

## Modernizing EU Battery Legislation: Proposal for a Regulation

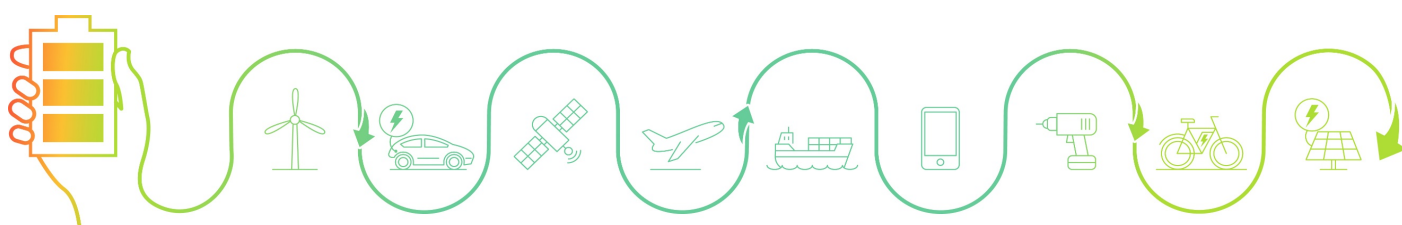
Public Consultation, July 2020

In effect since 2006, the Batteries Directive 2006/66/EC has been one of the first EU legislations regulating the lifecycle of a specific product. For more than a decade, the Batteries Directive has obligated Europe-based manufacturers and importers, waste operators and end-users to ensure the sustainable treatment of batteries put on the EU's Internal Market. The legal provisions include thorough declaration, reporting and monitoring, design and labelling requirements as well as collection and recycling targets. While the Batteries Directive is applicable throughout the EU, Member States are given a wide range of flexibility on how to interpret, implement and enforce this battery framework.

The Batteries Directive is currently organized under the Commission's DG Environment and DG Growth. In view of the Commission's Strategic Action Plan on Batteries to develop a European battery value chain based on innovative, sustainable and competitive batteries, the Commission intends to maintain this important dual legal basis in the upcoming legislation.

The advanced rechargeable and lithium batteries industry, as represented by RECHARGE, welcomes the adaption of the existing Directive to a more comprehensive regulation for batteries. We are convinced that improving the legislative landscape impacting batteries, and working towards better coherence across the regulatory spectrum, is key to establishing that sustainable and competitive battery industry as aspired by the European Commission.

The Commission's proposal for a modernized battery legislation is a unique opportunity to deliver at product level on the EU's 2050 climate-neutrality and global industrial leadership objectives by better demonstrating the increasing role of batteries in a decarbonized Europe, and helping to establish a level playing field due to legislative adjustments that create a net environmental and social benefit. RECHARGE wants to stress the need to eliminate overlaps with other EU legislation and to focus legal measures on building a fair basis with international competition.



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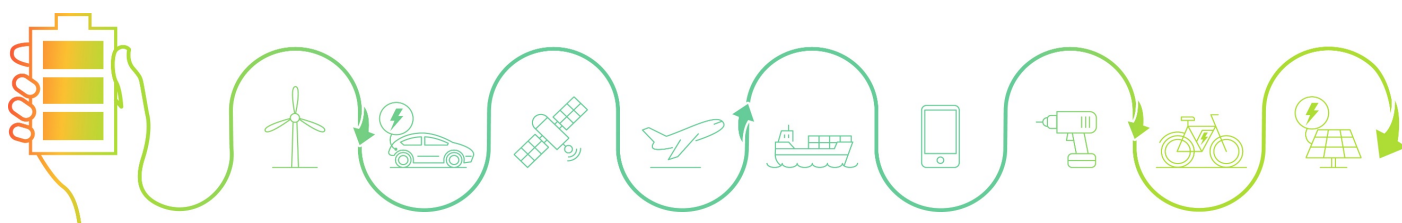
In this regard, we welcome the recognition of the carbon footprint and social responsibility across the value chain as the essential sustainability indicators for batteries. For consumers to effectively use sustainability indicators and make informed purchase decisions, meaningful, clear, simple and consumer-oriented communication provisions are needed. Irrelevant information must be avoided. Generally, we want to advise against an overload of measures, particularly if they reduce the innovation potential and competitiveness of the European battery value chain. We do welcome the expansion of the legislative scope to a broader battery technology spectrum, however, allowing to better capture new or emerging technologies in the future.

We also welcome the Commission's recognition of the use of hazardous substances in battery cell manufacturing, acknowledging the technical limitations to substitution in our sector and the industry's efforts towards the Union's zero-pollution and, respectively, toxic-free environment ambition. The advanced rechargeable and lithium batteries industry in Europe has successfully implemented an unsurpassed emission and dissipation control system for material handling in both the production and recycling phase. Because chemical substances are contained within sealed units, the use of these battery products does not pose any harm to health or the environment either. In turn, a legislative framework that prohibited or restricted certain types of battery chemicals would bring investments in the European cell manufacturing sector to an immediate halt, threatening the creation of some 280,000 European jobs in the coming five to eight years<sup>1</sup>.

It is also in this context that RECHARGE wants to caution against the premature implementation of a recycled content obligation. Like recycling targets, minimum recycled content requirements intend to address resource savings and carbon emission credits from using secondary raw materials. But the burdens associated with these requirements risk jeopardizing the competitiveness of European batteries and their environmental benefits are reportedly very limited (see Öko Institute study).

We are equally concerned about the proposal to phase out primary batteries. At RECHARGE, we understand the trend to restrict single-use products, but we want to highlight that many primary batteries are not disposable products with a short lifetime. They can last up to twenty years or are designed to serve for the entire use life of the appliance they power. Moreover, in many instances,

<sup>1</sup> <https://publications.jrc.ec.europa.eu/repository/bitstream/JRC108043/kjna28837enn.pdf>



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replacing these batteries is technically not feasible and would not result in an improved environmental footprint.

RECHARGE calls upon the European Commission to consider legislative measures that are balanced, comprehensive, meaningful and apply to both imported as well as European batteries. The legislation should support establishing a prosperous European battery industry contributing to the achievements of the emission reduction targets and capable of competition with strong, existing markets outside of the EU, on a fair base.

A supporter of the sustainability agenda of the European Commission, RECHARGE will continue to participate with strong evidence and industry knowledge in the respective institutional work programs to help establish an adequate regulatory framework, enabling European actors to execute on the technological, environmental and social leadership ambitions of the Strategic Action Plan on Batteries. We look forward to continuing having constructive dialogues with all relevant institutions, including the European Commission's DG Environment and DG Growth, and the European Parliament, and actively participating in the EU stakeholder consultations and workshops.

## FOR MORE INFORMATION

Our full comments to the Commission proposal for a new EU Sustainability Legislation on Batteries can be found [here](#).

For more information on our sustainability agenda, please consult our position paper [here](#).

## ABOUT RECHARGE

RECHARGE is the European industry association for advanced rechargeable and lithium batteries. Founded in 1998, it is our mission to promote advanced rechargeable batteries as a key technology that will contribute to a more empowered, sustainable and circular economy. RECHARGE's unique membership covers all aspects of the advanced rechargeable battery value chain in Europe: From suppliers of primary and secondary raw materials, to battery, equipment and original equipment manufacturers (OEMs), to logistic partners and battery recyclers.

