

Dear Executive Vice President,
Dear Commissioners,
Dear Director Generals,

28 September 2023

Europe is in the midst of the global raw materials race, scrambling to secure critical metals such as copper and lithium for our green transition. Nowhere is this felt more than in batteries, where China's dominance and the US IRA's largesse pose serious risks to Europe's electric vehicle and battery storage (=renewables) ambitions.

While developing new mines will take time, the used battery is the best mine for a new battery today and will be in the future.

Over 90% of all cobalt, nickel, copper and lithium in lithium-ion batteries can be recovered to produce more batteries. European companies are at the heart of the best innovations and expertise in this field. What we lack is recycling lithium-ion batteries at scale - instead, this is mostly done in China and South Korea today. Ironically, our battery waste (and therefore our critical metals) is first shredded in Europe, but the valuable waste, or "black mass" from them is then sent abroad for recycling and new battery manufacturing. This is a huge missed opportunity.

European Companies are planning to fully recover metals from recycled batteries in Europe. But - given the sheer size and approach of China - they struggle to secure the feedstock, i.e. the black mass. There are currently no restrictions on black mass exports, so our critical metals simply leave Europe unchecked. China on the other hand, has banned the exports of black mass.

There is a consensus among many stakeholders that this is a problem, and Europe needs to act.

We call on you to:

- Include **waste codes** for lithium-ion batteries and intermediate waste streams ("black masses") under the **European List of Waste** as soon as possible.
- Designate intermediate waste streams as **hazardous waste** by the end of 2023 for the purpose of their export outside the EU.
- To close the loopholes, mandate the JRC to carry out a study to assess under what conditions black mass has a waste or an end-of-waste status and clarify the rules for recovery of metals named by the Battery Regulation via the secondary acts as quickly as possible.

We urge you to pick up this work as a matter of urgency, still in 2023.

We also believe that the Annexes of the **EU Waste Shipment Regulation** currently under negotiation should be amended to ensure a streamlined and easy transportation of end-of-life

batteries within the EU in order to accelerate and scale up the single market for battery recycling across the union.

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