May 2025

Battery Regulation (EU) 2023/1542

Joint Industry Guidance on the Definition of the Battery Manufacturer

(a). A collaborative work of several Associations

This Guidance is part of collaborative work conducted by EPBA, Recharge and Eurobat to assist industry and regulators in adequately interpreting key definitions introduced in the Battery Regulation.

This Joint Industry Guidance is, as of May 2025, the last of a series of three documents:

- *Joint Industry Guidance on the "Identification of the Producer in several representative scenarios" – March 2024,*
- *Joint Industry Guidance on "What is a Battery" – September 2024,*
- *Joint Industry Guidance on the "Definition of the Battery Manufacturer" - May 2025.*

(b). Obligations placed by the Regulation on Manufacturers

The Battery Regulation (EU) 2023/1542[1] introduces several design and communication obligations linked to batteries.

Most of the **design obligations**, such as the restrictions on the use of some hazardous substances (art 6), the requirement to calculate and not exceed carbon footprint thresholds (art 7) the requirement to incorporate a minimum amount of recycled material (art 8) and the obligation to meet performance and durability values (art 10) are enshrined in *Chapter II (Sustainability and Safety Requirements)*.

Communication obligations related to the above requirements are also introduced in Chapter II. They are furthermore reinforced by the requirement to issue a Declaration of Conformity and to CE mark the batteries, requirements which are embedded in *Chapter IV (Conformity of Batteries)*.

Labelling and QR code requirements are introduced in *Chapter III (Labelling, Marking and Information Requirements)*, and the **obligation to issue a Battery Passport** for several categories of batteries is introduced in *article 77*.

Most of these responsibilities fall onto the Manufacturer, either because the Regulation provides so, or because the Manufacturer is the only entity able to fulfill these obligations

In this context, it is important that all interested parties share a common and clear understanding of the Manufacturer definition.

[1] As last amended by Regulation (EU) 2024/1781

For this purpose, the above-mentioned associations, which bring together most battery manufacturers with operations in Europe, key actors in the upstream supply chain, multiple automotive and non-automotive OEMs as well as waste battery recyclers, have jointly worked to issue this Guidance.

(c). A Guidance structured along four key sections:

I. A structured analysis of the Manufacturer definition is provided
II. From this structured analysis, two branches ("A and B" as well as "A and C") are analyzed
III. Some complementary definitions are provided to help clarify the two branches
IV. Examples are provided to illustrate the analysis
V. A glossary is supplied.

I. Understanding the "Manufacturer" definition.

This definition shown below is introduced in article 3 of the Regulation.

(33) 'manufacturer' means any natural or legal person who manufactures a battery or has a battery designed or manufactured, and markets that battery under its own name or trademark or puts it into service for its own purposes;

(d). Preliminary note

First and foremost, it is important to take stock that the Manufacturer is defined in relationship to its role relative to a Battery. It is therefore important to remove any ambiguity on what a Battery is in the context of this Regulation. For this purpose, the above-mentioned Associations have issued a *Joint Industry Guidance on What is a Battery*.

We therefore encourage the readers to familiarize themselves with this "What is a Battery Guidance", available on the web sites of these Associations.

The word "manufacturing", when used in the Manufacturer definition, refers to the series of operations that have Batteries as outputs.

It would therefore be incorrect to focus exclusively on those operations that only lead to cells or modules as outputs.

(e). Reading the definition

For a natural or legal person to hold Manufacturer status, several attributes are spelled out. A Manufacturer is an entity:

- **A_1:** who manufactures a battery,
- **A_2:** or has a battery designed,
- **A_3:** or manufactured,
- **B:** and markets that battery under its own name or trademark,
- **C:** or puts it into service for his own purpose.

To properly understand this definition, these attributes must be properly articulated with one another.

(f). Articulating the attributes of the Manufacturer definition

A fine reading of the above definition shows that it should be read as follows:

A Manufacturer is a natural or legal person:

- (**A_1**) Who manufactures a battery **or** (**A_2**) has a battery designed **or** (**A_3**) manufactured

and

- (**B**) Markets that battery under its own name or trademark **or** (**C**) puts it into service for his own purpose

Using Capital Letters, this can be simplified as follows: **(A_1 or A_2 or A_3) and (B or C)**

And further simplified as: **A and (B or C)**

Using basic logics, this is the same as: **(A and B) or (A and C)**

We shall now analyze the two branches of this definition: **"(A and B)** branch**"** will be reviewed first, followed by "**(A and C)** branch**".**

(g). Complementary definition from article 44

Article 44 specifies:

Article 44

Case in which obligations of manufacturers apply to importers and distributors

An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and shall be subject to the obligations of a manufacturer under Article 38, where any of the following applies:

(a) a battery is placed on the market or put into service under that importer's or distributor's own name or trademark;

(b) a battery already placed on the market or put into service is modified by that importer or distributor in such a way that compliance with the relevant requirements of this Regulation could be affected; or

(c) the purpose of a battery already placed on the market or put into service is modified by that importer or distributor.

This Guidance incorporates the consequences of sentence (a) above.

(h). Ancillary definitions

In addition to the Battery definition, one must also consider the definition of "putting into service" which is introduced in article 3(18) and properly consider the term battery "design" which is part of the Manufacturer definitions in article 33.

These terms are further highlighted in the annex.

II. Analysis of branch (A and B)

(i). Branch description

This branch is described as follows:

A Manufacturer is a natural or legal person:

- (**A_1**) Who manufactures a battery **or** (**A_2**) has a battery designed **or** (**A_3**) manufactured

and

- (**B**) Markets that battery under its own name or trademark or (**C**) puts it into service for its own purpose

(j). Review of attribute combinations

The table below reviews the multiple combinations of the several attributes and answers the question as to whether the (natural or legal) person considered holds Manufacturer status.

#	(A_1) Person manufactures a battery or (A_3) has it manufactured (by a third party)	OR	(A_2) Person has a battery designed	AND	(B) Person markets it under its own name or trademark	Does the person have Manufacturer status?
1	Y		Y		N	N
2	Y		N			
3	N		Y			
4	N		N			
5	Y		Y		Y (person is neither an importer nor a distributor)	Y As per art 44
6	Y		N			Y
7	N		Y			Y
8	N		N			N
9	Y		Y		Y (person is an importer or a distributor)	Y As per art 44
10	Y		N			
11	N		Y			
12	N		N			

Three groups of four combinations are reviewed.

By focusing cases 1 through 8 (in which article 44 of the Regulation does not inject an additional criterion):

- One can conclude that a (natural or legal) "person" that markets the battery with its own name of trademark on it has Manufacturer status **if** it has the battery designed **or if** it manufactures it himself (or has its manufacturing subcontracted),
- Conversely, if the "person" refrains from placing his name or trademark on the battery (but presumably places someone else's), then this person is not the Manufacturer, irrelevant of who conducted design or manufacturing.

However, article 44 introduces an element of complexity. If criteria B is met, article 44 of the Regulation introduces a distinction based on the role played by the "person".

- For cases 5 through 8, in which the person is neither an importer nor a distributor, the conclusions reached above are unchanged.

– But in cases 9 through 12, in which the "person" is either an importer or a distributor, the conclusions reached above need to be reconsidered. As the person's role as importer or producer takes precedence over other considerations, and the person is in this group of cases is deemed to be the Manufacturer.

III. Analysis of branch (A and C)

(k). Branch description

This branch is described as follows:

A Manufacturer is a natural or legal person:

– (**A_1**) Who manufactures a battery **or** (**A_2**) has a battery designed **or** (**A_3**) manufactured

and

– (**B**) Markets that battery under its own name or trademark or (**C**) puts it into service for its own purpose

For an end-user to be able to put a battery in service for his own purpose, it has to master several skills, such as installation, powering up, testing, commissioning. In many countries, conducting these works requires mandatory third-party certified training.

Such an end-user shall be referred to below as a "Sophisticated End User".

(l). Review of attribute combinations

The following table reviews the multiple combinations of the several attributes and answers the question as to whether the (natural or legal) "person" considered holds Manufacturer status.

#	(A_1) Person manufactures a battery or (A_3) has it manufactured (by a third party)	OR	(A_2) Person has a battery designed	AND	(C) Person puts the battery into service for its own purpose (Person is a "Sophisticated End User")	Does the person have Manufacturer status?
13	Y		Y		Y	Y
14	Y		N		Y	Y
15	N		Y		Y	Y
16	N		N		Y	N
17	Y		Y		N	N
18	Y		N			
19	N		Y			
20	N		N			

In essence, this table states that a Sophisticated End User is a Manufacturer **if** he has conducted either the battery design or its manufacture (or had it manufactured).

Conversely, if the Sophisticated End User has neither designed nor manufactured the battery he has put into service for his own purpose (nor subcontracts these operations), then this entity is not the Manufacturer. This essentially refers to a situation in which the Sophisticated End User has purchased an off-the-shelf battery.

Once again, it is important to stress that “manufacture” refers here to a series of operations that lead to a battery as an output.

(m). Case in which ”putting into service for one’s own purpose” is subcontracted

Should the Sophisticated End User decide to subcontract the action of putting into service by entering into an agreement with a third party, this would not modify the conclusions reached above.

IV. Representative business situations and assignment of Manufacturer status

	Case description	Reasoning	Conclusion	
1	A pack maker designs a pack, purchases the cells, the BMS and the BTMS, has these assembled and branded to his name, and sells to multiple customers	Pack-maker (A_2) designs, (A_3) subcontracts manufacturing and (B) markets under his own brand	Pack maker is the Manufacturer	(A_2 and A_3) and B
2	Entity issues an RFQ with PTS, selects vendor, vendor designs battery to meet PTS and places his own trade-mark on it	Vendor (A_1) assembles, (A_2) designs and (B) markets under his own name	Vendor is the Manufacturer	(A_1 and A_2) and B
3	Car OEM generates internal SLI/auxiliary battery standard which includes functional and design requirements, issues an RFQ and a requirement that vendor places OEM brand on supply. Economic operator develops a battery that meets the standard, places OEM brand on it, and supplies OEM	OEM (A_2) responsible for design and (A_3) has the battery manufactured to meet this design. Furthermore, (B) the OEM brand is attached to the battery.	OEM is the Manufacturer	(A_2 and A_3) and B
4	OEM issues an RFQ with PTS, selects vendor, vendor designs module to meet PTS, OEM has BMS designed and manufactured, designs BTMS and manufactures it, OEM assembles modules, BMS and BTMS into an appliance. Brand is that of OEM	OEM (A_1) assembles parts to make battery, (A_2) plays a significant role in the battery design, and (B) battery has OEM brand	OEM is the Manufacturer	(A_1 and A_2) and B
5	End User generates PTS, selects vendor, selects parts (cells or modules) using vendor sizing software, places order, receives parts, has parts assembled and powered up by specialized electrical contractor. No battery brand (visible brand is that of parts cell supplier)	End User, (A_2) designs battery, (A_3) has it manufactured, and (C) puts the battery into service	End User is Manufacturer	(A_2 and A_3) and C
6	A utility service provider purchases racks, battery cells, wiring and BMS to construct a stationary battery. The battery specifications have been developed by the utility provider	Utility service provider (A_2) designs the battery, has it assembled (A_3) and (C) puts it into service for his own use	Utility provider is the Manufacturer	(A_2 and A_3) and C
7	A cell maker sells racks, battery cells, wiring and BMS to a utility service provider. The utility service provider accepts the design of the cell maker, the battery is assembled and put into service by the cell maker (or a contractor of his)	Cell maker (A_2) designs the battery, (A_1) assembles the parts on the utility provider's site and (C) puts it into service	Cell maker is the Manufacturer	(A_1 and A_2) and C
8	A pack maker designs a pack, purchases the cells and other components, has these assembled by a third party, and sells the pack model to multiple customers under his own brand	Pack maker (A_3) has the battery manufactured, and (B) sells the pack under his brand	Pack maker is the Manufacturer	A_3 and B

V. Annex: Definitions and common understanding of key elements

Battery:

> (1) 'battery' means any device delivering electrical energy generated by direct conversion of chemical energy, having internal or external storage, and consisting of one or more non-rechargeable or rechargeable battery cells, modules or of packs of them, and includes a battery that has been subject to preparation for re-use, preparation for repurposing, repurposing or remanufacturing;

In addition to this definition, please consult the *Joint Industry Guidance on "What is a Battery"* – *September 2024*.

Putting into service:

> (18) 'putting into service' means the first use, for its intended purpose, in the Union, of a battery, without having been previously placed on the market;

This involves the assembly of the different parts, start-up, testing, commissioning and safety checking. It does not necessarily include the verification that the battery meets all specifications.

Manufacturer:

> (33) 'manufacturer' means any natural or legal person who manufactures a battery or has a battery designed or manufactured, and markets that battery under its own name or trademark or puts it into service for its own purposes;

Other terms used:

- Battery design: this is not writing the functional specifications. Designing a battery involves selecting the necessary components which, once assembled, will form a battery which will meet the desired specifications
- BMS: Battery Management System
- OEM: Original Equipment Manufacturer
- PTS: Purchasing Technical Specification
- RFQ: Request For Quotation

About EUROBAT

www.eurobat.org

EUROBAT is the association of European Manufacturers of automotive, industrial and energy storage batteries. EUROBAT represents more than 90% of the automotive and industrial battery industry in Europe though its more than 50 members from across the continent. EUROBAT members and secretariat work with all stakeholders, such as battery users, governmental organizations and media, to develop new battery solutions in areas of hybrid and electro-mobility as well as grid flexibility and renewable energy storage.

About EPBA – Consumer Batteries Europe

www.epbaeurope.net

EPBA – Consumer Batteries Europe is the leading organization of quality manufacturers of portable batteries and power solutions in Europe. It comprises a total of seven member companies, along with several associated members. In 2023, our members sold 5.5 billion batteries, i.e., Alkaline, Zinc-Carbon, Lithium coin and other button cells, and rechargeable batteries, along with two million chargers in Europe; and roughly 47 % of the batteries placed on the market in the EEA are collected for recycling. The sector employs approximately 4,000 people in Europe, and the VAT contribution amounts to approximately EUR 260 million.

About RECHARGE

www.rechargebatteries.org

RECHARGE is Europe's industry association for advanced rechargeable and lithium batteries, representing a 360° value chain poised to tackle today's & tomorrow's challenges. 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), including logistics partners and battery recyclers.

Contacts

Olga Karline Henkele
Policy Manager, okhenkele@eurobat.org, +32 478 80 35 56.

Tomas Babicky
Public Affairs Manager, epba@kellencompany.org, +32 2 761 16 53.

Kinga Timaru-Kast
Director Public Affairs, ktimaru-kast@rechargebatteries.org,+32 486 99 68 70.