

ZVEI comments to Inception Impact Assessment “Modernising the EU’s batteries legislation”

ZVEI appreciates the opportunity to comment on the European Commission’s inception impact assessment on modernizing the EU’s batteries legislation. We see this assessment as a further step on the way to a coherent legislative framework on batteries in Europe.

There is a need to refit the framework conditions of the battery legislation. New battery technologies, new appliances and sustainability requirements need to be addressed. Energy storage with batteries will play an important role in the digitalisation and electrification of a circular economy, enabling e-mobility and providing renewable energy. The German battery industry can play a vital role to provide solutions and innovations for these challenges.

The future design of the battery regulation will have a major impact on the EU and German battery industry for the next decade.¹ The German electric industry, including battery industry and industries using battery applications, has a strong interest in a competitive battery legislation.

We already have contributed in the past to the ongoing discussions on a revision of the Battery Directive. Recently we have finalized a [position paper](#) with detailed comments.

Our main messages are:

1. We support the transformation of the Battery Directive into a regulation.

Due to its dual purpose of minimising negative impacts of batteries on the environment and ensuring the functioning of the internal market, a regulation can deliver a more harmonised high level of environmental protection and a level playing field across all Member States. Full harmonisation across Member States of the explicit requirements for collection targets, statistics surveys, design and labelling of product containing batteries is of great importance to our members.

2. We underline the need for consistency with other regulatory frameworks.

Many of the topics along batteries are already discussed or implemented in other regulations or EU standards, like product design, chemicals used (REACH), environmental footprint and

¹ With around EUR 3.1 billion (2019), battery manufacturers based in Germany stand for around one third of the turnover of batteries in Europe. More than 9,000 employees work in companies that are part of the battery industry. This is associated with much higher sales upstream (cell chemistry) and downstream industries (battery applications).

product group classification (EcoDesign, as far as applicable). The Battery Directive should focus on purely battery related topics. A double regulation (e.g. via End-of-Life Vehicle Directive) makes little sense, may create confusion and should be eliminated.

3. We propose a consistent classification of batteries

Before discussing requirements for collection or recycling, it should be clear how batteries are classed in the future. We support maintaining the distinction between portable and industry batteries. In general, the classing of portable and industry batteries is unambiguous. There are only few battery types where classification might lead to confusion. Batteries for e-scooters, eBikes and PeTs – compared to other batteries of vehicles – are relatively small and are handled by the end customer. We propose to classify PeTs, eBike and e-scooter in a separate sub-category of industrial batteries.

4. We propose a change of calculation of collection rate for portable batteries.

Simply increasing collection rates will not automatically lead to higher collection results. It is important to clearly classify batteries (see above). If this basis is clear, the use and lifetime of batteries and the market conditions in a battery group can be assessed. Based on that assessment, collection rates can be defined. For portable batteries we propose an approach using "waste batteries arising" or "batteries available for collection". That approach would have the advantage of better reflecting the realities of the battery market, as it considers the useful life of a battery in a specific product or application and the export of batteries. For industry batteries, due to the working recycling cycles and the heterogenic market, no mandatory collection target for waste industrial batteries shall be established. We support a notification verification and validation system of industry batteries that become waste.

5. We underline the need that the Battery Directive focuses on battery technologies

The Battery Directive should focus on battery technologies.

Replaceability should be addressed product-specific in Ecodesign. We call for a deletion of replaceability in the context of the Batteries Directive. Therefore, we propose to exclude any requirement on replaceability of batteries during the lifetime of an EEE from Art. 11 of the Battery Directive.

Regarding **removability** of batteries, we emphasize that this is already covered by multiple regulations, such as the Battery Directive Article 11, Annex VII of the WEEE Directive and requirements foreseen for removability of batteries in the Ecodesign Regulation for products such as vacuum cleaners. In this case, it should be considered that the integration of a battery in a certain type of product is a product-specific matter with, by consequence, a logical regulation on product-specific level only. Therefore, we propose to exclude products already covered by existing and/or future Ecodesign requirements from Art.11. However, the requirements for removability practiced by a professional (i.e. recycler) at the product's end-of-life must be preserved.

The aspect of **interoperability** of portable batteries must first be analysed for specific product groups and accompanied by appropriate and stringent handling and application of all product safety requirements given through directives and regulations as well as standards.

6. We stress significance of safety and security when repurposing batteries.

Repurposing of batteries should only be possible under clear rules. Safety, security and a clear determination of the manufacturer are essential. The name of the manufacturer must be labelled on the product and all labelling related to the original manufacturer must be deleted. Product responsibility has to be transferred unambiguously to the remanufacturer.

7. We highlight the importance of maintaining a variety of battery technologies

A variety of batteries is available on the market. Every battery technology and chemistry has its advantages for specific uses. There should be no phase-out of e.g. primary batteries. It will be more important to focus on making sure that the right battery is used for the selected appliance. This is linked to ensuring that the most sustainable option available to every application is being used. Primary batteries offer technological benefits for certain technical applications, e.g. working in explosive atmospheres. Regarding specific safety standards, primary batteries are the preferred option.

8. We question the practicability of mandatory use of recyclates in new batteries

Battery manufacturers are ready to use or are already using recyclates. However, this discussion is extremely complex, as various elements in the process have to be taken into account, such as the different chemicals, the availability of recycled content, the location of the production plant or the impact on the production processes due to the introduction of new substances. Also, technological aspects play a role. For example, in lead based batteries high shares of recycled lead is used. However, various applications require the use of a certain minimum amount of primary lead. Thus, all aspects must be considered to assess whether the use of recycled materials has environmental benefits and is economically viable. EU as well as foreign manufacturers further have to commit to the same rules. Therefore, battery legislation should not contain rigid requirements for the use of recyclates in new batteries of any chemistry.

9. We propose a proportionate management of hazardous substances

All current battery technologies use substances, such as lead, cadmium, cobalt, nickel or lithium, that are potentially hazardous to health. However, batteries are sealed articles without any intended release of any of the substances during the use phase. Exposure risks of workers along the value chain are already addressed through the existing EU legislative framework (e.g. REACH & Occupational Health and Safety Legislation). In line with other existing legislations, such as REACH, the risk assessment should be supplemented by an evaluation of socio-economic criteria and should also include wider sustainability or life cycle considerations to ensure that European battery manufacturing remains competitive in the global marketplace.

10. We support sustainability measures for batteries for e-mobility

We support the Commission's efforts in laying down sustainable, environmental and energy requirements for rechargeable batteries, leading to a competitive, innovative and greener battery ecosystem. The potential of e-mobility batteries to back up European decarbonised economy is enormous, given their strong growth forecast in the market. We support the scope of the future sustainable measures for batteries that includes high capacity rechargeable

batteries with internal storage for e-mobility. Carbon footprints requirements we consider as an option, while drawing the European Commission's attention to the difficulty in obtaining comparable, verifiable and reliable carbon footprint data. Regarding sustainable raw material sourcing requirements for batteries, we suggest setting voluntary measures.
