



18.12.2023

## NOTICE TO MEMBERS

**Subject: Petition No 1020/2018 by Geoffrey Deasy (Irish) on the phasing-out of non-rechargeable single-use batteries**

### 1. Summary of petition

The petitioner calls on that the European Parliament to pass legislation to phase out non-rechargeable single-use batteries. He emphasises that although a number of directives on the manner in which batteries should be used in the EU have been adopted, those directives have not made it possible to prevent batteries being inappropriately recycled or incinerated. The petitioner suggests that the sale of rechargeable batteries should be promoted, and that single-use batteries should be phased out, meaning that the rechargeable ones will become cheaper, which will have a positive effect on the environment.

### 2. Admissibility

Declared admissible on 29 March 2019. Information requested from Commission under Rule 227(6) (former rule 216(6)).

### 3. Commission reply, received on 19 December 2019

The Commission is aware of the important environmental impact of the production of portable primary batteries. Moreover, the Commission is concerned by the low level of collection of spent portable batteries within the EU.

Directive 2006/66/EC<sup>1</sup> on batteries and accumulators and waste batteries and accumulators (the EU Batteries Directive), which establishes obligations for Member States to minimise the

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<sup>1</sup> Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (Text with EEA relevance), *OJ L 266*, 26.9.2006, p. 1–14.

environmental impact of batteries, has been recently subject to an evaluation, which, inter alia, identified these issues to be further addressed, as part of a process that could lead to the preparation of a new EU regulatory framework for batteries<sup>2</sup>.

In addition to the strengthening of the collection of waste portable batteries, the Commission is considering further measures aimed to reduce the waste generated by the use of portable batteries. In the course of the Directive's evaluation, stakeholders suggested restricting the use of primary batteries to those cases where there are no available alternatives.

The adoption of such restrictive measures would require a thorough assessment of their environmental, social and economic impacts.

Possible restrictive measures and their impact are being assessed in the context of the preparation of a reviewed regulatory framework for batteries by the Commission, with related proposals intended to be presented in 2020. This assessment will be carried out in line with the Better Regulation policy of the Commission<sup>3</sup>. Stakeholders will be consulted as part of this process.

### Conclusion

The Commission is to assess the impact of possible restrictive measures for primary batteries. The Commission proposal for a new EU regulatory framework for batteries will depend on the results of this assessment.

## **4. Commission reply (REV), received on 18 December 2023**

### The petition

The petitioner requests that appropriate legislation be enacted in the EU to restrict and eventually prohibit primary (i.e. non-rechargeable) batteries.

According to him, such restrictions and prohibitions will have a positive impact on the environment mostly by reducing the amount of waste generated that, at present, is not properly treated.

The transition would not be difficult since the substitution of primary batteries would entail an increased use of rechargeable batteries, diminishing their price.

### The Commission's observations

Since the Petition was admitted in 2019, a new regulatory framework for batteries has been adopted. Following a Commission's proposal adopted in December 2020<sup>4</sup> for a new batteries regulation to replace Directive 2006/66/EC, EU Regulation 2023/1542 was published in the Official Journal of the European Union on 12 July 2023.

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<sup>2</sup> The Commission adopted in April 2019 the reports on the implementation of the Directive and its impact on the environment and the functioning of the internal market - COM(2019)166 final -- and of the evaluation of the Directive - SWD(2019)1300 final.

<sup>3</sup> [https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/impact-assessments\\_en](https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/impact-assessments_en)

<sup>4</sup> See COM(2020) 798 final at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52020PC0798>

Given that the impact assessment supporting the Commission's proposal was inconclusive on the economic and environmental gains of a complete phase-out of non-rechargeable batteries, the Commission proposed measures of equivalent effect in the form of minimum performance and durability requirements for non-rechargeable batteries to be adopted through secondary legislation.

Furthermore, the Commission's proposal included provisions to reconsider the possibility of a phase-out of non-rechargeable batteries in due course. Thus, Article 9 of Regulation 2023/1542 stipulates that, *'by December 2030, the Commission shall assess the feasibility of measures to phase out non-rechargeable portable batteries of general use with a view to minimising their environmental impact based on the life cycle assessment methodology and viable 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, including the adoption of legislative proposals for either the phase out or the setting of eco-design requirements'*.

### Conclusion

After the adoption of a new regulatory framework on batteries in July 2023, the Commission is empowered to introduce minimum performance and durability requirements for non-rechargeable batteries of general use in 2028, which should eliminate from the market the worst performing battery models. After that, the Commission will reassess, by 2030, the feasibility to phase out altogether all non-rechargeable batteries of general use.