



2020/0353(COD)

22.6.2021

DRAFT OPINION

of the Committee on Transport and Tourism

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

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

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AMENDMENTS

The Committee on Transport and Tourism 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 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

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 **energy** 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 **nor a battery for light means of transport** should be considered an

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.***

industrial battery. Batteries used for energy storage in private or domestic environments are considered industrial batteries for the purposes of this Regulation.

Or. en

Amendment 2

Proposal for a regulation Recital 60

Text proposed by the Commission

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

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

Amendment

(60) Some of the raw materials in question, such as cobalt, lithium and natural graphite, are considered as critical raw materials for the EU³⁸ and their sustainable sourcing is required for the EU battery ecosystem to perform adequately. ***Sustainability and social responsibility criteria should apply to the entire value chain. Furthermore, carrying out due diligence at the production recycling stage should be mandatory.***

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

Or. en

Amendment 3

Proposal for a regulation Recital 62

Text proposed by the Commission

(62) In the Union, **general** requirements on due diligence in relation to certain minerals and metals were introduced by Regulation (EU) No 2017/821 of the European Parliament and of the Council³⁹. That Regulation does not, however, address the minerals and materials used for battery production.

³⁹ Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas (OJ L 130, 19.5.2017, p. 1)

Amendment

(62) ***In accordance with the United Nations Guiding Principles on Business and Human Rights, companies have a responsibility to respect human rights, the environment and good governance and should not cause or contribute to causing any adverse impacts in those fields.*** In the Union, requirements on due diligence in relation to certain minerals and metals were introduced by Regulation (EU) No 2017/821 of the European Parliament and of the Council³⁹. That Regulation does not, however, address the minerals and materials used for battery production.

³⁹ Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas (OJ L 130, 19.5.2017, p. 1)

Or. en

Amendment 4

Proposal for a regulation Recital 64

Text proposed by the Commission

(64) When putting in place a risk-based due diligence policy, it should be based on internationally recognised due diligence principles in the Ten Principles of the United Nations Global Compact⁴⁰, the Guidelines for Social Life Cycle

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*** the Ten Principles of the United

Assessment of Products⁴¹, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy⁴², and the OECD Due Diligence Guidance for Responsible Business Conduct (RBC)⁴³, which reflect a common understanding amongst governments and stakeholders, and should be tailored to the specific context and circumstances of each economic operator. In relation to the extraction, processing and trading of natural mineral resources used for battery production, the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas⁴⁴ ('OECD Due Diligence Guidance') represents **a long-standing effort by governments and stakeholders to establish good practice in this area.**

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

⁴¹ UNEP Guidelines for social life cycle assessment of products, available at <https://www.lifecycleinitiative.org/wp-content/uploads/2012/12/2009%20-%20Guidelines%20for%20sLCA%20-%20EN.pdf>

⁴² Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, available at https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf

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

Nations Global Compact⁴⁰, the Guidelines for Social Life Cycle Assessment of Products⁴¹, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy⁴², **the OECD Guidelines for Multinational Enterprises** and the OECD Due Diligence Guidance for Responsible Business Conduct (RBC)⁴³, which reflect a common understanding amongst governments and stakeholders, and should be tailored to the specific context and circumstances of each economic operator. In relation to the extraction, processing and trading of **certain** natural mineral resources used for battery production, the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas⁴⁴ ('OECD Due Diligence Guidance') represents **an internationally recognized standard for companies in relation to respecting human rights and avoiding contributing to conflict through their mineral or metal purchasing decisions and practices.**

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

⁴¹ UNEP Guidelines for social life cycle assessment of products, available at <https://www.lifecycleinitiative.org/wp-content/uploads/2012/12/2009%20-%20Guidelines%20for%20sLCA%20-%20EN.pdf>

⁴² Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, available at https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf

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

Diligence-Guidance-for-Responsible-Business-Conduct.pdf

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

Diligence-Guidance-for-Responsible-Business-Conduct.pdf

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

Or. en

Amendment 5

Proposal for a regulation Recital 65

Text proposed by the Commission

(65) According to *the OECD Due Diligence Guidance*⁴⁵, due diligence is an on-going, proactive and reactive process through which companies can ensure that they respect human rights and do not contribute to conflict.⁴⁶ Risk-based due diligence refers to the steps companies should take to identify and address actual or potential risks in order to prevent or mitigate adverse impacts associated with their activities or sourcing decisions. A company can assess risk posed by its activities and relationships and adopt risk mitigating measures in line with relevant standards provided under national and international law, recommendations on responsible business conduct by international organisations, government-backed tools, private sector voluntary initiatives and a company's internal policies and systems. This approach also helps to scale the due diligence exercise to the size of the company's activities or supply chain relationships.

⁴⁵ Page 15 of the OECD Due Diligence Guidance.

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.⁴⁶ Risk-based due diligence refers to the steps companies should take to identify and address actual or potential risks in order to prevent or mitigate adverse impacts associated with their activities or sourcing decisions. A company can assess risk posed by its activities and relationships and adopt risk mitigating measures in line with relevant standards provided under national and international law, recommendations on responsible business conduct by international organisations, government-backed tools, private sector voluntary initiatives and a company's internal policies and systems. This approach also helps to scale the due diligence exercise to the size of the company's activities or supply chain relationships.

⁴⁵ Page 15 of the OECD Due Diligence Guidance.

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

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

Or. en

Amendment 6

Proposal for a regulation Recital 65 a (new)

Text proposed by the Commission

Amendment

(65a) While private sector supply chain due diligence schemes can support economic operators in their due diligence, economic operators should retain individual responsibility for complying with the due diligence obligations set out in this Regulation.

Or. en

Amendment 7

Proposal for a regulation Recital 66

Text proposed by the Commission

Amendment

(66) Mandatory supply chain due diligence policies should be adopted or modified and address, at least, the most prevalent social and environmental risk

(66) Mandatory supply chain due diligence policies should be adopted or modified and address ***human rights, social and environmental risk categories***, at

categories. This should cover the current and foreseeable impacts, on one hand, on social life, in particular human rights, human health and safety as well as occupational health and safety and labour rights, and, on the other hand, on the environment, in particular on water use, soil protection, air pollution and biodiversity, including community life.

least, the most prevalent social and environmental risk categories. This should cover the current and foreseeable impacts, on one hand, on social life, in particular human rights, human health and safety as well as occupational health and safety and labour rights, and, on the other hand, on the environment, in particular on water use, soil protection, air pollution and biodiversity, including community life.

Or. en

Amendment 8

Proposal for a regulation

Recital 67

Text proposed by the Commission

(67) As regards the social risk categories, due diligence policies should address the risks in the battery supply chain in relation to the protection of human rights, including human health, protection of children and gender equality, in line with international human rights law⁴⁷. The due diligence policies should include information on how the economic operator has contributed to the prevention of human rights abuses and on the instruments in place with the operator's business structure to fight corruption and bribery. The due diligence policies should also ensure correct implementation of the rules of fundamental conventions of the International Labour Organisation⁴⁸ as listed in Annex I of the ILO Tripartite Declaration.

⁴⁷ Including The Universal Declaration of Human Rights, The International Covenant on Economic, Social and Cultural Rights, The International Covenant on Civil and Political Rights, the Convention on the

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, ***the rights of indigenous peoples***, protection of children and gender equality, in line with international human rights law⁴⁷. The due diligence policies should include information on how the economic operator has contributed to the prevention of human rights abuses and on the instruments in place with the operator's business structure to fight corruption and bribery. The due diligence policies should also ensure correct implementation of the rules of fundamental conventions of the International Labour Organisation⁴⁸ as listed in Annex I of the ILO Tripartite Declaration.

⁴⁷ Including The Universal Declaration of Human Rights, The International Covenant on Economic, Social and Cultural Rights, The International Covenant on Civil and Political Rights, the Convention on the

Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child **and** the Convention on the Rights of Persons with Disabilities.

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

Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, **and the UN Declaration on the Rights of Indigenous Peoples.**

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

Or. en

Amendment 9

Proposal for a regulation Recital 68

Text proposed by the Commission

(68) As regards the environmental risk categories, the due diligence policies should address the risks in the battery supply chain in relation to protection of the natural environment and of the biological diversity in line with the Convention on Biological Diversity⁴⁹, which includes also the consideration of local communities, and the protection and the development of those communities.

⁴⁹ Such as set out in the Convention on biological diversity, available at <https://www.cbd.int/convention/text/> and, in particular, Decision COP VIII/28

Amendment

(68) As regards the environmental risk categories, the due diligence policies should address the risks in the battery supply chain in relation to protection of the **climate**, natural environment and of the biological diversity in line with the Convention on Biological Diversity⁴⁹, which includes also the consideration of local communities, and the protection and the development of those communities.

⁴⁹ Such as set out in the Convention on biological diversity, available at <https://www.cbd.int/convention/text/> and, in particular, Decision COP VIII/28

“Voluntary guidelines on Biodiversity-Inclusive impact assessment, available at <https://www.cbd.int/decision/cop/?id=11042>.

“Voluntary guidelines on Biodiversity-Inclusive impact assessment, available at <https://www.cbd.int/decision/cop/?id=11042>.

Or. en

Amendment 10

Proposal for a regulation Recital 69 a (new)

Text proposed by the Commission

Amendment

(69a) Even with thorough due diligence measures in place, harm might occur. Those who are negatively impacted should be entitled to remedies and access to justice. Responsible economic operators should actively ensure that they make remedies available for such harm, whether acting alone or in cooperation with other actors. They should be liable for any adverse impact they, or the entities they control or have the potential to control, caused or contributed to.

Or. en

Amendment 11

Proposal for a regulation Recital 81

Text proposed by the Commission

Amendment

(81) Considering the environmental impact and the loss of materials due to waste batteries not being separately collected, and consequently not treated in an environmentally sound way, the collection target for portable batteries already established under Directive 2006/66/EC should continue to apply and should be gradually increased. This

(81) Considering the environmental impact and the loss of materials due to waste batteries not being separately collected, and consequently not treated in an environmentally sound way, the collection target for portable batteries already established under Directive 2006/66/EC should continue to apply and should be gradually increased. This

Regulation *entails that portable batteries also include* batteries *powering* light means of transport. *Since* the current increase in sales of this type of batteries makes it difficult to calculate the amount of them that are placed in the market and collected at the end of their life, *these portable batteries should be excluded from the current collection rate for portable batteries. This exclusion is to be reviewed along with* the collection target for waste portable batteries, which may also address changes in the methodology to calculate the collection rate for portable batteries. The Commission shall prepare a report to underpin these reviews.

Regulation *establishes a new category for* batteries *for* light means of transport. The current increase in sales of this type of batteries makes it difficult to calculate the amount of them that are placed in the market and collected at the end of their life. The collection target for waste portable batteries *should be reviewed, along with possible collection targets for waste batteries from light means of transport,* which may also address changes in the methodology to calculate the collection rate for portable batteries. The Commission shall prepare a report to underpin these reviews.

Or. en

Amendment 12

Proposal for a regulation

Article 2 – paragraph 1 – point 7 – indent 4

Text proposed by the Commission

— is neither an electric vehicle battery nor an automotive battery;

Amendment

— is neither an electric vehicle battery nor an automotive battery *nor a battery for light means of transport;*

Or. en

Amendment 13

Proposal for a regulation

Article 2 – paragraph 1 – point 9

Text proposed by the Commission

(9) ‘light means of transport’ means *wheeled vehicles that have an electric motor of less than 750 watts, on which travellers are seated when the vehicle is moving and that can be powered by the electric motor alone or by a combination*

Amendment

(9) ‘*battery for* light means of transport’ means *any battery specifically designed to provide traction to an L1 or L2 category vehicle within the meaning of Regulation (EU) No 168/2013, or batteries that are currently exempted from*

of motor and human power;

type-approval legislation^{1a};

^{1a} *Subject to the evaluation of the JRC*

Or. en

Amendment 14

Proposal for a regulation

Article 2 – paragraph 1 – point 10

Text proposed by the Commission

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

Amendment

(10) ‘automotive battery’ means any battery used for automotive starter, lighting or ignition power **or for any other auxiliary or backup purposes in the vehicle;**

Or. en

Amendment 15

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 for industrial uses and any other battery excluding portable batteries, electric vehicle batteries and automotive batteries **and batteries for light means of transport;**

Or. en

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, ***and which is not a battery for light means of transport;***

Or. en

Amendment 17

Proposal for a regulation

Article 2 – paragraph 1 – point 17

Text proposed by the Commission

(17) ‘battery model’ is any ***manufactured*** battery that is produced in series;

Amendment

(17) ‘battery model’ is any battery that is produced in series;

Or. en

Amendment 18

Proposal for a regulation

Article 2 – paragraph 1 – point 21

Text proposed by the Commission

(21) ‘QR code’ means a matrix ***barcode*** that links to information about a battery model;

Amendment

(21) ‘QR code’ means a matrix that links to information about a battery model;

Or. en

Amendment 19

Proposal for a regulation

Article 25 – paragraph 7 – point c

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 20

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

Text proposed by the Commission

Obligation for economic operators that place ***rechargeable industrial batteries and electric-vehicle batteries with internal storage and a capacity above 2 kWh*** on the market to establish supply chain due diligence policies

Amendment

Obligation for economic operators that place batteries ***of any category covered by this Regulation*** on the market to establish supply chain due diligence policies

Or. en

Amendment 21

**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

Amendment

1. As of [12 months after the entry into force of the Regulation] the economic operator that places batteries ***of any category covered by this Regulation*** on the market shall comply with the supply chain due diligence obligations set out in paragraphs 2 to 5 of this Article and shall

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.

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 22

Proposal for a regulation

Article 39 – paragraph 2 – point a

Text proposed by the Commission

(a) adopt, and clearly communicate to suppliers and the public, a company policy for the supply chain of raw materials indicated in Annex X, point 1;

Amendment

(a) adopt, and clearly communicate to suppliers and the public, a company ***due diligence*** policy for the supply chain of raw materials indicated in Annex X, point 1;

Or. en

Amendment 23

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 ***internationally recognised due diligence*** standards set out in Annex X, ***point 4***;

Or. en

Amendment 24

Proposal for a regulation

Article 39 – paragraph 2 – point d – subparagraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 25

Proposal for a regulation

Article 39 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) establish a grievance mechanism as an early-warning risk-awareness system or provide such mechanism through collaborative arrangements with other economic operators or organisations, or by facilitating recourse to an external expert or body, such as an ombudsman.

(f) establish a grievance mechanism as an early-warning risk-awareness system ***and a remedy mechanism for harm caused*** or provide such mechanism through collaborative arrangements with other economic operators or organisations, or by facilitating recourse to an external expert or body, such as an ombudsman.

Or. en

Amendment 26

Proposal for a regulation

Article 39 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) identify and assess the adverse impacts associated to the risk categories listed in Annex X, point 2, in its supply chain on the basis of the information provided pursuant to paragraph 2 against the standards of their supply chain policy;

(a) identify and assess the adverse impacts associated to the risk categories listed in Annex X, point 2, in its supply chain on the basis of the information provided pursuant to paragraph 2 ***and any other relevant information that is either publicly available or provided by stakeholders, including members of potentially affected communities and relevant civil society organisations,*** against the standards of their supply chain

policy;

Or. en

Amendment 27

Proposal for a regulation

Article 39 – paragraph 3 – point b – point ii

Text proposed by the Commission

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

Amendment

(ii) adopting risk management measures consistent with **standards listed in Annex X, point 4**, considering their ability to influence, and where necessary take steps to exert pressure on suppliers who can most effectively prevent or mitigate the identified risk;

Or. en

Amendment 28

Proposal for a regulation

Article 39 – paragraph 3 – subparagraph 1

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 29

Proposal for a regulation

Article 39 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 30

Proposal for a regulation

Article 39 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) have as its objective the determination of conformity of the supply chain due diligence practices of economic operators placing batteries on the market with paragraphs 2, 3 and 5;

(b) have as its objective the determination of conformity of the supply chain due diligence practices of economic operators placing batteries on the market with paragraphs 2, 3 and 5, **and, where relevant, carry out checks on undertakings and gather information**

from stakeholders, including members of potentially affected communities and relevant civil society organisations;

Or. en

Amendment 31

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 *X, point 4*.

Or. en

Amendment 32

Proposal for a regulation Article 48 – paragraph 1 – introductory part

Text proposed by the Commission

1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall ensure the collection of all waste portable batteries, regardless of their nature, brand or origin in the territory of a Member State where they make batteries available on the market for the first time. For that purpose they shall:

Amendment

1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall ensure the collection of all waste portable batteries *and batteries from light means of transport*, regardless of their nature, brand or origin in the territory of a Member State where they make batteries available on the market for the first time. For that purpose they shall:

Or. en

Amendment 33

Proposal for a regulation

Article 48 – paragraph 1 – point b

Text proposed by the Commission

(b) offer the collection of waste portable batteries, free of charge, to the entities referred to in paragraph 2(a) and provide for the collection of waste portable batteries from all entities that have made use of that offer (“connected collection points”);

Amendment

(b) offer the collection of waste portable batteries ***and batteries from light means of transport***, free of charge, to the entities referred to in paragraph 2(a) and provide for the collection of waste portable batteries from all entities that have made use of that offer (“connected collection points”);

Or. en

Amendment 34

Proposal for a regulation

Article 48 – paragraph 2 – point b

Text proposed by the Commission

(b) covers the whole territory of the Member State taking into account population size, expected volume of waste portable batteries, accessibility and vicinity to end-users, not being limited to areas where the collection and subsequent management of waste portable batteries is profitable.

Amendment

(b) covers the whole territory of the Member State taking into account population size, expected volume of waste portable batteries ***and batteries from light means of transport***, accessibility and vicinity to end-users, not being limited to areas where the collection and subsequent management of waste portable batteries is profitable.

Or. en

Amendment 35

Proposal for a regulation

Article 48 – paragraph 4 – introductory part

Text proposed by the Commission

4. Producers or, where appointed in

Amendment

4. Producers or, where appointed in

accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall attain, and maintain durably, at least the following collection targets of waste portable batteries, calculated as percentages of the portable batteries, excluding batteries from light means of transport, made available on the market for the first time in a Member State by the respective producer or collectively by the producers covered by a producer responsibility organisation:

accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall attain, and maintain durably, at least the following collection targets of waste portable batteries **and batteries from light means of transport**, calculated as percentages of the portable batteries, excluding batteries from light means of transport, made available on the market for the first time in a Member State by the respective producer or collectively by the producers covered by a producer responsibility organisation:

Or. en

Amendment 36

Proposal for a regulation Article 48 – paragraph 4 – point a

Text proposed by the Commission

(a) 45 % by 31 December 2023 ;

Amendment

(a) **for portable batteries: 60 %** by 31 December 2023 ;

Or. en

Amendment 37

Proposal for a regulation Article 48 – paragraph 4 – point a (new)

Text proposed by the Commission

Amendment

(aa) for batteries from light means of transport: X %^{1a} by 31 December 2023;

^{1a} **Subject to the evaluation of the JRC**

Or. en

Amendment 38

Proposal for a regulation Article 48 – paragraph 4 – point b

Text proposed by the Commission

(b) 65 % by 31 December 2025;

Amendment

(b) **for portable batteries: 70 %** by 31 December 2025;

Or. en

Amendment 39

Proposal for a regulation Article 48 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(ba) for batteries from light means of transport: X %^{1a} by 31 December 2025;

^{1a} **Subjection the evaluation of the JRC**

Or. en

Amendment 40

Proposal for a regulation Article 48 – paragraph 4 – point c

Text proposed by the Commission

(c) 70 % by 31 December 2030.

Amendment

(c) **for portable batteries: 85 %** by 31 December 2030.

Or. en

Amendment 41

Proposal for a regulation Article 48 – paragraph 4 – point c a (new)

Text proposed by the Commission

Amendment

(ca) for batteries from light means of transport: X %^{1a} by 31 December 2030;

^{1a} **Subject to the evaluation of the JRC**

Or. en

Amendment 42

Proposal for a regulation

Article 49 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Producers of automotive batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations, shall take back, free of charge and without an obligation on the end user to buy a new battery, nor to have bought the battery from them, all waste automotive batteries, industrial batteries and electric vehicle batteries of the respective **type** that they have made available on the market for the first time in the territory of that Member State. For that purpose they shall accept to take back waste automotive batteries, industrial batteries and electric vehicle batteries from end-users, or from collection points provided in cooperation with:

1. Producers of automotive batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations, shall take back, free of charge and without an obligation on the end user to buy a new battery, nor to have bought the battery from them, all waste automotive batteries, industrial batteries and electric vehicle batteries of the respective **model** that they have made available on the market for the first time, **including repurposed or remanufactured waste batteries**, in the territory of that Member State. For that purpose they shall accept to take back waste automotive batteries, industrial batteries and electric vehicle batteries from end-users, or from collection points provided in cooperation with:

Or. en

Amendment 43

Proposal for a regulation

Article 55 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall achieve the following minimum collection targets for waste portable batteries, **excluding** waste batteries from light means of transport:

Amendment

1. Member States shall achieve the following minimum collection targets for waste portable batteries **and** waste batteries from light means of transport:

Or. en

Amendment 44

**Proposal for a regulation
Article 55 – paragraph 1 – point a**

Text proposed by the Commission

(a) 45 % by 31 December 2023;

Amendment

(a) **for portable batteries: 60 %** by 31 December 2023;

Or. en

Amendment 45

**Proposal for a regulation
Article 55 – paragraph 1 – point a (new)**

Text proposed by the Commission

Amendment

(aa) for batteries from light means of transport: X %^{1a} by 31 December 2023;

^{1a} **Subject to the evaluation of the JRC**

Or. en

Amendment 46

**Proposal for a regulation
Article 55 – paragraph 1 – point b**

Text proposed by the Commission

(b) 65 % by 31 December 2025;

Amendment

(b) **for portable batteries: 70%** by 31 December 2025;

Or. en

Amendment 47

Proposal for a regulation

Article 55 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) for batteries from light means of transport: X %^{1a} by 31 December 2025;

^{1a} **Subject to the evaluation of the JRC**

Or. en

Amendment 48

Proposal for a regulation

Article 55 – paragraph 1 – point c

Text proposed by the Commission

(c) 70 % by 31 December 2030.

Amendment

(c) **for portable batteries: 85 %** by 31 December 2030.

Or. en

Amendment 49

Proposal for a regulation

Article 55 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) for batteries from light means of

transport: X %^{1a} by 31 December 2030;

^{1a} Subject to the evaluation of the JRC

Or. en

Amendment 50

Proposal for a regulation Article 55 – paragraph 3

Text proposed by the Commission

3. The Commission shall, by 31 December 2030, review the target laid down in paragraph 1(c) ***and, as part of that review consider the setting of a collection target for batteries powering light means of transport***, in the light of the evolution of the market share, as a separate target or as part of a review of the target laid down in paragraph 1(c) and in Article 48(4). This review may also consider introducing a calculation methodology for the calculation of the separate collection rate with a view to reflecting the quantity of waste batteries available for collection. To that end, the Commission shall submit a report to the European Parliament and the Council on the outcome of the review accompanied, if appropriate, by a legislative proposal.

Amendment

3. The Commission shall, by 31 December 2030, review the target laid down in ***paragraphs*** 1(c) and 1 (c a), in the light of the evolution of the market share, as a separate target or as part of a review of the target laid down in ***paragraphs*** 1(c) and 1 (c a) and in Article 48(4). This review may also consider introducing a calculation methodology for the calculation of the separate collection rate with a view to reflecting the quantity of waste batteries available for collection. To that end, the Commission shall submit a report to the European Parliament and the Council on the outcome of the review accompanied, if appropriate, by a legislative proposal.

Or. en

Amendment 51

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

Text proposed by the Commission

Amendment

(ea) iron

Or. en

Amendment 52

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

Text proposed by the Commission

Amendment

(eb) bauxite

Or. en

Amendment 53

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

Text proposed by the Commission

Amendment

(ec) copper

Or. en

Amendment 54

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

Text proposed by the Commission

Amendment

(ia) climate change

Or. en

Amendment 55

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

Text proposed by the Commission

Amendment

(ib) waste treatment

Amendment 56

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

Text proposed by the Commission

Amendment

(a) Ten Principles of the United Nations Global Compact; *deleted*

Amendment 57

Proposal for a regulation Annex X – point 3 – point b

Text proposed by the Commission

Amendment

(b) UNEP Guidelines for Social Life Cycle Assessment of Products; *deleted*

Amendment 58

Proposal for a regulation Annex X – point 3 – point d

Text proposed by the Commission

Amendment

(d) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy; *deleted*

Amendment 59

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** **deleted**

Or. en

Amendment 60

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.** **deleted**

Or. en

Amendment 61

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

Text proposed by the Commission

Amendment

(fa) The Paris Agreement

Or. en

Amendment 62

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

Text proposed by the Commission

Amendment

(fb) all international human rights conventions that are binding upon the Union or its Member States, including the International Bill of Human Rights and the other UN core international human rights instruments;

Or. en

Amendment 63

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

Text proposed by the Commission

Amendment

(fc) international humanitarian law instruments, such as the Geneva Conventions and their Additional Protocols, as well as instruments defining obligations under international criminal law and arms control conventions;

Or. en

Amendment 64

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

Text proposed by the Commission

Amendment

(fd) ILO instruments on rights at work, freedom of association, collective bargaining, minimum age, occupational safety and health, and equal remuneration, including:

- the ILO Declaration on fundamental principles and rights at work;***
- the ILO Convention on freedom of association and collective bargaining;***

- *the ILO Convention on elimination of forced labour;*
- *the ILO Convention on elimination of child labour;*
- *the ILO Convention of elimination of discrimination in respect of employment and occupation;*

Or. en

Amendment 65

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

Text proposed by the Commission

Amendment

(fe) relevant regional human rights instruments, including the African Charter of Human and Peoples' Rights, the American Convention on Human Rights, the European Convention on Human Rights, the European Social Charter, the Charter of Fundamental Rights of the European Union;

Or. en

Amendment 66

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

Text proposed by the Commission

Amendment

(ff) national constitutions and laws recognising or implementing human rights;

Or. en

Amendment 67

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

Text proposed by the Commission

Amendment

3a. The internationally recognised due diligence principles applicable to the due diligence laid down in Article 39 of this Regulation include:

(a) the UN Guiding Principles for Businesses and Human Rights;

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

(c) the OECD Guidelines for Multinational Enterprises

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

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

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

Or. en

Amendment 68

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

Text proposed by the Commission

Amendment

(a) **90** % for cobalt;

(a) **95** % for cobalt;

Or. en

Amendment 69

Proposal for a regulation Annex XII – Part C – point 1 – point b

Text proposed by the Commission

(b) **90** % for copper;

Amendment

(b) **95** % for copper;

Or. en

Amendment 70

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

Text proposed by the Commission

(d) **35** % for lithium;

Amendment

(d) **50** % for lithium;

Or. en

Amendment 71

Proposal for a regulation Annex XII – Part C – point 1 – point e

Text proposed by the Commission

(e) **90** % for nickel.

Amendment

(e) **95** % for nickel.

Or. en

Amendment 72

Proposal for a regulation Annex XII – Part C – point 2 – point a

Text proposed by the Commission

(a) **95** % for cobalt;

Amendment

(a) **98** % for cobalt;

Or. en

Amendment 73

Proposal for a regulation Annex XII – Part C – point 2 – point b

Text proposed by the Commission

(b) **95** % for copper;

Amendment

(b) **98** % for copper;

Or. en

Amendment 74

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

Text proposed by the Commission

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

Amendment

(d) **85** % for lithium;

Or. en

Amendment 75

Proposal for a regulation Annex XII – Part C – point 2 – point e

Text proposed by the Commission

(e) **95** % for nickel.

Amendment

(e) **98** % for nickel.

Or. en