

To:

Subject:

Meeting with EUROBAT, 13 October

A meeting took place yesterday, 13 of October, with EUROBAT representatives:

All stakeholders we meet are advised to make their voice heard by legislators, i.e. individual MS and MEP. We thank the information provided by stakeholders, above all when it may be used to ensure that an agreement emerges, but we remind that final decisions are not in our hands. Moreover, by default, the Commission has to stick to the text in the proposal. No additional text can be proposed without a new agreement of the College.

EUROBAT had proposed a number of points to be discussed, as follows.

### **1. Status of corrigendum, results of public consultation and FAQs document**

The undersigned indicated that the date for a publication of the corrigendum was unknown, elaborating on the possibility that the corrigendum is not published because some needed corrections are actually being proposed as amendments by MS and the EP.

As regards the feedback contributions, it is likely that they ask this information via access to Documents.

### **2. Timeline of delegated acts (esp recycling efficiencies)**

Like us, EUROBAT is afraid that the modifications in the calendar of the different pieces of secondary legislation are made without considering the impact on other acts or on the dates of entry into force of related provisions. I reiterated that the Commission is advising co-legislators to be particularly careful in this respect, also as regards the time to be given to economic operators to adapt to the new provisions.

I also indicated that the JRC has started to prepare the technical elements for some of the pieces of secondary legislation. Activities related to the one on the methodology for recycling efficiencies are scheduled to start at the beginning of next year, at the latest. We took note that, in addition to recyclers, EUROBAT would like to participate.

### **3. Definitions: battery and producer**

EUROBAT supports the Commission in trying to avoid expanding the obligations to cover 'cells,' for instance. They will contribute to find unambiguous, short and clean definitions, if requested. They consider the definition of producer in the proposal particularly unsuitable and hope that the concept they propose ([https://www.eurobat.org/images/Position\\_paper\\_producer\\_definition.pdf](https://www.eurobat.org/images/Position_paper_producer_definition.pdf)) is useful. They will recirculate it with MS.

### **4. Grandfather clause (amd 205-206 IMCO)**

Amendment 205 IMCO reads as follows,

*3 a. With the exclusion of Chapter VII and for a maximum of five years after the entry into force of the Regulation, the Regulation shall not apply to the following industrial batteries, automotive batteries and electric vehicle designed before the entry into force of the Regulation:*

*-Batteries placed on the market to be incorporated in safety-sensitive applications designed before the entry into force of the Regulation;*

*-Batteries to be used as spare parts for equipment designed before the entry into force of the Regulation.*

Amendment 206 reads as follows:

*3 a. 4. With the exclusion of Chapter VII, this regulation shall not apply to industrial batteries designed before the entry into force of this Regulation:*

*a) Placed on the market to be incorporated in safety-sensitive applications designed before the entry into force of the Regulation;*

*b) or to be used as spare parts for equipment designed before the entry into force of the Regulation.*

It is almost sure that these amendments were suggested by the industry to the MEPs concerned. EUROBAT wanted to know our opinion and, if the case was presented, whether the Commission would support them.

With all the necessary precautions, the undersigned indicated that the Commission would prefer a single clause stating that those batteries lawfully placed on the market before the entry into force of the regulation (or of parts of it), could continue to be marketed. The text of the amendments is at the same time too specific ('safety sensitive' could be understood as SAFT produced cadmium containing batteries) and too general (designed?).

## **5. Recycled content: company averages**

EUROBAT and its members have rejected from the beginning this provision. They came to the meeting with additional arguments, namely that using secondary materials in some particular applications could hamper the performance of the batteries. The degree of purity requested for these types of batteries will not be reached by current recycling processes. The 2027 review of the availability should therefore not only consider the amounts of secondary materials, but also its quality. Moreover, better that averaging yearly the values for specific models and plants, they propose to average per year and company. This would, according to them, allow manufacturers to better assign the resources.

Our reaction pointed out that a large majority in the EP along with several MS wanted the scope of this provision to be enlarged and cover all battery types without any capacity limit. If this is decided, supply issues could become more important than expected, and the review will acquire a particular importance. The complexity of the obligations would also be multiplied. An example, the list of substances should be changed and basic metals (steel, manganese) should be added.

In relation to the lower performance in batteries using secondary materials, we presented our vision that the technical developments from now to 2030 will make it possible to reach higher levels of purity at a reduced cost. We also criticized the possibility to average values over entire companies. But EUROBAT criticised the lack of consistency of the Commission. Such a system is, according to them, applied in other parts of EU legislation, e.g. on energy, with the green certificates.

We agreed to convene a meeting to discuss specifically recycled content again.

## **6. Labelling & colour coding**

EUROBAT is in favour of colour coding. At least for small sized lithium batteries (shoes-box) to avoid them ending in lead-acid waste streams.

We indicated that there are no problems to sort out waste portable batteries and the only known case (waste lithium batteries in lead waste streams) would not justify defining new labelling obligations (and technical specifications and standards) for all. Moreover, that if any improvement resulting on a better identification is to be done, it should be based on digital technologies.

On labelling, in general, they consider the obligations excessive and non-targeted. It is true that the presentation of labelling obligations in the proposal can be improved. But it is also true that producers already generate this information (as recognized by EUROBAT members) and that it's rather a question of ensuring access to it. Labelling provisions are becoming an easy target for the criticism of some stakeholder.

## **7. EPR**

EUROBAT criticizes Article 47.5 of the proposal. It is difficult for them to be made responsible of the collection and recycling of waste batteries and, in addition, be obliged to compensate the activity of independent waste managers. That said, they are in favour of opening the market to actors not directly linked to or contracted by producers and PROs.

They are aware that legislators will change significantly chapter VII and in particular the first articles.

## **8. Possible inclusion of li-ion batteries in the list of hazardous waste**

While supporting the amendment of the List Of Waste to incorporate entries for lithium batteries, EUROBAT is against considering waste lithium batteries hazardous.