ADVANCED RECHARGEABLE & LITHIUM BATTERIES ASSOCIATION

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Batteries Regulation – sustainability and competitiveness need to go hand in hand

PRESS RELEASE - Brussels, 08.03.2022 – Tomorrow, the EP in Plenary debates the proposed Batteries Regulation and will then proceed to vote on the ENVI Committee's report and additionally tabled amendments. RECHARGE, the European association representing the battery value chains of the future, calls on decision-makers to ensure an international level playing field based on innovative, competitive and sustainable batteries, and introduce some remaining key improvements on the proposal. "The Regulation needs to set a meaningful framework for Europe's battery sector enabling to deliver on building a strategic industry", commented Claude Chanson, RECHARGE General Manager.

"We express our strong concerns regarding the proposed amendments in the ENVI report covering Article 11", continued Chanson. "Design requirements regarding the removability of individual cells inside batteries will jeopardise longevity and the safety of batteries. We therefore welcome the new amendments aiming to take the safety concerns of the batteries industry into account." Strict homogeneity requirements are applicable to cells in a battery to make them durable and safe, which explains why individual cells cannot be replaced. Moreover, nearly every unqualified change of components, such as the replacement of individual cells of a battery pack or the BMS, causes the loss of conformity with required international safety tests. The replaceability requirement of batteries, outside the category of portable batteries of general use, the repairability of battery packs and cells put the safety control at risk. Finally, the proposed Art. 11a on removability and replaceability of automotive, EV and industrial batteries, fails to consider the wide variety of industrial batteries. Industrial backup batteries are used in nuclear power plants, high-speed trains, airplanes, offshore platforms, etc. and can have very different service and maintenance requirements. The design demands for removability, replaceability and disassembly of the battery casing, individual battery cells or other key components are simply not suitable.

Another primary concern for the batteries industry is linked to the producer definition and the problems this raises (e.g., breaching ensuring Single Market conditions). The current proposal by the Commission does not correct a flaw that has existed since the existing Battery Directive (2006). Batteries are sold to end-users either embedded in vehicles or appliances, or as "naked" objects. This is a characteristic specific to batteries, which makes them unlike EEE or vehicles, as they are never sold embedded into a larger device. In transactions with OEMs in a different Member State, the current Producer definition places the Producer status on the OEM. However, in the case of the battery manufacturer who sells its battery to a same country OEM, the current definition points to the manufacturer as the Producer. This leads to market distortions and problems when reporting the number of batteries placed on the market, as battery manufacturers have no visibility of how many of their batteries are placed on the market by the OEM in the same or a different MS. The producer responsibility needs to lie with the economic operator that knows precisely where the batteries are placed on the market for end-use and should endorse the EPR, attached to the decision to place the battery, or the equipment containing the battery, on the market for end-use.

Finally, the industry also looks closely on the article covering the collection of waste batteries. The take-back obligation on industrial and EV batteries must be limited to the products that a producer has placed on the market and must not require to take back products that were placed on the market by other producers, regardless the size of their business. Industrial batteries have a wide range of applications, and a producer of an industrial battery can e.g., produce a small battery for gas meters and would, according to the Article 49 wording, be obliged to take back e.g, batteries large as a container which can weigh tons. Such an obligation as described in Art. 49 is not justified and would potentially lead to impossible or unsafe situations.

RECHARGE pursues the objective of having an ambitious and well-functioning Regulation in place, enabling a competitive and sustainable European batteries value chain.

****ENDS****

For more information on the industry's position, visit our **dedicated Batteries Regulation page**.
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 by enabling decarbonised electricity and mobility, and cutting-edge consumer products. RECHARGE's unique membership covers all aspects of the advanced rechargeable battery value chain: From suppliers of primary and secondary raw materials, to battery and original equipment manufacturers (OEMs), to logistic partners and battery recyclers. www.rechargebatteries.org.
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