

15 March 2021

Position Paper on the Commission's proposal for a Regulation on batteries and waste batteries

EdEn welcomes the Commission's proposal for a Regulation on batteries and waste batteries. We believe this proposal is an important step in reducing the environmental footprint of batteries throughout their whole life-cycle.

In particular, the definition of carbon performance classes, associated with a maximum emission threshold appears to be an effective way of avoiding the placing on the market of non-sustainable batteries while making it possible to differentiate, among the batteries that can be placed on the market, the ones that have the lowest carbon footprint.

We believe however that some other provisions need to be further assessed in order to take into account existing legislation and the diversity of battery technologies and applications.

1. Avoiding duplication of existing processes

Article 6 of the proposal states that :

"When there is an unacceptable risk to human health or the environment, arising from the use of a substance in the manufacture of batteries, or from a substance present in the batteries (...) that needs to be addressed on a Union-wide basis, the Commission shall adopt a delegated act in accordance with the procedure referred to in Article 73"

This process would result in the duplication of chemicals management procedures that are already defined in existing legislation, such as REACH, OSH and the End-of-life Vehicles Directive.

We strongly believe that such duplication needs to be avoided as it would result in unnecessary complexity and uncertainty for battery manufacturers.

2. Taking into account the specificities of each battery technology and application

In the current proposal, the scope of **Article 7, 8, 10 and 14** includes electric vehicle batteries as well as all industrial batteries with a capacity above 2 kWh.

EdEn would like to point out that 'industrial batteries' is a very diverse category. Most products falling under that category are only being produced in a limited number of units, and in some cases are tailor-made according to the requirements of individual customers. They also vary widely in application with some products being used as back-up batteries, and therefore having a completely different life-cycle output compared to other types of batteries.

The provisions in the articles mentioned above do not take into account these specificities and impose the same level of constraints on batteries that will be produced in very high volumes as on batteries that will be produced in very low volumes, which results in disproportionate requirements weighing on industrial batteries manufacturing.



For these reasons, **we recommend the scope of Article 7, 8, 10 and 14 be limited to “electric vehicle batteries”**.

3. Addressing availability issues and competition issues related to recycled content requirements

We recommend **Article 8**, which establishes targets for recycled content, be reassessed as the current proposal is overlapping with the provisions in Chapter VII and Annex XII. These provisions impose minimum efficiency ratios in the recycling process and minimum levels of recovered materials in batteries. We believe the focus of the Regulation should be on improving the recycling process, not on prioritising which uses can be made out of these recycled materials as they can be used in many different ways, including, but not limited to, manufacturing batteries.

In some cases, the use of secondary materials negatively affects batteries' performance, which is not taken into account in the current text. Additionally, analyses have shown that availability of secondary raw materials will remain low up until 2035, notably due to batteries' life-cycle being extended through battery reuse.

Another key issue that needs to be addressed is the methodology through which recycled content requirements will be applied to batteries that are imported from non-EU countries. It is unclear in the current proposal how recycled content in imported batteries can be effectively tested and how requirements can be enforced. It is critical that the requirements that apply to EU batteries also fully apply to imported batteries so as to avoid putting EU batteries at a competitive disadvantage.

For these reasons, we believe **targets on recycled content should be introduced at a later stage, once the availability of secondary raw materials is on par with the demand that such targets would generate**.

4. Adequately measuring the carbon footprint of electric vehicle batteries

In regards to **Article 7 section 2**, we recommend the **requirements related to the labeling of batteries only come into force two years after the adoption of the delegated act** establishing carbon footprint performance classes. It is indeed crucial that manufacturers have enough time to adapt to these new requirements.

We also recommend some clarifications be made in **Annex II** in regards to the various life-stages that need to be taken into account in the delegated act mentioned in section 5. Carbon emissions related to the distribution phase vary widely and it is unclear how they can be accurately assessed, which is why we recommend not to include the distribution phase in the list. The same logic applies to the “end of life stage” for which it will be very challenging, if not impossible, to make an accurate assessment. As a general principle, we believe the evaluation of batteries' footprint should be based as much as possible on measurable data rather than on an estimate that may not be accurate.