

**To: Environment Ministers** of the European Union

Brussels, 8.03.2022

**Subject:** *Regulation concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020.*

Dear Environment Minister,

Since the publication of the European Commission's proposal for a Battery Regulation in December 2020, the European Parliament and the Council have been preparing their respective reports on this important file and are expected to present their amendments in the coming weeks.

The undersigned NGOs, representing 23 organizations, urge you to stand up to the challenge by recognizing the need to regulate this rapidly growing sector, and put the EU at the forefront of sustainable innovation necessary for decarbonization.

The Battery Regulation is a critical file in socio-economic and environmental terms.

Firstly, batteries play a key role in global efforts towards decarbonization, and come with significant geopolitical, industrial, and extractive implications. Europe's demand for batteries will grow exponentially to electrify transport, digitalize the economy, and build resilient grids, but without intervention this will come at the cost of new global dependencies on critical raw materials and industrial production capacity from third countries, as well as severe impacts on local communities and ecosystems.

Secondly, there is a broadly accepted political view that the battery regulation will set a blueprint for product policy in the context of the Sustainable Products Initiative and the revision of the Eco-design Directive, with a potential spillover effect for policies touching almost any product on the European market.

In this context, it is crucial that European policy makers send the right signal from the outset to ensure the market for batteries is as resilient as possible.

We therefore call on you to:

- **Avoid unnecessary counter-productive delays and support - at the very least - the timelines proposed by the European Commission.** Further delays will put at risk the EU's objective to cut its emissions by 55% by 2030.
- **Ensure batteries of light means of transport (LMT) are genuinely covered** by key measures including carbon foot printing, durability, and recycled content, notably because this product group uses the same cells as EVs (18650 and 21700)
- **Make batteries in all consumer electronics and LMTs replaceable by end users** using commonly available tools and remove the problematic and unnecessary loophole for products used in wet conditions.
- **Make the battery packs in LMT, industrial robots and power tools repairable** by independent operators, including making spares available, and preventing the use of software locks.

**European Environmental Bureau**

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ID number: 06798511314-27 • BCE ID number: 0415.814.848 • RPM Tribunal de l'entreprise francophone de Bruxelles*

- **Set due diligence requirements** as well as **carbon footprint, performance requirements, and product passport** regardless of whether for smartphones, e-bikes or cars (i.e. remove the 2kWh threshold).
- **Do not allow the use of Guarantees of Origin as proof of use of renewable energy** for the calculation of battery carbon footprint and ensure a real world link between energy use and supply.
- **Establish due diligence requirements in the whole battery value chain** that ensure economic operators not only address risks but also prevent them. The requirements should be extended to bauxite, iron, and copper, which are all key battery metals linked to environmental and human rights abuse.
- **Call for high collection targets**, in particular 85% for portable batteries from 2030 and 90% for light means of transport from 2025, as well as for incentives for the collection of industrial, automotive and EV batteries, including an analysis of deposit-return, and the further development of eco-modulation of fees for EPR.
- **Oppose the proposed 3-year delay for battery recycling targets**, to ensure they apply from 2025/26, and **increase the Lithium recovery target** to 70% from 2026 and 90% from 2030, as well as **the recycling target for other waste batteries** to 70% from 2030.
- Guarantee that value retention for batteries is maximized by including an **obligation to check for the possibility of reuse**.
- **Promote reuse of LMT and EV batteries** by creating conducive framework conditions for reuse companies. In particular, their ‘producer’ obligations should be limited, and they should be exempted from EPR charges.
- **Oblige online marketplaces and fulfillment service providers to ensure that there always is an economic operator located in the EU** to guarantee that the batteries they enable selling are compliant with European law and that producer and distributor obligations are fulfilled.

Yours sincerely,



Jeremy Wates  
Secretary General

Co-signed by:

European Environmental Bureau (EEB)  
ZERO;  
Repair & Share;  
Environmental Action Germany (Deutsche Umwelthilfe - DUH)  
INKOTA-netzwerk e.V.;  
RREUSE;  
HOP - Halte à l'obsolescence programmée;  
ECODES;  
Danish Society For Nature Conservation  
PowerShift e.V.  
The Bellona Foundation

Legambiente  
iFixit Europe  
Polish Zero Waste Association  
ECOS  
Ecoteca  
Transport & Environment  
Green Transition Denmark  
The Restart Project  
GoodElectronics Network  
Society for the Earth (TNZ)  
Za Zemiata - Friends of the Earth Bulgaria

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