cuffe, Josianne Cutajar, Nicola Danti, Pilar del Castillo Vera, Martina Dlabajová, Valter Flego, Niels Fuglsang, Lina Gálvez Muñoz, Claudia Gamon, Nicolás González Casares, Christophe Grudler, András Gyürk, Henrike Hahn, Robert Hajšel, Ivo Hristov, Ivars Ijabs, Romana Jerković, Eva Kaili, Izabela-Helena Kloc, Łukasz Kohut, Zdzisław Krasnodębski, Andrius Kubilius, Miapetra Kumpula-Natri, Thierry Mariani, Marisa Matias, Joëlle Mélin, Dan Nica, Angelika Niebler, Ville Niinistö, Aldo Patriciello, Mauri Pekkarinen, Mikuláš Peksa, Tsvetelina Penkova, Morten Petersen, Markus Pieper, Clara Ponsatí Obiols, Manuela Ripa, Robert Roos, Sara Skytvedal, Maria Spyraکی, Jessica Stegrud, Beata Szydło, Riho Terras, Grzegorz Tobiszowski, Patrizia Toia, Evžen Tošenovský, Marie Toussaint, Isabella Tovaglieri, Viktor Uspaskich, Henna Virkkunen, Pernille Weiss, Carlos Zorrinho
<b>Substitutes present for the final vote</b>	Erik Bergkvist, Izaskun Bilbao Barandica, Cornelia Ernst, Valérie Hayer, Elena Lizzi, Jutta Paulus, Sandra Pereira, Angelika Winzig

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

60	+
NI	András Gyürk, Clara Ponsati Obiols, Viktor Uspaskich
PPE	François-Xavier Bellamy, Hildegard Bentele, Tom Berendsen, Vasile Blaga, Cristian-Silviu Buşoi, Jerzy Buzek, Maria da Graça Carvalho, Pilar del Castillo Vera, Andrius Kubilius, Angelika Niebler, Aldo Patriciello, Markus Pieper, Sara Skyttedal, Maria Spyrali, Riho Terras, Henna Virkkunen, Pernille Weiss, Angelika Winzig
Renew	Nicola Beer, Izaskun Bilbao Barandica, Nicola Danti, Martina Dlabajová, Valter Flego, Claudia Gamon, Christophe Grudler, Valérie Hayer, Ivars Ijabs, Mauri Pekkarinen, Morten Petersen
S&D	Erik Bergkvist, Carlo Calenda, Josianne Cutajar, Niels Fuglsang, Lina Gálvez Muñoz, Nicolás González Casares, Robert Hajšel, Ivo Hristov, Romana Jerković, Eva Kaili, Łukasz Kohut, Miapetra Kumpula-Natri, Dan Nica, Tsvetelina Penkova, Patrizia Toia, Carlos Zorrinho
The Left	Marc Botenga, Marisa Matias, Sandra Pereira
Verts/ALE	Michael Bloss, Ignazio Corrao, Ciarán Cuffe, Henrike Hahn, Ville Niinistö, Jutta Paulus, Mikuláš Peksa, Manuela Ripa, Marie Toussaint

1	-
ECR	Robert Roos

13	0
ECR	Izabela-Helena Kloc, Zdzisław Krasnodębski, Jessica Stegrud, Beata Szydło, Grzegorz Tobiszowski, Evžen Tošenovský
ID	Paolo Borchia, Markus Buchheit, Elena Lizzi, Thierry Mariani, Joëlle Mélin, Isabella Tovaglieri
The Left	Cornelia Ernst

### Key to symbols:

+ : in favour

- : against

0 : abstention