



2020/0353(COD)

11.5.2021

DRAFT 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 with no seating position***, 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 with no seating position, in order for the latter to be covered by specific provisions***.

Or. en

Amendment 2

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) In order to take into account the risk of supply of cobalt, lead, lithium and nickel and to assess their availability, the ***power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending*** the targets for the minimum share of recycled cobalt, lead, lithium or nickel present in active materials in batteries.

Amendment

(21) In order to take into account the risk of supply of cobalt, lead, lithium and nickel and to assess their availability, the Commission ***should assess in 2027 whether it is necessary to revise*** the targets for the minimum share of recycled cobalt, lead, lithium or nickel present in active materials in batteries ***and, if appropriate, submit a legislative proposal.***

Or. en

Amendment 3

Proposal for a regulation Recital 23

Text proposed by the Commission

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

Amendment

(23) Batteries placed on the Union market should be durable and highly performant. It is therefore necessary to set out performance and durability parameters for portable batteries of general use, ***for portable batteries used in light means of transport and in other individual urban transport modes,*** as well as for rechargeable industrial batteries and electric vehicle batteries. For electric vehicle batteries, the informal UNECE Working Group on Electric Vehicles and the Environment is developing in-vehicle durability requirements, so this Regulation is refraining from setting additional durability requirements. On the other hand, in the area of batteries for energy storage,

representative to enable introducing minimum requirements. The introduction of minimum requirements related to performance and durability of these batteries should be accompanied by available adequate harmonised standards or common specifications.

existing measurement methods to test battery performance and durability are not considered sufficiently precise and representative to enable introducing minimum requirements. The introduction of minimum requirements related to performance and durability of these batteries should be accompanied by available adequate harmonised standards or common specifications.

Or. en

Amendment 4

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***;

Or. en

Amendment 5

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:

Or. en

Justification

In Directive 2006/66/EC button cells are already comprised in the definition of portable

batteries. The amendment aims at doing the same in the proposal for a Regulation.

Amendment 6

Proposal for a regulation

Article 2 – paragraph 1 – point 7 – indent 3

Text proposed by the Commission

— is not designed for industrial *purposes*; and

Amendment

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

Or. en

Justification

The reference to "exclusive" industrial use comes from Directive 2006/66/EC.

Amendment 7

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;*

Or. en

Justification

With this amendment the Rapporteur wants to make it clear that batteries used in ebikes, escooters, including self-balancing scooters and so-called trottinettes, are considered portable batteries

Amendment 8

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;

Or. en

Justification

This definition comes from Directive 2006/66/EC.

Amendment 9

Proposal for a regulation

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

Amendment

(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);

(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);

Or. en

Amendment 10

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;

Or. en

Justification

This definition builds on the definition provided for in Regulation (EU) No 168/2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles.

Amendment 11

Proposal for a regulation

Article 2 – paragraph 1 – point 11

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The reference to "exclusive" industrial use comes from Directive 2006/66/EC.

Amendment 12

Proposal for a regulation

Article 8 – title

Text proposed by the Commission

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

Amendment

Recycled content in industrial batteries, electric vehicle batteries, automotive batteries ***and portable batteries used in light means of transport and in other individual urban transport modes***

Or. en

Amendment 13

Proposal for a regulation

Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

From 1 January 2027, industrial batteries, electric vehicle batteries, automotive batteries **and portable batteries used in light means of transport and in other individual urban transport modes** 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.

Or. en

Amendment 14

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, industrial batteries, electric vehicle batteries, automotive batteries **and portable batteries used in light means of transport and in other individual urban transport modes** 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 15

Proposal for a regulation

Article 8 – paragraph 3 – introductory part

Text proposed by the Commission

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

Amendment

3. From 1 January 2035, industrial batteries, electric vehicle batteries, automotive batteries **and portable batteries used in light means of transport and in other individual urban transport modes** with internal storage and a capacity above 2 kWh that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by a technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model and batch per manufacturing plant:

Amendment 16

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 17

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***

Or. en

Amendment 18

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.

Or. en

Amendment 19

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

Amendment

By 31 December 2025, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this

Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Annex III that portable batteries of general use shall attain.

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.

Or. en

Amendment 20

Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 3

Text proposed by the Commission

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

Amendment

In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of portable batteries of 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.

Or. en

Amendment 21

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 and the cost 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.

Or. en

Amendment 22

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 23

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 **points 1 to 9c of** Annex V, for which state-of-the-art testing methodologies should be used.

Or. en

Justification

Amendments 39-41 are introducing additional tests for stationary battery energy storage systems in Annex V.

Amendment 24

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 rechargeable industrial batteries, electric-vehicle batteries **and portable batteries used in light means of transport and in other individual urban transport modes** with internal storage and a capacity above 2 kWh on the market to establish supply chain due diligence policies

Or. en

Amendment 25

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 rechargeable industrial batteries, **electric-vehicle** batteries **and portable batteries used in light means of transport and in other individual urban transport modes** 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.

Or. en

Amendment 26

**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 2027**, the Commission shall **assess the feasibility of** 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 the Council accompanied, if appropriate, by a legislative proposal.**

Or. en

Amendment 27

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

Or. en

Justification

Please see Rapporteur AM 22 and 26.

Amendment 28

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

Amendment

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

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

Justification

Please see Rapporteur AM 22 and 26.

Amendment 29

**Proposal for a regulation
Article 73 – paragraph 6**

Text proposed by the Commission

6. A delegated act adopted pursuant to Articles 6(2), 7(1), (2) and (3), 9(2), 10(3), 12(2), 17(4), 27(3), 39(8), 55(4), 56(4), **57(6)**, 58(3) and 70(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Articles 6(2), 7(1), (2) and (3), 9(2), **10(1)**, 10(3), 12(2), 17(4), 27(3), 39(8), 55(4), 56(4), 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

Justification

Please see Rapporteur AM 22 and 26.

Amendment 30

**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***

Or. en

Amendment 31

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

Or. en

Amendment 32

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 %).

Or. en

Amendment 33

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

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 34

Proposal for a regulation

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

Text proposed by the Commission

Amendment

5a. Self discharge.

Or. en

Amendment 35

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.

Or. en

Amendment 36

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.

Or. en

Amendment 37

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

Text proposed by the Commission

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 9.

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.

Or. en

Amendment 38

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. Thus, it is important to

identify and quantify substances being released from the battery during tests representing misuse and abuse.

Or. en

Justification

The additional tests introduced for stationary battery energy storage systems through this amendment and the following, are meant to address specific safety concerns of these battery types

Amendment 39

**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.

Or. en

Justification

The additional tests introduced for stationary battery energy storage systems through this amendment and the following, are meant to address specific safety concerns of these battery types

Amendment 40

**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.

Justification

The additional tests introduced for stationary battery energy storage systems through this amendment and the following, are meant to address specific safety concerns of these battery types

Amendment 41

**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;***

Or. en

Amendment 42

**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;

Or. en

Justification

Difference/deviation in voltage is a valuable information for second life uses

Amendment 43

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

Text proposed by the Commission

Amendment

7b. The difference/deviation in temperature of the individual battery cells/modules with respect to the average values of the battery.

Or. en

Justification

Difference/deviation in temperature is a valuable information for second life uses

Amendment 44

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

Text proposed by the Commission

Amendment

7c. Errors.

Or. en

Justification

Battery errors are a valuable information for second life uses

Amendment 45

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

Text proposed by the Commission

Amendment

(i) community life.

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

Or. en

Amendment 46

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;

Or. en

Justification

This amendment is addressing the recycling of nickel-cadmium batteries that are missing in the EC proposal

Amendment 47

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;

Or. en

Justification

This amendment is addressing the recycling of nickel-cadmium batteries that are missing in the EC proposal

Amendment 48

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

This amendment introduces an objective for 2030 for other waste batteries which is missing in the EC proposal

Amendment 49

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

Text proposed by the Commission

Amendment

(d) 35 % for lithium;

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

Or. en

Amendment 50

**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;

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
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