



Batteries Directive Review

Eucobat Positions and Priorities

EUCOBAT and its members are located both downstream of the production and consumption, and upstream of the processing of waste batteries. Drawing on lessons learned from this operational position in the value chain, we welcome the Commission's initiative to modernise the EU's batteries legislation and we are calling for the modification of key provisions of the current "Batteries Directive".

The new regulatory framework should be based on market realities in order to guarantee the best efficiency possible in the management of waste batteries. From this perspective and as highlighted during the consultation activities, here is what we recommend regarding collection of waste batteries, extended producer responsibility and recycling.

- **A change in the calculation method of the collection rate of waste batteries.**

EUCOBAT is proposing an alternative collection rate calculation method that reflects more realistically the quantity of waste portable batteries that can be collected. Indeed, we suggest adopting a calculation method which determines more precisely the volume of batteries "available for collection" (AfC). This method takes into account batteries' lifespan and the estimated share of waste batteries which cannot be returned to collection points due to the improper treatment and dismantling of waste electrical and electronic equipment (WEEE Directive), or due to the export of second hand EEE and the export of WEEE outside the European Union. Consequently, in terms of percentages, this method would set collection objectives that are more realistic and more ambitious, allowing the goals set by the European Commission in modernising the EU's batteries legislation to be reached.

- **To further define Extended Producer Responsibility in view of the second life of batteries**

The adaptation of the EPR system is questioned today given that repurposing end-of-life batteries could increase their sustainability in allowing their "reuse" for the same or other applications. For instance, this is the case of end-of-life electric vehicle batteries that have been converted for static use in energy storage.

The repurposing raises the question of the transfer of responsibility held by the producer of the original battery. Indeed, the original producer of the battery who clearly defined its use cannot be held responsible for a repurposed product,

whether it is the battery or its cells, especially when its new intended use is different from the original one. As a consequence, it becomes necessary to define where the responsibility of the first producer ends, and under what conditions this responsibility is transferred from the first to the second producer, in addition to how financial guarantees of the first and the second producers are regulated.

In order to facilitate these steps, EUCOBAT stresses that “end-of-waste” criteria should be defined at EU level and should be based upon technical and safety standards for new batteries.

- **To ensure a correct financing**

Separately invoicing the net collection and recycling costs related to waste batteries will benefit the environment, consumers, authorities and all economic actors involved in the distribution of the new batteries.

In particular, it guarantees the financing of the development of a collection network with a sufficient density for effective collection of all batteries and of the required communication campaigns to create consumer awareness of this collection network, and it simplifies the market surveillance activities of the national authorities, without having an impact on the commercial relations between the economic actors.

Eucobat proposes that **Member States be allowed to require a visible compliance fee to be mentioned on invoices from producers to purchasers of batteries**. The visible compliance fee shall include all costs for collection, sorting, treatment, monitoring, reporting, communication, sensibilisation and management incurred by the producers or by third parties acting on their behalf. The costs mentioned shall not exceed the best estimate of the actual costs incurred. The mandatory visible compliance fee applies only to batteries for which producers actively organize collection.

- **For recycling targets based on value rather than mass**

The processes to recover a large number of different materials are very energy intensive, resulting in high recycling costs. Therefore, there is an urgent need for more efficient technologies reducing energy consumption and costs, but also a need for a greater recovery of ecologically and economically interesting raw materials. In this last respect, EUCOBAT underlines the need for a more rational recycling approach based on the environmental impact of the recycling process with measurable objectives based on value rather than on mass.

- **For the labelling of batteries including chemical classification**

In order to ensure proper recycling, an efficient sorting of cells and batteries carried out manually, mechanically, electronically and/or optically is necessary. However, today the task has become extremely difficult to perform given the wide variety of batteries or cells whose chemical composition is not indicated, in particular in the case of industrial batteries. This is the reason why EUCOBAT considers it necessary for all batteries and their cells to be labelled as part of a

standardisation process, including at least the chemical classification according to the recycling processes.

- **A directive as a basis of the regulatory framework**

In line with EU's approach to environmental policies, which have so far favoured responsibility-sharing and decentralisation between the Union and Member States, EUCOBAT is in favour of a directive rather than a regulation. Indeed, the latter legal instrument establishes in fact, a fairly inflexible framework setting uniform objectives which may prove to be ill-suited to the societal and environmental reality of each Member State and, therefore, difficult to achieve.

In recent years, the adoption of several directives and their updates focusing on waste, end-of-life products and the extended responsibility of producers (Waste from electrical and electronic equipment (WEEE), End of Life Vehicles (ELV), Batteries Directives) have confirmed the relevance of flexible transposition of legislation for the Member States. As regards waste battery collection, this flexibility allows Member States to adapt legislation to the consumption habits of their respective citizens, the specific nature of the environment and the diversity of situations in the different territories of the Union ([Article 191.2-3 TFEU](#)).

To read all EUCOBAT's position papers, use the following link:

<https://www.eucobat.eu/downloads>