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P9_TA(2022)0077

# Batteries and waste batteries ***I

**Amendments adopted by the European Parliament on 10 March 2022 on the proposal for a regulation of the European Parliament and of the Council concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) 2019/1020 (COM(2020)0798 — C9-0400/2020 — 2020/0353(COD)) ([1])**

**(Ordinary legislative procedure: first reading)**

(2022/C 347/30)

## Amendment 1

## Proposal for a regulation

## Recital 2

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (2) Batteries are thus an important source of energy and one of the key enablers for sustainable development, green mobility, clean energy and climate neutrality. It is expected that the demand for batteries will grow rapidly in the coming years, notably for electric road transport vehicles using batteries for traction, making this market an increasingly strategic one at the global level. Significant scientific and technical progress in the field of battery technology will continue. In view of the strategic importance of batteries, and to provide legal certainty to all operators involved and to avoid discrimination, barriers to trade and distortions on the market for batteries, it is necessary to set out rules on sustainability parameters, performance, safety, collection, recycling and second life of batteries as well as on information about batteries. It is necessary to create a harmonised regulatory framework for dealing with the entire life cycle of batteries that are placed on the market in the Union. | (2) Batteries are thus an important source of energy and one of the key enablers for sustainable development, green mobility, clean energy and climate neutrality. It is expected that the demand for batteries will grow rapidly in the coming years, notably for electric road transport vehicles ***and light means of transport*** using batteries for traction, making this market an increasingly strategic one at the global level. Significant scientific and technical progress in the field of battery technology will continue. In view of the strategic importance of batteries, and to provide legal certainty to all operators involved and to avoid discrimination, barriers to trade and distortions on the market for batteries, it is necessary to set out rules on sustainability parameters, performance, safety, collection, recycling and second life of batteries as well as on information about batteries ***for consumers and economic operators***. It is necessary to create a harmonised regulatory framework for dealing with the entire life cycle of batteries that are placed on the market in the Union . |

([1]) The matter was referred back for interinstitutional negotiations to the committee responsible, pursuant to Rule 59(4), fourth subparagraph (A9-0031/2022).

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**Amendment 2**

**Proposal for a regulation**

**Recital 2 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(2a) It is also necessary to update Union legislation on the management of battery waste and to take measures to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste, by reducing the impact of resource use and by improving resource efficiency. Such measures are crucial for the transition to a circular and climate-neutral economy and toxic-free environment, and for the Union's long-term competitiveness and strategic autonomy. They can create important economic opportunities, increasing synergies between the circular economy and energy, climate, transport, industry and research policies, and protecting the environment and reducing greenhouse gas emissions.*** |

**Amendment 3**

**Proposal for a regulation**

**Recital 10**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (10) This Regulation should apply to all types of batteries and accumulators placed on the market or put into service within the Union, whether on their own or incorporated into appliances or otherwise supplied with electrical and electronic appliances and vehicles. This Regulation should apply regardless of whether a battery is specifically designed for a product or is of general use and regardless of whether it is incorporated into a product or is supplied together with or separately from a product in which it is to be used. | (10) This Regulation should apply to all types of batteries and accumulators placed on the market or put into service within the Union***, regardless of whether they were produced in the Union or imported***, whether on their own or incorporated into appliances or otherwise supplied with electrical and electronic appliances and vehicles. This Regulation should apply regardless of whether a battery is specifically designed for a product or is of general use and regardless of whether it is incorporated into a product or is supplied together with or separately from a product in which it is to be used. |

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**Amendment 4**

**Proposal for a regulation**

**Recital 12**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (12) Within the Regulation's wide scope, it is appropriate to distinguish between different categories of batteries in accordance with their design and use, independent of the battery chemistry. The classification into portable batteries, on one hand, and industrial batteries and automotive batteries on the other hand under Directive 2006/66/EC should be further developed to better reflect new developments in the use of batteries. Batteries that are used for traction in electric vehicles and which under Directive 2006/66/EC fall in the category of industrial batteries, constitute a large and growing part of the market due to the quick growth of electric road transport vehicles. It is therefore appropriate to classify those batteries that are used for traction in road vehicles as a new category of electric vehicle batteries. Batteries used for traction in other transport vehicles including rail, waterborne and aviation transport, continue to fall under the category of industrial batteries under this Regulation. The industrial battery type encompasses a broad group of batteries, intended to be used for industrial activities, communication infrastructure, agricultural activities or generation and distribution of electric energy. In addition to this non exhaustive list of examples, any battery that is neither a portable battery nor an automotive battery nor an electric vehicle battery should be considered an industrial battery. Batteries used for energy storage in private or domestic environments. are considered industrial batteries for the purposes of this Regulation. ***Furthermore, in order to ensure that all batteries used in light means of transport, such as ebikes and scooters, are classified as portable batteries, it is necessary to clarify the definition of portable batteries and to introduce a weight limit for such batteries***. | (12) Within the Regulation's wide scope, it is appropriate to distinguish between different categories of batteries in accordance with their design and use, independent of the battery chemistry. The classification into portable batteries, on one hand, and industrial batteries and automotive batteries on the other hand under Directive 2006/66/EC should be further developed to better reflect new developments ***and market spread*** in the use of batteries. Batteries that are used for traction in electric vehicles and which under Directive 2006/66/EC fall in the category of industrial batteries, constitute a large and growing part of the market due to the quick growth of electric road transport vehicles. It is therefore appropriate to classify those batteries that are used for traction in road vehicles as a new category of electric vehicle batteries. Batteries used for traction in other transport vehicles including rail, waterborne and aviation transport, continue to fall under the category of industrial batteries under this Regulation***. Batteries used for traction in light means of transport, such as e-bikes and e-scooters, were not clearly classified as batteries under Directive 2006/66/EC, and constitute a significant part of the market due to their growing use in urban sustainable mobility. It is therefore appropriate to classify those batteries that are used for traction in light means of transport as a new category of batteries, namely light means of transport batteries***. The industrial battery type encompasses a broad group of batteries, intended to be used for industrial activities, communication infrastructure, agricultural activities or generation and distribution of electric energy. In addition to this non exhaustive list of examples, any battery that is neither a portable battery nor an automotive battery ***nor a light means of transport battery*** nor an electric vehicle battery should be considered an industrial battery. Batteries used for energy storage in private or domestic environments are considered industrial batteries for the purposes of this Regulation. |

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## Amendment 5

## Proposal for a regulation

## Recital 13

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (13) Batteries should be designed and manufactured so as to optimise their performance, durability and safety and to minimise their environmental footprint. It is appropriate to lay down specific sustainability requirements for ***rechargeable*** industrial batteries and electric vehicle batteries ***with internal storage with a capacity above 2 kWh*** as such batteries represent the market segment which is expected to increase most in the coming years. | (13) Batteries should be designed and manufactured so as to optimise their performance, durability and safety and to minimise their environmental footprint. It is appropriate to lay down specific sustainability requirements for industrial batteries***, light means of transport batteries*** and electric vehicle batteries as such batteries represent the market segment which is expected to increase most in the coming years. |

## Amendment 6

## Proposal for a regulation

## Recital 15

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (15) The use of hazardous substances in batteries should be restricted in order to protect human health and the environment and to reduce the presence of such substances in waste. Thus, in addition to the restrictions set out in Annex XVII of Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([29]) , it is appropriate to set out restrictions for mercury ***and*** cadmium in certain types of batteries. Batteries used in vehicles which benefit from an exemption under Annex II to Directive 2000/53/EC of the European Parliament and of the Council ([30]) should be excluded from the prohibition to contain cadmium. | (15) The use of hazardous substances in batteries should be restricted in order to protect human health and the environment and to reduce the presence of such substances in waste. Thus, in addition to the restrictions set out in Annex XVII of Regulation (EC) No 1907/2006 of the European Parliament and of the Council ([29]), it is appropriate to set out restrictions for mercury, cadmium ***and lead*** in certain types of batteries. Batteries used in vehicles which benefit from an exemption under Annex II to Directive 2000/53/EC of the European Parliament and of the Council ([30]) should be excluded from the prohibition to contain cadmium. ***The Commission should, assisted by the Agency, make a holistic and systemic assessment of hazardous substances in batteries. This assessment should in particular focus on battery chemistries that are used in large quantities on the market, evolving and emerging chemistries and the availability of suitable alternatives to lead-acid industrial and automotive batteries and to nickel-cadmium industrial batteries.*** |

([29]) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1)

([30]) Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21.10.2000, p. 34).

([29]) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1)

([30]) Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L 269, 21.10.2000, p. 34).

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**Amendment 7**

**Proposal for a regulation**

**Recital 17**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (17) The procedure for adopting new and amending current restrictions on hazardous substances in batteries should be fully streamlined with Regulation (EC) No 1907/2006. To ensure effective decision-making, coordination and management of the related technical, scientific and administrative aspects of this Regulation, the European Chemicals Agency set up under Regulation (EC) No 1907/2006 ('the Agency') should carry out specified tasks with regard to the evaluation of risks from substances in the manufacture and use of batteries, as well as those that may occur after their end-of-life as well as the evaluation of the socio-economic elements and the analysis of alternatives, in accordance with relevant guidance by the Agency. Consequently, the Committees for Risk Assessment and Socio-economic Analysis of the Agency should facilitate the carrying out of certain tasks conferred on the Agency by this Regulation. | (17) The procedure for adopting new and amending current restrictions on hazardous substances in batteries should be fully streamlined with Regulation (EC) No 1907/2006. To ensure effective decision-making, coordination and management of the related technical, scientific and administrative aspects of this Regulation, ***there should be good cooperation, coordination and exchange of information between the Member States,*** the European Chemicals Agency set up under Regulation (EC) No 1907/2006 ('the Agency')***, the Commission and interested parties. Member States or the Agency*** should carry out specified tasks with regard to the evaluation of risks from substances in the manufacture and use of batteries, as well as those that may occur after their end-of-life as well as the evaluation of the socio-economic elements and the analysis of alternatives, in accordance with relevant guidance by the Agency. Consequently, the Committees for Risk Assessment and Socio-economic Analysis of the Agency should facilitate the carrying out of certain tasks conferred on the Agency by this Regulation. |

**Amendment 8**

**Proposal for a regulation**

**Recital 17 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(17 a) In order to ensure that this Regulation is coherent with any future amendment of the provisions of Regulation (EC) No 1907/2006 or with other future Union legislation concerning sustainability criteria for hazardous substances and chemicals, the Commission should assess whether an amendment of Article 6, Article 71 or Annex I to this Regulation or all of those provisions is required. The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending those provisions where appropriate.*** |

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## Amendment 9

## Proposal for a regulation

## Recital 18

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (18) The expected massive deployment of batteries in sectors like mobility and energy storage should reduce carbons emissions, but to maximise this potential it is necessary that their overall life cycle has a low carbon footprint. According to the Product Environmental Footprint Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications ([31]), climate change is the second highest related impact category for batteries after ***the*** use of minerals and metals. The technical documentation for ***rechargeable*** industrial batteries and electric vehicle batteries ***with internal storage and a capacity above 2 kWh*** placed on the Union market should therefore be accompanied by a carbon footprint declaration***,, which should be specific, if necessary, per manufacturing batch. Batteries are manufactured in batches, made in specific amounts within certain timeframes*** Harmonising the technical rules for calculating the carbon footprint for all ***rechargeable*** industrial batteries and electric vehicle batteries ***with internal storage with a capacity above 2 kWh*** placed on the Union market is a prerequisite for introducing a requirement for the technical documentation of the batteries to include a carbon footprint declaration and subsequently establishing carbon footprint performance classes that will allow identifying the batteries with overall lower carbon footprints. Information and clear labelling requirements on batteries' carbon footprint is not expected in itself to lead to the behavioural change necessary to ensure that the Union's objective to decarbonise the mobility and energy storage sectors is achieved, in line with the internationally agreed objectives on climate change ([32]). Therefore, maximum carbon thresholds will be introduced, further to a dedicated impact assessment to determine those values. In proposing the level of the maximum carbon footprint threshold, the Commission will, inter alia, take into account the relative distribution of the carbon footprint values in batteries on the market, the extent of progress in the reduction of carbon footprint of batteries placed on the Union market and the effective and potential contribution of this measure to the Union's objectives on sustainable mobility and climate neutrality by 2050. In order to bring about transparency on the batteries' carbon footprint, and | (18) The expected massive deployment of batteries in sectors like mobility and energy storage should reduce carbons emissions, but to maximise this potential it is necessary that their overall life cycle has a low carbon footprint. According to the Product Environmental Footprint Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications ([31]), ***greenhouse gas emissions exacerbating*** climate change is the second highest related impact category for batteries after ***mining and*** use of minerals and metals. The technical documentation for industrial ***batteries, light means of transport*** batteries and electric vehicle batteries placed on the Union market should therefore be accompanied by a carbon footprint declaration. Harmonising the technical rules for calculating the carbon footprint for all industrial ***batteries, light means of transport*** batteries and electric vehicle batteries placed on the Union market is a prerequisite for introducing a requirement for the technical documentation of the batteries to include a carbon footprint declaration and subsequently establishing carbon footprint performance classes that will allow identifying the batteries with overall lower carbon footprints.. Information and clear labelling requirements on batteries' carbon footprint is not expected in itself to lead to the behavioural change necessary to ensure that the Union's objective to decarbonise the mobility and energy storage sectors is achieved, in line with the internationally agreed objectives on climate change ([32]). Therefore, maximum carbon thresholds will be introduced, further to a dedicated impact assessment to determine those values. In proposing the level of the maximum carbon footprint threshold, the Commission will, inter alia, take into account the relative distribution of the carbon footprint values in batteries on the market, the extent of progress in the reduction of carbon footprint of batteries placed on the Union market and the effective and potential contribution of this measure to the Union's objectives on sustainable mobility and climate neutrality by 2050 ***at the latest***. In order to bring about transparency on the batteries' carbon footprint, and shift the Union market towards lower carbon batteries, regardless of where they are produced, a gradual and cumulative increase in the carbon footprint |

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*Text proposed by the Commission*

shift the Union market towards lower carbon batteries, regardless of where they are produced, a gradual and cumulative increase in the carbon footprint requirements is justified. As a result of these requirements, the avoided carbon emissions in batteries' life cycle, will contribute to the Union's ***objective*** of reaching climate neutrality by 2050. This may also enable other policies at Union and national level, such as incentives or green public procurement criteria, fostering the production of batteries with lower environmental impacts.

([31]) Product Environmental Footprint — Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications https://ec.europa.eu/environment/eussd/smgp/pdf/PEFCR_Batteries.pdf

([32]) Paris agreement (OJ L 282, 19.10.2016, p. 4) and the United Nations Framework Convention on Climate Change, available at https://unfccc.int/resource/docs/convkp/conveng.pdf

*Amendment*

requirements is justified. As a result of these requirements, the avoided carbon emissions in batteries' life cycle, will contribute to the Union's ***climate objectives, particularly that*** of reaching climate neutrality by 2050 ***at the latest***. This may also enable other policies at Union and national level, such as incentives or green public procurement criteria, fostering the production of batteries with lower environmental impacts.

([31]) Product Environmental Footprint — Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications https://ec.europa.eu/environment/eussd/smgp/pdf/PEFCR_Batteries.pdf

([32]) Paris agreement (OJ L 282, 19.10.2016, p. 4) and the United Nations Framework Convention on Climate Change, available at https://unfccc.int/resource/docs/convkp/conveng.pdf

**Amendment 10**

**Proposal for a regulation**

**Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***(18 a) The maximum life cycle carbon footprint thresholds should be future-proof and evolve progressively in line with the best available manufacturing and production processes. Therefore, when adopting a delegated act determining the maximum life cycle carbon footprint threshold, the European Commission should take into account the best available manufacturing and production processes and ensure that the selected technical criteria are consistent with the objective of this Regulation of ensuring that batteries placed on the Union market guarantee a high level of protection of human health, safety, property and the environment.***

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**Amendment 11**

**Proposal for a regulation**

**Recital 19**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (19) Certain substances contained in batteries, such as cobalt, lead, lithium or nickel, are acquired from scarce resources which are not easily available in the Union, and some are considered critical raw materials by the Commission. ***This is an area where*** Europe needs to enhance its strategic autonomy and increase its resilience in preparation for potential disruptions in supply due to health or other crises. Enhancing circularity and resource efficiency with increased recycling and recovery of those raw materials, will contribute to reaching that goal. | (19) Certain substances contained in batteries, such as cobalt, lead, lithium or nickel, are acquired from scarce resources which are not easily available in the Union, and some are considered critical raw materials by the Commission. ***In line with the Union's Industrial Strategy,*** Europe needs to enhance its strategic autonomy***, including facilitating investments in factories that will produce batteries on a massive scale,*** and increase its resilience in preparation for potential disruptions in supply due to health or other crises. Enhancing circularity and resource efficiency with increased recycling and recovery of those raw materials, will contribute to reaching that goal. ***Substituting scarce raw materials with alternative more widely available materials, including renewable raw materials, would also contribute to enhancing the Union's own battery production and strategic autonomy. It is therefore crucial that the Union and Member States support relevant research and development initiatives.*** |

**Amendment 12**

**Proposal for a regulation**

**Recital 21**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (21) In order to take into account the risk of supply of cobalt, lead, lithium and nickel and to assess their availability, ***the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to*** the Commission ***in respect of amending*** the targets for the minimum share of recycled cobalt, lead, lithium or nickel present in active materials in batteries. | (21) In order to take into account the risk of supply of cobalt, lead, lithium and nickel and to assess their availability, ***and in view of technical and scientific progress,*** the Commission ***should assess whether it is appropriate to revise*** the targets for the minimum share of recycled cobalt, lead, lithium or nickel present in active materials in batteries ***and, where appropriate, submit a legislative proposal for that purpose***. |

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**Amendment 13**

**Proposal for a regulation**

**Recital 21 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(21a) In order to take into account changes in battery technologies impacting the types of materials that can be recovered, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of supplementing this Regulation to insert further raw materials and respective targets in the list of minimum shares of recycled content present in active materials in batteries.*** |

**Amendment 14**

**Proposal for a regulation**

**Recital 22**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (22) In order to ensure uniform conditions for the ***implementation of the rules on calculating and verifying, per battery model and batch per manufacturing plant, the amount of cobalt, lead, lithium or nickel*** recovered ***from waste present in active*** materials ***in batteries and*** the ***information requirements for*** technical documentation, implementing powers should be conferred on the Commission. | (22) In order to ensure uniform conditions ***across the Union*** for the ***declaration on*** recovered materials ***that is to be provided by means of a harmonised format and for*** the technical documentation, implementing powers should be conferred on the Commission ***to lay down the format and the technical documentation for the declaration on recovered materials***. |

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## Amendment 15

## Proposal for a regulation

## Recital 23

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (23) Batteries placed on the Union market should be durable and highly performant. It is therefore necessary to set out performance and durability parameters for portable batteries ***of general use*** as well as for ***rechargeable*** industrial batteries and electric vehicle batteries. For electric vehicle batteries, the informal UNECE Working Group on Electric Vehicles and the Environment is developing in-vehicle durability requirements, so this Regulation ***is refraining from setting additional durability requirements***. On the other hand, in the area of batteries for energy storage, existing measurement methods to test battery performance and durability are not considered sufficiently precise and representative to enable introducing minimum requirements. The introduction of minimum requirements related to performance and durability of these batteries should be accompanied by available adequate harmonised standards or common specifications. | (23) Batteries placed on the Union market should be durable and highly performant. It is therefore necessary to set out performance and durability parameters for portable batteries as well as for industrial ***batteries, light means of transport*** batteries and electric vehicle batteries. For electric vehicle batteries, the informal UNECE Working Group on Electric Vehicles and the Environment is developing in-vehicle durability requirements, so this Regulation ***should be coherent with its conclusions***. On the other hand, in the area of batteries for energy storage, existing measurement methods to test battery performance and durability are not considered sufficiently precise and representative to enable introducing minimum requirements. The introduction of minimum requirements related to performance and durability of these batteries should be accompanied by available adequate harmonised standards or common specifications. |

## Amendment 16

## Proposal for a regulation

## Recital 24

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (24) In order to reduce the life cycle environmental impact batteries, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the performance and durability parameters and establishing minimum values for those parameters for portable batteries ***of general use*** and for rechargeable industrial batteries. | (24) In order to reduce the life cycle environmental impact batteries, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the performance and durability parameters and establishing minimum values for those parameters for portable batteries***, light means of transport batteries*** and for rechargeable industrial batteries. |

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**Amendment 17**

**Proposal for a regulation**

**Recital 24 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(24a) In order to ensure that the Union's rules on electrochemical performance and durability for electric vehicle batteries are coherent in relation to technical specifications of the informal UNECE Working Group on Electric Vehicles and the Environment and in view of technical and scientific progress, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the performance and durability parameters and minimum values for those parameters for electric vehicle batteries.*** |

**Amendment 18**

**Proposal for a regulation**

**Recital 25**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (25) Some non-rechargeable batteries of general use may imply an inefficient use of resources and energy. Objective requirements regarding the performance and durability of such batteries should be established in order to ensure that fewer low performing non-rechargeable portable batteries of general use are placed on the market***, in particular, where,*** based on a life cycle assessment, the alternative use of rechargeable batteries would result in overall environmental benefits. | (25) Some non-rechargeable batteries of general use may imply an inefficient use of resources and energy***. However, non-rechargeable batteries are still used for certain devices***. Objective requirements regarding the performance and durability of such batteries should be established in order to ensure that fewer low performing non-rechargeable portable batteries of general use are placed on the market***. The Commission should assess, as regards specific product groups that use non- rechargeable batteries,*** based on a life cycle assessment, ***whether*** the alternative use of rechargeable batteries would result in overall environmental benefits ***and therefore whether the use of non-rechargeable portable batteries of general use should be phased out. It should also be possible to complement the requirements of this Regulation with the requirements laid down by implementing measures under Directive 2009/125/EC of the European Parliament and of the Council*** [1] ***for particular products powered by batteries.*** |

[1] ***Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10).***

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## Amendment 19

## Proposal for a regulation

## Recital 26

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (26) In order to ensure that portable batteries incorporated into appliances are subject to proper separate collection, treatment and high quality recycling once they have become waste, provisions to ensure their removability and replaceability in such appliances are necessary. Used batteries should also be replaceable so as to prolong the expected lifetime of the appliances they are part of. The general provisions of this Regulation may be complemented with requirements set up for particular products powered by batteries under implementing measures under Directive 2009/125/EC ***of the European Parliament and of the Council*** ([33]). Where other Union legislation lays down more specific requirements, for safety reasons, regarding the removal of batteries from products (e.g. toys), those specific rules should apply. | (26) In order to ensure that portable batteries incorporated into appliances are subject to proper separate collection, treatment and high quality recycling once they have become waste, provisions to ensure their removability and replaceability in such appliances are necessary***. Rules should also be established for light means of transport batteries***. Used batteries should also be replaceable so as to prolong the expected lifetime of the appliances they are part of. The general provisions of this Regulation may be complemented with requirements set up for particular products powered by batteries under implementing measures under Directive 2009/125/EC. Where other Union legislation lays down more specific requirements, for safety reasons, regarding the removal of batteries from products (e.g. toys), those specific rules should apply. ***Provisions should also be laid down to ensure that industrial batteries, automotive batteries and electric vehicle batteries can be removed and replaced, while taking into consideration their differing nature and specific safety requirements.*** |

([33]) ***Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10).***

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**Amendment 20**

**Proposal for a regulation**

**Recital 26 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(26a) Automotive batteries, electric vehicle batteries and industrial batteries should be removable and replaceable by qualified independent operators. Provisions to ensure that such batteries can be removed, replaced and disassembled should be laid down. It is important that the safety of such batteries when repaired can be assessed based on non-destructive tests adapted to them. In order to facilitate the repair of automotive batteries, electric vehicle batteries and industrial batteries, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of supplementing this Regulation to establish criteria for the removability, replaceability and disassembly of automotive batteries, electric vehicle batteries and industrial batteries. In order to be able to assess the safety of such batteries when repaired, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of defining appropriate non-destructive test methods.*** |

**Amendment 21**

**Proposal for a regulation**

**Recital 26 b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(26b) In order to further reduce waste, the interoperability of batteries, of connectors and of chargers across product types should be promoted in product-specific eco-design implementing legislation, and in the upcoming sustainable products initiative.*** |

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**Amendment 22**

**Proposal for a regulation**

**Recital 26 c (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | *(26c)* ***Interoperability of chargers within specific categories of batteries could reduce unnecessary waste and costs for the benefit of consumers and other end-users. It should be possible therefore to recharge batteries for electric vehicles, light means of transport, and rechargeable batteries incorporated into specific categories of electrical and electronic equipment by making use of common chargers that allow interoperability within each category of batteries. This Regulation should therefore include provisions requiring the Commission to assess how best to introduce harmonised standards for common chargers applicable no later than 1 January 2026 for those categories of batteries. This assessment should be accompanied by a legislative proposal, where appropriate.*** |

**Amendment 23**

**Proposal for a regulation**

**Recital 27**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (27) Reliable batteries are fundamental for the operation and safety of many products, appliances and services. Therefore, batteries should be designed and manufactured to ensure their safe operation and use. This aspect is particularly relevant for stationary battery energy storage systems, which are currently not covered by other Union legislation. Parameters to be considered in safety tests should therefore be laid down for those ***energy storage systems***. | (27) Reliable batteries are fundamental for the operation and safety of many products, appliances and services. Therefore, batteries should be designed and manufactured to ensure their safe operation and use***, in order not to cause harm or damage to humans or to the environment or property***. This aspect is particularly relevant for ***batteries within*** stationary battery energy storage systems, which are currently not covered by other Union legislation. Parameters to be considered in safety tests should therefore be laid down for those ***batteries and be complemented by applicable CEN, CENELEC and IEC standards***. |

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**Amendment 24**

**Proposal for a regulation**

**Recital 28**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (28) In order to provide end users with transparent, reliable and clear information about batteries and their main characteristics, and waste batteries, to enable the end users to make informed decisions when buying and discarding batteries and to enable waste operators to appropriately treat waste batteries, batteries should be labelled. Batteries should be labelled with all the necessary information concerning their main characteristics, including their capacity and content of certain hazardous substances. To ensure the availability of information over time, that information should also be made available by means of QR codes. | (28) In order to provide end users with transparent, reliable and clear information about batteries and their main characteristics, and waste batteries, to enable the end users to make informed decisions when buying and discarding batteries and to enable waste operators to appropriately treat waste batteries, batteries should be labelled. Batteries should be labelled with all the necessary information concerning their main characteristics, including their capacity***, production characteristics*** and content of certain hazardous substances. To ensure the availability of information over time, that information should also be made available by means of QR codes ***which should respect the guidelines of ISO IEC Standard 18004. The QR code printed or engraved on all batteries should give access to a battery's product passport. Labels and QR codes should be accessible for persons with disabilities in accordance with the requirements laid down in Directive (EU) 2019/882 of the European Parliament and of the Council*** ([1])**.** |

([1]) ***Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).***

**Amendment 25**

**Proposal for a regulation**

**Recital 29**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (29) Information about the performance of batteries is essential to ensure that end-users ***as*** consumers are well and timely informed and in particular that they have a common basis to compare different batteries before making their purchase. Therefore, portable batteries ***of general use*** and automotive batteries should be marked with a label containing the information on their minimum average duration when used in specific applications. Additionally, it is important to guide the end-user to discard waste batteries in an appropriate way. | (29) Information about the performance of batteries is essential to ensure that end-users***, especially*** consumers are well and timely informed and in particular that they have a common basis to compare different batteries before making their purchase. Therefore, portable batteries***, light means of transport batteries*** and automotive batteries should be marked with a label containing the information on their minimum average duration when used in specific applications ***and their expected lifetime***. Additionally, it is important to guide the end-user to discard waste batteries in an appropriate way. |

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## Amendment 26

## Proposal for a regulation

## Recital 30

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (30) ***Rechargeable industrial*** batteries and electric-vehicle batteries ***with internal storage with a capacity above 2 kWh should*** contain a battery management system that stores data ***so that*** the state of health and expected lifetime of batteries may be determined at any time by the end-user or any other third party acting on his behalf. In order to ***repurpose or remanufacture*** a battery, access to the battery management system should be provided to the person that has purchased the battery or any third party acting on its behalf at any time for evaluating the residual value of the battery, facilitating the reuse, repurposing or remanufacturing of the battery and for making the battery available to independent aggregators, as defined in Directive (EU) ***201/944*** of the European Parliament and of the Council ([34]), which operate virtual power plants in electricity grids. This requirement should apply in addition to Union law on type of approval of vehicles, including technical specifications that may originate from the work of the informal UNECE Working Group on Electric Vehicles and the Environment on data access in electric vehicles. | (30) ***Batteries within stationary battery energy storage systems, light means of transport*** batteries and electric-vehicle batteries contain a battery management system that stores data. ***That battery management system should include information on*** the state of health***, safety*** and expected lifetime of batteries ***so that those aspects*** may be determined at any time by the end-user or any other third party acting on his behalf. In order to ***facilitate the reuse, repurposing or remanufacturing of*** a battery, ***read-only data from*** access to the battery management system should be provided to the person that has purchased the battery or any third party acting on its behalf at any time for evaluating the residual value of the battery, facilitating the ***preparation for*** reuse***, reuse, preparation for repurposing***, repurposing or remanufacturing of the battery and for making the battery available to independent aggregators, as defined in Directive (EU) ***2019/944*** of the European Parliament and of the Council ([34]), which operate virtual power plants in electricity grids, ***including the necessary features enabling the operation of vehicle-to-grid services. With a view to facilitating their uptake and usage in the Union, electric vehicle batteries and light means of transport batteries should have available, in real-time read-only in-vehicle data related to battery state of health, battery state of charge, battery power set point and battery capacity. The battery management system for electric vehicle batteries should also have a communication function so as to make it possible to have smart charging functions such as vehicle-to-grid, vehicle-to-load, vehicle-to-vehicle and vehicle-to-powerbank and vehicle-to-building charging***. This requirement should apply in addition to Union law on type of approval of vehicles, including technical specifications that may originate from the work of the informal UNECE Working Group on Electric Vehicles and the Environment |

([34]) Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125)

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| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | on data access in electric vehicles. ***The technical specifications based on the UNECE Global Technical Regulations (UNECE GTR) once applicable in Union law should be considered to be a benchmark for the data on the parameters for determining the state of health and expected lifetime of batteries to be contained in the battery management system.*** |
| | ([34]) Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125) |

**Amendment 27**

**Proposal for a regulation**

**Recital 31**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (31) A number of product-specific requirements under this Regulation, including on performance, durability, repurposing and safety, should be measured by using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art measurements and calculation methodologies. In order to ensure that there are no barriers to trade on the internal market, standards should be harmonised at Union level. Such methods and standards should, to the extent possible, take into account the real-life usage of batteries, reflect the average range of consumer behaviour and be robust in order to deter intentional and unintentional circumvention. Once a reference to such a standard has been adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council ([35]) and published in the Official Journal of the European Union, presumption of conformity shall be established with those product-specific requirements adopted on the basis of this Regulation, provided that the outcome of such methods demonstrate that the minimum values established for those substantive requirements are attained. In the absence of published standards at the time of the application of product-specific requirements, the Commission should adopt common specifications through implementing acts and the compliance with such specifications should also give rise to the presumption of conformity. In cases where the common specifications are, at a later stage, found to have | (31) A number of product-specific requirements under this Regulation, including on performance, durability, repurposing and safety, should be measured by using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art measurements***, standards*** and calculation methodologies. In order to ensure that there are no barriers to trade on the internal market, standards should be harmonised at Union level. Such methods and standards should, to the extent possible, take into account the real-life usage of batteries, reflect the average range of consumer behaviour and be robust in order to deter intentional and unintentional circumvention. Once a reference to such a standard has been adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council ([35]) and published in the Official Journal of the European Union, presumption of conformity shall be established with those product-specific requirements adopted on the basis of this Regulation, provided that the outcome of such methods demonstrate that the minimum values established for those substantive requirements are attained. In ***order to avoid doubling of standards, to maximise efficiency and to include the highest expertise and state-of the art knowledge, the Commission should seek to request one or more European standardisation organisations to draft a standard where there is an absence of such a standard. In*** the absence of published standards at the time of the |

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*Text proposed by the Commission*

shortcomings, the Commission should by implementing act amend or repeal the common specifications in question.

([35]) Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12)

*Amendment*

application of product-specific requirements, ***or in the event of a non satisfactory response by the relevant European standardisation organisation*** the Commission should adopt***, in exceptional, justified cases and after consultation with the relevant stakeholders,*** common specifications through implementing acts and the compliance with such specifications should also give rise to the presumption of conformity. In cases where the common specifications are, at a later stage, found to have shortcomings, the Commission should by implementing act amend or repeal the common specifications in question.

([35]) Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12)

**Amendment 28**

**Proposal for a regulation**

**Recital 31 a (new)**

*Text proposed by the Commission*

*Amendment*

***(31a) An active involvement in the work of international standardisation committees is an important strategic prerequisite for placing future technologies into the market. In some cases, participation of the Union has been underrepresented in these committees. Therefore, the Commission and Member States should actively support the work of European companies in such international standardisation committees. Before considering the adoption of standards by secondary legislation, the Commission should carefully assess the work done at international level.***

**Amendment 29**

**Proposal for a regulation**

**Recital 31 b (new)**

*Text proposed by the Commission*

*Amendment*

***(31b) The Commission should ensure that there is consistency regarding harmonised standards and common specifications under this regulation and when reviewing Regulation (EU) No 1025/2012.***

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**Amendment 30**

**Proposal for a regulation**

**Recital 32**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (32) To ensure effective access to information for market surveillance purposes, to adapt to new technologies and to ensure resilience in case of global crises, such as the Covid-19 pandemic, ***it should be possible to give*** information regarding conformity with all Union acts applicable to batteries online in the form of a single EU declaration of conformity. | (32) To ensure effective access to information for market surveillance purposes, to adapt to new technologies and to ensure resilience in case of global crises, such as the Covid-19 pandemic, information regarding conformity with all Union acts applicable to batteries ***could be provided*** online in the form of a single EU declaration of conformity. |

**Amendment 31**

**Proposal for a regulation**

**Recital 35**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (35) The chosen modules do not however reflect certain specific aspects of batteries and thus, it is necessary to adapt the modules chosen for the conformity assessment procedure. In order to take account of the novelty and complexity of the sustainability, safety ***and*** labelling requirements set out in this Regulation and for the purpose of ensuring the conformity of batteries placed on the market with the legal requirements, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the conformity assessment procedures by adding verifications steps or changing assessment module, on the basis of developments on the battery market or in the battery value chain. | (35) The chosen modules do not however reflect certain specific aspects of batteries and thus, it is necessary to adapt the modules chosen for the conformity assessment procedure. In order to take account of the novelty and complexity of the sustainability, safety, labelling ***and information*** requirements set out in this Regulation and for the purpose of ensuring the conformity of batteries placed on the market with the legal requirements, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the conformity assessment procedures by adding verifications steps or changing assessment module, on the basis of developments on the battery market or in the battery value chain. ***Robust conformity assessment procedures are needed to ensure that there is conformity with sustainable requirements and value chain due diligence obligations set out in this Regulation.*** |

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**Amendment 32**

**Proposal for a regulation**

**Recital 38**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (38) Due to the novelty and complexity of the sustainability, safety ***and*** labelling requirements for batteries and in order to ensure a consistent level of quality in the performance of conformity assessment of batteries, it is necessary to set requirements for notifying authorities involved in the assessment, notification and monitoring of notified bodies. In particular, it should be ensured that the notifying authority is objective and impartial with regard to its activity. Furthermore, notifying authorities should be required to safeguard the confidentiality of the information it obtains but should nonetheless be able to exchange information on notified bodies with national authorities, the notifying authorities of other Member States and the Commission to ensure consistency in the conformity assessment. | (38) Due to the novelty and complexity of the sustainability, ***performance,*** safety, labelling ***and information*** requirements for batteries and in order to ensure a consistent level of quality in the performance of conformity assessment of batteries, it is necessary to set requirements for notifying authorities involved in the assessment, notification and monitoring of notified bodies. In particular, it should be ensured that the notifying authority is objective and impartial with regard to its activity ***and has a sufficient number of technically competent members of staff to perform its tasks***. Furthermore, notifying authorities should be required to safeguard the confidentiality of the information it obtains but should nonetheless be able to exchange information on notified bodies with national authorities, the notifying authorities of other Member States and the Commission to ensure consistency in the conformity assessment. |

**Amendment 33**

**Proposal for a regulation**

**Recital 39**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (39) It is essential that all notified bodies perform their functions to the same level and under conditions of fair competition and autonomy. Therefore, requirements for conformity assessment bodies wishing to be notified in order to provide conformity assessment activities should be set. Those requirements should continue to apply as a prerequisite for the maintenance of the competence of the notified body. To ensure its autonomy, the notified body and the staff it employs should be required to maintain independence from economic operators in the battery value chain and from other companies, including business associations and parent companies and subsidiaries. The notified body should be required to document its independence and provide that documentation to the notifying authority. | (39) It is essential that all notified bodies perform their functions to the same level and under conditions of fair competition and autonomy. Therefore, requirements for conformity assessment bodies wishing to be notified in order to provide conformity assessment activities should be set. Those requirements should continue to apply as a prerequisite for the maintenance of the competence of the notified body. To ensure its autonomy, the notified body and the staff it employs should be required to maintain independence from economic operators in the battery value chain and from other companies, including business associations and parent companies and subsidiaries. The notified body should be required to document its independence and provide that documentation to the notifying authority. ***The rotation of teams and appropriate 'cooling off' periods should also be required.*** |

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**Amendment 34**

**Proposal for a regulation**

**Recital 42**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (42) Since the services offered by notified bodies in a Member State might relate to batteries made available on the market throughout the Union, it is appropriate to give the other Member States ***and*** the Commission the opportunity to raise objections concerning a notified body. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in order to request the notifying authority to take corrective action in case a notified body does not meet or no longer meets the requirements of this Regulation. | (42) Since the services offered by notified bodies in a Member State might relate to batteries made available on the market throughout the Union, it is appropriate to give the other Member States, the Commission***, economic operators and relevant stakeholders*** the opportunity to raise objections concerning a notified body***. The Commission, during the investigation proceedings, should seek the advice of a Union testing facility designated in accordance with Regulation (EU) 2019/1020***. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in order to request the notifying authority to take corrective action in case a notified body does not meet or no longer meets the requirements of this Regulation. |

**Amendment 35**

**Proposal for a regulation**

**Recital 43**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (43) In the interests of facilitating and accelerating the conformity assessment procedure, the certification and ultimately the market access and in view of the novelty and complexity of the sustainability, safety ***and*** labelling requirements for batteries, it is crucial that notified bodies have continuous access to all testing equipment and testing facilities needed and that they apply the procedures without creating unnecessary burdens for economic operators. For the same reason, and to ensure equal treatment of economic operators, it is necessary that the notified bodies apply the conformity assessment procedures consistently. | (43) In the interests of facilitating and accelerating the conformity assessment procedure, the certification and ultimately the market access and in view of the novelty and complexity of the sustainability, safety, labelling ***and information*** requirements for batteries, it is crucial that notified bodies have continuous access to all testing equipment and testing facilities needed and that they apply the procedures without creating unnecessary burdens for economic operators. For the same reason, and to ensure equal treatment of economic operators, it is necessary that the notified bodies apply the conformity assessment procedures consistently. |

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**Amendment 36**

**Proposal for a regulation**

**Recital 51**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (51) In order to facilitate communication between economic operators, market surveillance authorities and consumers, economic operators should, as part of their contact details, indicate a website address ***in addition to the postal address***. | (51) In order to facilitate communication between economic operators, market surveillance authorities and consumers, economic operators should, as part of their contact details, indicate a ***telephone number, postal, email and*** website address. |

**Amendment 37**

**Proposal for a regulation**

**Recital 52**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (52) It is necessary to ensure that batteries from third countries entering the Union market comply with the requirements of this Regulation, whether imported as self-standing batteries or contained in products, and in particular that appropriate conformity assessment procedures have been carried out by manufacturers with regard to those batteries. Provision should therefore be made for importers to make sure that the batteries they place on the market and put into service comply with the requirements of this Regulation and that the CE marking on batteries and documentation drawn up by manufacturers are available for inspection by the national authorities. | (52) It is necessary to ensure that batteries from third countries entering the Union market comply with the requirements of this Regulation, ***and with relevant applicable Union law,*** whether imported as self-standing batteries or contained in products, and in particular that appropriate conformity assessment procedures have been carried out by manufacturers with regard to those batteries***. Special attention should be given to ensuring that the third party auditing of requirements of this Regulation relating to the production process of batteries is robust and independent. Compliance with the carbon footprint declaration, recycled content, as well as human rights and battery value chain due diligence obligations laid down in this Regulation should be therefore fully ensured***. Provision should therefore be made for importers to make sure that the batteries they place on the market and put into service comply with the requirements of this Regulation and that the CE marking on batteries and documentation drawn up by manufacturers are available for inspection by the national authorities. ***Those authorities, in particular when carrying out controls on products entering the Union market from third countries, should ensure that there is consistent enforcement of Union law through an effective and uniform level of control, in accordance with Regulation (EU) 2019/1020.*** |

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**Amendment 38**

**Proposal for a regulation**

**Recital 53**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (53) When placing a battery on the market or putting it into service, every importer should indicate on the battery the importer's name, registered trade name or registered trade mark as well as the postal address. Exceptions should be provided for in cases where the size of the battery does not allow it***. This includes*** cases where the importer would have to open the packaging to put the name and ***address on*** the battery or where ***the battery is too small in size to affix*** this information.. | (53) When placing a battery on the market or putting it into service, every importer should indicate on the battery the importer's name, registered trade name or registered trade mark as well as the postal address***, e-mail address and telephone number***. Exceptions should be provided for in cases where the size of the battery does not allow it ***because the battery is too small in size to affix that information. Exceptions should also be provided for in*** cases where the importer would have to open the packaging to put the name and ***the other contact details. In those exceptional cases, the importer should provide that information in a document accompanying*** the battery or ***in another immediately accessible way.*** Where ***packaging exists, it should be used to indicate*** this information. |

**Amendment 39**

**Proposal for a regulation**

**Recital 56**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (56) Distributors ***and*** importers, being close to the market place, should be involved in market surveillance tasks carried out by the national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the battery concerned. | (56) Distributors, importers ***and fulfilment service providers, including market places***, being close to the market place, should be involved in market surveillance tasks carried out by the national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the battery concerned. |

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**Amendment 40**

**Proposal for a regulation**

**Recital 57**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (57) Ensuring traceability of a battery throughout the whole supply chain helps to make market surveillance simpler and more efficient. An efficient traceability system facilitates the market surveillance authorities' task of tracing economic operators who placed on the market or made available on the market or put into service non-compliant batteries. The economic operators should therefore be required to keep the information on their transactions of batteries for a certain period of time. | (57) Ensuring traceability of a battery throughout the whole supply chain helps to make market surveillance simpler and more efficient***, and provides transparency to consumers***. An efficient traceability system facilitates the market surveillance authorities' task of tracing economic operators who placed on the market or made available on the market or put into service non-compliant batteries. The economic operators should therefore be required to keep the information on their transactions of batteries for a certain period of time***, including in electronic form***. |

**Amendment 41**

**Proposal for a regulation**

**Recital 59**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (59) Only few countries supply those materials and, in some cases, low standards of governance may exacerbate environmental and social problems. ***Both*** cobalt ***and*** nickel mining and refining are related to a large range of social and environmental issues, including environmental hazard potential and human health. While the social and environmental impacts for natural graphite are less severe, its mining has high shares of artisanal and small scale operations, which mostly takes place in informal settings and can lead to serious health and environmental impacts, including no regular mine closure and no rehabilitation, which results in the destruction of ecosystems and soils. For lithium, the expected increase in its use in battery manufacturing is likely to put additional pressure on extraction and refining operations, what would recommend including lithium in the scope of the ***supply*** chain due diligence obligations. The expected massive increase in demand for batteries in the Union should not contribute to an increase of such environmental and social risks. | (59) Only few countries supply those materials and, in some cases, low standards of governance may exacerbate environmental and social problems. Cobalt***, copper,*** nickel***, iron and bauxite*** mining and refining are related to a large range of social and environmental issues, including environmental hazard potential and human health. While the social and environmental impacts for natural graphite are less severe, its mining has high shares of artisanal and small scale operations, which mostly takes place in informal settings and can lead to serious health and environmental impacts, including no regular mine closure and no rehabilitation, which results in the destruction of ecosystems and soils. For lithium, the expected increase in its use in battery manufacturing is likely to put additional pressure on extraction and refining operations, what would recommend including lithium in the scope of the ***battery value*** chain due diligence obligations. The expected massive increase in demand for batteries in the Union should not contribute to an increase of such environmental and social risks ***abroad***. |

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## Amendment 42

## Proposal for a regulation

## Recital 60

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (60) Some of the raw materials in question, such as cobalt, lithium and natural graphite, are considered as critical raw materials for the EU [38] and their sustainable sourcing is required for the EU battery ecosystem to perform adequately. | (60) Some of the raw materials in question, such as ***bauxite,*** cobalt, lithium and natural graphite, are considered as critical raw materials for the EU [38] and their sustainable sourcing is required for the EU battery ecosystem to perform adequately. |

[38] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Critical Raw Materials Resilience: Charting a Path towards greater Security and Sustainability (COM(2020)0474 final).

[38] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Critical Raw Materials Resilience: Charting a Path towards greater Security and Sustainability (COM(2020)0474 final).

## Amendment 43

## Proposal for a regulation

## Recital 62

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (62) In the Union, general requirements on due diligence in relation to certain minerals and metals were introduced by Regulation (EU) ***No*** 2017/821 of the European Parliament and of the Council [39]. That Regulation does not, however, address the minerals and materials used for battery production. | (62) ***The United Nations Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises stipulate that economic operators should carry out due diligence as a means to meet their corporate responsibility with respect to human rights and the environment.*** In the Union, general requirements on due diligence in relation to certain minerals and metals were introduced by Regulation (EU) 2017/821 of the European Parliament and of the Council [39]. That Regulation does not, however, address the minerals and materials used for battery production. |

[39] Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas (OJ L 130, 19.5.2017, p. 1)

[39] Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-affected and high-risk areas (OJ L 130, 19.5.2017, p. 1)

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**Amendment 44**

**Proposal for a regulation**

**Recital 63**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (63) Therefore, in view of the expected exponential growth in battery demand in the EU***, the economic operator that places a*** battery ***on the EU market should set up a supply*** chain due diligence ***policy. The requirements therefore*** should be laid down, with the objective to address the social and environmental risks inherent in the extraction, processing and trading of certain raw materials for battery manufacturing purposes. | (63) ***The responsibility to respect human rights, social rights, human health and the environment should apply to all manufacturing operations and other related business relationships of an economic operator throughout the battery value chain.*** Therefore, in view of the expected exponential growth in battery demand in the EU ***and the fact that the extraction, processing and trading of certain raw materials, chemicals and secondary raw materials that are used in the*** battery ***manufacturing and occur in waste battery treatment, carry particular risks, certain requirements for the battery value*** chain due diligence ***process*** should be laid down, with the objective to address the social and environmental risks inherent in the extraction, processing and trading of certain raw materials***, chemicals and secondary raw materials*** for battery manufacturing purposes***, waste battery treatment, the manufacturing process itself as well as all related other business relationships***. |

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## Amendment 45

## Proposal for a regulation

## Recital 64

*Text proposed by the Commission*

(64) When putting in place a risk-based due diligence ***policy***, it should be based on internationally recognised due diligence principles in the Ten Principles of the United Nations Global Compact ([40]), the Guidelines for Social Life Cycle Assessment of Products ([41]), the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy ([42]), and the OECD Due Diligence Guidance for Responsible Business Conduct (RBC) ([43]), which reflect a common understanding amongst governments and stakeholders, and should be tailored to the specific context and circumstances of each economic operator. In relation to the extraction, processing and trading of natural mineral resources used for battery production, the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas ([44]) ('OECD Due Diligence Guidance') represents a long-standing effort by governments and stakeholders to establish good practice in this area.

([40]) The ***Ten*** Principles ***of the UN Global Compact***, available at https://***www.unglobalcompact.org/what-is-gc/mission/principles***

([41]) UNEP Guidelines for social life cycle assessment of products, available at https://www.lifecycleinitiative.org/wp-content/uploads/2012/12/2009%20-%20Guidelines%20for%20sLCA%20-%20EN.pdf

([42]) ***Tripartite Declaration of Principles concerning*** Multinational Enterprises ***and Social Policy***, available at ***https://www.ilo.org/wcmsp5/groups/public/—ed_emp/—emp_ent/—multi/documents/publication/wcms_094386.pdf***

([43]) OECD (2018), OECD Due Diligence Guidance for Responsible Business Conduct, available at http://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf

([44]) OECD (2016), OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas: Third Edition, OECD Publishing, Paris, https://doi.org/10.1787/9789264252479-en.

*Amendment*

(64) When putting in place a risk-based due diligence ***process***, it should be based on internationally recognised due diligence ***standards and*** principles in ***the United Nations Guiding Principles on Business and Human Rights,*** the Ten Principles of the United Nations Global Compact ([40]), the Guidelines for Social Life Cycle Assessment of Products ([41]), the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy ([42]), ***the OECD Guidelines for Multinational Enterprises*** and the OECD Due Diligence Guidance for Responsible Business Conduct (RBC) ([43]), which reflect a common understanding amongst governments and stakeholders, and should be tailored to the specific context and circumstances of each economic operator. In relation to the extraction, processing and trading of natural mineral resources ***from high-risk areas*** used for battery production, the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas ([44]) ('OECD Due Diligence Guidance') represents ***an internationally acknowledged standard addressing specific risks of gross human rights violations related to the sourcing and trading of certain raw materials in the context of conflict, and*** a long-standing effort by governments and stakeholders to establish good practice in this area.

([40]) The ***United Nations Guiding*** Principles ***on Business and Human Rights***, available at ***https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusinesshr_en.pdf***

([41]) UNEP Guidelines for social life cycle assessment of products, available at https://www.lifecycleinitiative.org/wp-content/uploads/2012/12/2009%20-%20Guidelines%20for%20sLCA%20-%20EN.pdf

([42]) ***OECD Guidelines for*** Multinational Enterprises, available at ***http://mneguidelines.oecd.org/guidelines/***

([43]) OECD (2018), OECD Due Diligence Guidance for Responsible Business Conduct, available at http://mneguidelines.oecd.org/due-diligence-guidance-for-responsible-business-conduct.htm

([44]) OECD (2016), OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas: Third Edition, OECD Publishing, Paris, https://doi.org/10.1787/9789264252479-en.

**Thursday 10 March 2022**

## Amendment 46

## Proposal for a regulation

## Recital 65

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (65) According to ***the OECD Due Diligence Guidance*** ([45]), due diligence is an on-going, proactive and reactive process through which companies can ensure that they respect human rights and do not contribute to conflict ([46]). Risk-based due diligence refers to the steps companies should take to identify ***and address actual or potential risks in order to*** prevent ***or*** mitigate adverse impacts associated with their activities or sourcing decisions A company can assess risk posed by its activities and relationships and adopt risks mitigating measures in line with relevant standards provided under national and international law, recommendations on responsible business conduct by international organisations, government-backed tools, private sector voluntary initiatives and a company's internal policies and systems. This approach also helps to scale the due diligence exercise to the size of the company's activities or supply chain relationships. | (65) According to ***the UN, ILO and OCED standards and principles***, due diligence is an on-going, proactive and reactive process through which companies can ensure that they respect human rights***, the environment*** and do not contribute to conflict ([46]). Risk-based due diligence refers to the steps companies should take to identify, prevent***, cease,*** mitigate ***and account for*** adverse impacts associated with their activities or sourcing decisions***. Economic operators should conduct informed, effective and meaningful consultation with affected communities.*** A company can assess risk posed by its activities and relationships and adopt risks mitigating measures***, which may include requiring additional information, negotiating with a view to redress the situation, or suspending or discontinuing engagement with suppliers,*** in line with relevant standards provided under national and international law, recommendations on responsible business conduct by international organisations, government-backed tools, private sector voluntary initiatives and a company's internal policies and systems. This approach also helps to scale the due diligence exercise to the size of the company's activities or supply chain relationships. ***Battery value chain due diligence requirements should apply to any economic operator, including online platforms, that places batteries on the European market.*** |

([45]) ***Page 15 of the OECD Due Diligence Guidance.***

([46]) OECD (2011), OECD Guidelines for Multinational Enterprises, OECD, Paris; OECD (2006), OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, OECD, Paris; and, Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework (Report of the Special Represantative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and other Business Enterprises, John Ruggie, A/HRC/17/31, 21 March 2011).

([46]) OECD (2011), OECD Guidelines for Multinational Enterprises, OECD, Paris; OECD (2006), OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, OECD, Paris; and, Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework (Report of the Special Represantative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and other Business Enterprises, John Ruggie, A/HRC/17/31, 21 March 2011).

**Thursday 10 March 2022**

**Amendment 47**

**Proposal for a regulation**

**Recital 65 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(65a) While private sector due diligence schemes can support economic operators in their due diligence, economic operators should be individually responsible for compliance with the battery value chain due diligence obligations set out in this Regulation.*** |

**Amendment 48**

**Proposal for a regulation**

**Recital 65 b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(65b) Specific technical assistance should be provided to economic operators, especially to small and medium-sized companies, by Member States so that they can comply with battery value chain due diligence requirements.*** |

**Amendment 49**

**Proposal for a regulation**

**Recital 66**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (66) Mandatory ***supply*** chain due diligence policies should be adopted or modified and address, at least, the most prevalent social and environmental risk categories. This should cover the current and foreseeable impacts, on one hand, on social life, in particular human rights, human health and safety as well as occupational health and safety and labour rights, and, on the other hand, on the environment, in particular on water use, soil protection, air pollution and biodiversity, including community life. | (66) Mandatory ***battery value*** chain due diligence policies should be adopted or modified and address, at least, the most prevalent social and environmental risk categories. This should cover the current and foreseeable impacts, on one hand, on social life, in particular human rights, human health and safety as well as occupational health and safety and labour rights, and, on the other hand, on the environment, in particular on water use, soil protection, air pollution***, climate change*** and biodiversity, including community life. |

**Thursday 10 March 2022**

## Amendment 50

## Proposal for a regulation

## Recital 67

*Text proposed by the Commission*

(67) As regards the social risk categories, due diligence policies should address the risks in the battery ***supply*** chain in relation to the protection of human rights, including human health, protection of children and gender equality, in line with international human rights law ([47]) . The due diligence policies should include information on how the economic operator has contributed to the prevention of human rights abuses and on the instruments in place with the operator's business structure to fight corruption and bribery. The due diligence policies should also ensure correct implementation of the rules of fundamental conventions of the International Labour Organisation ([48]) as listed in Annex I of the ILO Tripartite Declaration.

([47]) Including The Universal Declaration of Human Rights, The International Covenant on Economic, Social and Cultural Rights, The International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

([48]) The eight fundamental Conventions are 1. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2. Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 3. Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol), 4. Abolition of Forced Labour Convention, 1957 (No. 105), 5. Minimum Age Convention, 1973 (No. 138), 6. Worst Forms of Child Labour Convention, 1999 (No. 182), 7. Equal Remuneration Convention, 1951 (No. 100), 8. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

*Amendment*

(67) As regards the social risk categories, ***battery value chain*** due diligence policies should address the risks in the battery ***value*** chain in relation to the protection of human rights, including human health, ***the rights of indigenous peoples, the*** protection of children and gender equality, in line with international human rights law ([47]). The ***battery value chain*** due diligence policies should include information on how the economic operator has contributed to the prevention of human rights abuses and on the instruments in place with the operator's business structure to fight corruption and bribery. The ***battery value chain*** due diligence policies should also ensure correct implementation of the rules of fundamental conventions of the International Labour Organisation ([48]) as listed in Annex I of the ILO Tripartite Declaration.

([47]) Including The Universal Declaration of Human Rights, The International Covenant on Economic, Social and Cultural Rights, The International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities ***and the UN Declaration on the Rights of Indigenous Peoples***.

([48]) The eight fundamental Conventions are 1. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2. Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 3. Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol), 4. Abolition of Forced Labour Convention, 1957 (No. 105), 5. Minimum Age Convention, 1973 (No. 138), 6. Worst Forms of Child Labour Convention, 1999 (No. 182), 7. Equal Remuneration Convention, 1951 (No. 100), 8. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

**Thursday 10 March 2022**

**Amendment 51**

**Proposal for a regulation**

**Recital 68**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (68) As regards the environmental risk categories, the due diligence policies should address the risks in the battery ***supply*** chain in relation to protection of the natural environment and of the biological diversity in line with the Convention on Biological Diversity ([49]), which includes also the consideration of local communities, and the protection and the development of those communities. | (68) As regards the environmental risk categories, the ***battery value chain*** due diligence policies should address the risks in the battery ***value*** chain in relation to protection of the natural environment and of the biological diversity in line with the Convention on Biological Diversity ([49]), which includes also the consideration of local communities, and the protection and the development of those communities. ***It should also address the risks in relation to climate change, in line with the Paris agreement and its goal to limit global warming to below 1,5 degrees Celsius, compared to pre-industrial levels, as well as environmental risks covered by other international environmental conventions.*** |

([49]) Such as set out in the Convention on biological diversity, available at https://www.cbd.int/convention/text/ and, in particular, Decision COP VIII/28 "Voluntary guidelines on Biodiversity-Inclusive impact assessment, available at https://www.cbd.int/decision/cop/?id=11042 .

**Amendment 52**

**Proposal for a regulation**

**Recital 69**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (69) The ***supply*** chain due diligence obligations on the identification and mitigation of social and environmental risks associated with raw materials going into battery manufacturing should contribute to the implementation of UNEP Resolution 19 on Mineral Resource Governance, which recognizes the important contribution of the mining sector towards the achievement of the 2030 Agenda and the Sustainable Development Goals. | (69) The ***battery value*** chain due diligence obligations on the identification and mitigation of social and environmental risks associated with raw materials going into battery manufacturing should contribute to the implementation of UNEP Resolution 19 on Mineral Resource Governance, which recognizes the important contribution of the mining sector towards the achievement of the 2030 Agenda and the Sustainable Development Goals. |

**Thursday 10 March 2022**

**Amendment 53**

**Proposal for a regulation**

**Recital 69 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(69a) Even when due diligence has been carried out, harm might occur. Economic operators should actively remedy such harm, by themselves or in cooperation with other actors. Such operators should be liable for any adverse impact they, or the entities they control or are able to control, caused or contributed to. Persons adversely impacted should be entitled to remedies and should be provided with access to justice.*** |

**Amendment 54**

**Proposal for a regulation**

**Recital 70**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (70) Other EU legislative instruments that lay down requirements regarding ***supply chain*** due diligence should apply in so far as there are no specific provisions with the same objective, nature and effect in this Regulation which may be adapted in the light of future legislative amendments. | (70) Other EU legislative instruments that lay down requirements regarding due diligence should apply ***to both Union companies and companies established outside of the Union that intend to place batteries on the Union market, to ensure a level playing field,*** in so far as there are no specific provisions with the same objective, nature and effect in this Regulation which may be adapted in the light of future legislative amendments. |

**Amendment 55**

**Proposal for a regulation**

**Recital 71**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (71) In order to adapt to developments in the battery value chain, including to changes in the scope and nature of the relevant environmental and social risks, as well as to technical and scientific progress in batteries and battery chemistries, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the list of raw materials and risk categories and the ***supply*** chain due diligence requirements. | (71) In order to adapt to developments in the battery value chain, including to changes in the scope and nature of the relevant environmental and social risks, as well as to technical and scientific progress in batteries and battery chemistries, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the list of raw materials and risk categories and the ***battery value*** chain due diligence requirements. |

**Thursday 10 March 2022**

**Amendment 56**

**Proposal for a regulation**

**Recital 71 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | *(71a)* ***In the event that future Union legislation laying down general rules for sustainable corporate governance and due diligence is adopted, the Commission should assess whether that new Union legislation requires amendment of paragraphs 2 to 5 of Article 39 or of Annex X, or both. The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending those provisions accordingly.*** |

**Amendment 57**

**Proposal for a regulation**

**Recital 72**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (72) Harmonised rules for waste management are necessary to ensure that producers and other economic operators are subject to the same rules across the Member States in the implementation of the extended producer responsibility for batteries. Maximising separate collection of waste batteries and ensuring that all batteries collected are recycled through processes that reach common minimum recycling efficiencies is necessary to attain a high level of material recovery. The evaluation of the Directive 2006/66/EC found that one of its shortcomings is lack of detail in its provisions, leading to uneven implementation and creating significant barriers to the functioning of recycling markets and suboptimal levels of recycling. Consequently, more detailed and harmonised rules should avoid distortion of the market for the collection, treatment and recycling of waste batteries, ensure even implementation of the requirements across the Union, further harmonisation of the quality of waste management services provided by economic operators and facilitate the markets of secondary raw materials. | (72) Harmonised rules for waste management are necessary to ensure that producers and other economic operators are subject to the same rules across the Member States in the implementation of the extended producer responsibility for batteries ***and to ensure a high level of protection of human health and the environment across the Union. Extended producer responsibility can contribute to reducing overall resource use, in particular by reducing the generation of battery waste and the adverse impacts linked to the management of battery waste***. Maximising separate collection of waste batteries and ensuring that all batteries collected are recycled through processes that reach common minimum recycling efficiencies is necessary to attain a high level of material recovery. The evaluation of the Directive 2006/66/EC found that one of its shortcomings is lack of detail in its provisions, leading to uneven implementation and creating significant barriers to the functioning of recycling markets and suboptimal levels of recycling. Consequently, more detailed and harmonised rules should avoid distortion of the market for the collection, treatment and recycling of waste batteries, ensure even implementation of the requirements across the Union, further harmonisation of the quality of waste management services provided by economic operators and facilitate the markets of secondary raw materials. |

**Thursday 10 March 2022**

## Amendment 58

## Proposal for a regulation

## Recital 73

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (73) This Regulation builds on the waste management rules and general principles laid down in Directive 2008/98/EC of the European Parliament and of the Council ([50]), which should be adapted to reflect the specific ***situation of batteries***. For the collection of waste batteries to be organised in the most effective way, it is important that this is done in close connection to the place where the batteries are sold in a Member State, and close to the end user. Also, waste batteries may be collected both together with waste electrical and electronic equipment and with end-of-life vehicles, by way of national collection schemes set up on the basis of Directive 2012/19/EU of the European Parliament and of the Council ([51]), and of Directive 2000/53/EC. While the current Regulation sets up specific rules for batteries there is a need for a coherent and complementary approach, building upon and further harmonising existing waste management structures. Consequently, and in order to effectively realise extended producer responsibility related to the waste management, obligations should be laid down with respect to the Member State where batteries are made available on the market for the first time. | (73) This Regulation builds on the waste management rules and general principles laid down in Directive 2008/98/EC of the European Parliament and of the Council ([50]), which should be adapted to reflect the specific ***nature of battery waste***. For the collection of waste batteries to be organised in the most effective way, it is important that this is done in close connection to the place where the batteries are sold in a Member State, and close to the end user***. Waste batteries should be collected separately from other waste streams, such as metals, paper and cardboard, glass, plastics, wood, textiles and bio-waste***. Also, waste batteries may be collected both together with waste electrical and electronic equipment and with end-of-life vehicles, by way of national collection schemes set up on the basis of Directive 2012/19/EU of the European Parliament and of the Council ([51]), and of Directive 2000/53/EC. While the current Regulation sets up specific rules for batteries there is a need for a coherent and complementary approach, building upon and further harmonising existing waste management structures. Consequently, and in order to effectively realise extended producer responsibility related to the waste management, obligations should be laid down with respect to the Member State where batteries are made available on the market for the first time. |

([50]) Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

([51]) Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (OJ L 197, 24.7.2012, p. 38).

**Thursday 10 March 2022**

**Amendment 59**

**Proposal for a regulation**

**Recital 76**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (76) Producers should have extended producer responsibility for the management of their batteries at the end-of-life stage. Accordingly, they should finance the costs of ***collecting, treating*** and recycling ***all collected*** batteries, for reporting on batteries and waste batteries and for ***the provision of information to*** end-users ***and waste operators about batteries and appropriate re-use and management of*** waste batteries. The obligations related to extended producer responsibility should apply to all forms of supply, including distance selling. Producers should be able to exercise those obligations collectively, by means of producer responsibility organisations taking up the responsibility on their behalf. Producers or producer responsibility organisations should be subject to authorisation and they should document that they have the financial means to cover the costs entailed by the extended producer responsibility. Where necessary to avoid distortion of the internal market and to ensure uniform conditions for the modulation of the financial contributions paid to producer responsibility organisations by producers, implementing powers should be conferred on the Commission. | (76) Producers should have extended producer responsibility for the management of their batteries at the end-of-life stage. ***It should consist of a set of rules defining specific operational and financial obligations for producers of products in which the producer's responsibility is extended to the post-consumer stage of a product's life cycle.*** Accordingly, they should finance ***at least the costs referred to in point (a) of paragraph 4 of Article 8a of Directive 2008/98/EC, including*** the costs of ***organising the separate collection, preparation for repurposing and remanufacturing, treatment, preparation for reuse*** and recycling ***of waste*** batteries, for reporting on batteries and waste batteries and for ***awareness campaigns to encourage*** end-users ***to discard*** waste batteries ***in an appropriate manner***. The obligations related to extended producer responsibility should apply to all forms of supply, including distance ***and online*** selling. Producers should be able to exercise those obligations collectively, by means of producer responsibility organisations taking up the responsibility on their behalf. Producers or producer responsibility organisations should be subject to authorisation and they should document that they have the financial means to cover the costs entailed by the extended producer responsibility. Where necessary to avoid distortion of the internal market and to ensure uniform conditions for the modulation of the financial contributions paid to producer responsibility organisations by producers, implementing powers should be conferred on the Commission. |

**Thursday 10 March 2022**

**Amendment 60**

**Proposal for a regulation**

**Recital 76 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | *(76a)* ***Introducing producer responsibility requirements should contribute to reducing costs and boosting performance, as well as to ensuring there is a level playing field, including for small and medium-sized enterprises and e-commerce enterprises, and avoid obstacles to the smooth functioning of the internal market. They should also contribute to the incorporation of end-of-life costs into product prices and provide incentives for producers to comply with sustainability provisions when designing their products. Overall, such requirements should improve the governance and transparency of extended producer responsibility schemes and reduce the possibility of conflicts of interest emerging between extended producer responsibility organisations and waste operators that they contract. The requirements should apply to both new and existing extended producer responsibility schemes.*** |

**Amendment 61**

**Proposal for a regulation**

**Recital 77**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (77) This Regulation should regulate the extended producer responsibility for batteries exhaustively and therefore the rules laid down on extended producer responsibility schemes in Directive 2008/98/EC should ***not apply to batteries***. | (77) This Regulation should regulate the extended producer responsibility for batteries exhaustively and ***should*** therefore ***be considered to supplement*** the rules laid down on extended producer responsibility schemes in Directive 2008/98/EC, ***which*** should ***be understood to be minimum requirements***. |

**Thursday 10 March 2022**

**Amendment 62**

**Proposal for a regulation**

**Recital 78**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (78) In order to ensure high quality recycling in the batteries ***supply*** chains, boost the uptake of quality secondary raw materials and protect the environment, a high level of collection and recycling of waste batteries should be the rule. The collection of waste batteries is a fundamental crucial step for closing the loop for the valuable materials contained in batteries through their recycling and to keep the batteries value chain inside the Union***, thus*** facilitating the access to the recovered materials that can further be used to manufacture new products. | (78) In order to ensure high quality recycling in the batteries ***value*** chains, boost the uptake of quality secondary raw materials, and protect the environment, a high level of collection and recycling of waste batteries should be the rule. The collection of waste batteries is a fundamental crucial step for closing the loop for the valuable materials contained in batteries through their recycling and to keep the batteries value chain inside the Union ***and boost its strategic autonomy in this sector,*** facilitating the access to the recovered materials that can further be used to manufacture new products. ***Appropriate measures regarding the collection, treatment, preparation for reuse, preparation for repurposing and recycling of waste batteries should be included in national waste management plans. Member States' waste management plans should therefore be updated on the basis of the provisions laid down in this Regulation.*** |

**Thursday 10 March 2022**

## Amendment 63

## Proposal for a regulation

## Recital 79

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (79) Producers of all batteries should be responsible for financing and organising the separate collection of waste batteries. They should do so by establishing a collection network that covers the whole territory of the Member States, that is close to the end user and that does not only target areas and batteries where the collection is profitable. The collection network should include any distributor, authorised treatment facility for waste electric and electronic equipment and end-of-life vehicles, civic amenity sites and other actors based on their own accord, such as public authorities and schools. In order to verify and improve the effectiveness of the collection network and the information campaigns, regular compositional surveys at least at NUTS 2 level ([53]) should be carried out on mixed municipal waste and waste electrical and electronic equipment collected to determine the amount of waste portable batteries therein. | (79) Producers of all batteries should be responsible for ***financing or*** financing and organising the separate collection of waste batteries. They should do so by establishing a ***take-back and*** collection network that covers the whole territory of the Member States, that is close to the end user and that does not only target areas and batteries where the collection is profitable. The collection network should include any distributor, authorised treatment facility for waste electric and electronic equipment and end-of-life vehicles, civic amenity sites and other actors based on their own accord, such as public authorities and schools. In order to verify and improve the effectiveness of the collection network and the information campaigns, regular compositional surveys at least at NUTS 2 level ([53]) should be carried out on mixed municipal waste and waste electrical and electronic equipment collected to determine the amount of waste portable batteries therein. |

([53]) Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).

## Amendment 64

## Proposal for a regulation

## Recital 81

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (81) Considering the environmental impact and the loss of materials due to waste batteries not being separately collected, and consequently not treated in an environmentally sound way, the collection target for portable batteries already established under Directive 2006/66/EC should continue to apply and should be gradually increased. ***This Regulation entails that portable batteries also include batteries powering light means of transport. Since the current increase in sales of this type of batteries makes it difficult to calculate the amount of them that are placed in the market and collected at the end of their life, these portable batteries should be excluded from the current*** collection ***rate*** for portable batteries***. This exclusion is to be reviewed along with the collection target for waste portable batteries, which may also address changes in the methodology to calculate the collection rate for portable batteries. The Commission shall prepare a report to underpin these reviews***. | (81) Considering the environmental impact and the loss of materials due to waste batteries not being separately collected, and consequently not treated in an environmentally sound way, the collection target for portable batteries already established under Directive 2006/66/EC should continue to apply and should be gradually increased. ***In order to maximise*** collection ***and reduce safety risks, the feasibility and potential benefits of establishing a Union-wide deposit return system for batteries, in particular*** for portable batteries ***of general use should be assessed. National deposit return systems should not prevent the adoption of harmonised Union-wide systems.*** |

**Thursday 10 March 2022**

**Amendment 65**

**Proposal for a regulation**

**Recital 82 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(82a) In order to update the methodology on calculating and verifying the collection target for waste light means of transport batteries with a view to reflecting the quantity available for collection, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is crucial that the new methodology maintains or increases the level of environmental ambition with regard to the collection of waste batteries compared to the existing methodology.*** |

**Amendment 66**

**Proposal for a regulation**

**Recital 82 b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(82b) The Commission should also consider introducing a calculation methodology for the calculation of the separate collection target with a view to reflecting the quantity of waste portable batteries available for collection. It is crucial that the new methodology maintains or increases the level of environmental ambition with regard to the collection of waste batteries compared to the existing methodology.*** |

**Amendment 67**

**Proposal for a regulation**

**Recital 84**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (84) In view of the waste hierarchy as established by Article 4 of Directive 2008/98/EC which prioritises prevention, preparing for reuse and recycling and in line with Article 11(4) of Directive 2008/98/EC and Article 5(3)(f) of Directive 1999/31/EC ([54]), batteries collected should not be ***incinerated or disposed of in landfill***. | (84) In view of the waste hierarchy as established by Article 4 of Directive 2008/98/EC which prioritises prevention, preparing for reuse and recycling and in line with Article 11(4) of Directive 2008/98/EC and Article 5(3)(f) of Directive 1999/31/EC ([54]), batteries collected should not be ***subject to waste-to-energy or to disposal operations***. |

([54]) Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).

([54]) Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).

**Thursday 10 March 2022**

## Amendment 68

## Proposal for a regulation

## Recital 87

*Text proposed by the Commission*

(87) It should only be possible to carry out treatment and recycling outside the Member State concerned or outside the Union, where the shipment of waste batteries is in compliance with Regulation (EC) No 1013/2006 of the European Parliament and of the Council ([58]) and Commission Regulation (EC) No 1418/2007 ([59]) and where the treatment and recycling activities meet the requirements applicable for this type of wastes, according to their classification in Commission Decision 2000/532/EC, as amended ([60]). That Decision, as amended, should be revised to reflect all battery chemistries. Where such treatment or recycling takes places outside the Union, in order to be counted towards the recycling efficiencies and targets, the operator for whose account it is carried out should be obliged to report on it to the competent authority of the respective Member State and to prove that the treatment is carried out in conditions equivalent to those under this Regulation. In order to lay down what are the requirements for such treatment to be considered equivalent, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of laying down detailed rules containing criteria for the assessment of equivalent conditions.

([58]) Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1).

([59]) Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply (OJ L 316, 4.12.2007, p. 6).

([60]) 2000/532/EC: Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste, OJ L 226, 6.9.2000, p. 3.

*Amendment*

(87) It should only be possible to carry out treatment***, preparation for reuse, preparation for repurposing*** and recycling outside the Member State concerned or outside the Union, where the shipment of waste batteries is in compliance with Regulation (EC) No 1013/2006 of the European Parliament and of the Council ([58]) and Commission Regulation (EC) No 1418/2007 ([59]) and where the treatment and recycling activities meet the requirements applicable for this type of wastes, according to their classification in Commission Decision 2000/532/EC, as amended ([60]). That Decision, as amended, should be revised to reflect all battery chemistries***, including the addition of codes for lithium-ion waste batteries, in order to facilitate proper sorting and reporting of lithium-ion waste batteries***. Where such treatment or recycling takes places outside the Union, in order to be counted towards the recycling efficiencies and targets, the operator for whose account it is carried out should be obliged to report on it to the competent authority of the respective Member State and to prove ***with documentary evidence approved by the competent authority of the destination country*** that the treatment is carried out in conditions equivalent to those under this Regulation ***and relevant environmental and human health protection requirements in other Union legislation***. In order to lay down what are the requirements for such treatment to be considered equivalent, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of laying down detailed rules containing criteria for the assessment of equivalent conditions.

([58]) Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1).

([59]) Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply (OJ L 316, 4.12.2007, p. 6).

([60]) 2000/532/EC: Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste, OJ L 226, 6.9.2000, p. 3.

**Thursday 10 March 2022**

**Amendment 69**

**Proposal for a regulation**

**Recital 87 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(87a) In the event waste batteries are exported from the Union for preparation for re-use, preparation for repurposing, or recycling, Member States' competent authorities should make effective use of the powers provided for in Article 50(4) of Regulation (EC) No 1013/2006 to require documentary evidence to ascertain compliance with the requirements set out in this Regulation. It should be possible for Member States' competent authorities to cooperate with other relevant actors, such as the competent authorities in the country of destination, independent third party verification bodies or producer responsibility organisations established under extended producer responsibility schemes, which may carry out physical and other checks of facilities in third countries.*** |

**Amendment 70**

**Proposal for a regulation**

**Recital 88**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (88) ***Industrial and electric vehicle*** batteries that are no longer fit for the initial purpose for which they were manufactured may be used for a different purpose as stationary energy storage batteries. A market for the second life of used ***industrial and electric vehicle*** batteries is emerging and in order to support the practical application of the waste hierarchy, specific rules should thus be defined to allow responsible repurposing of used batteries while taking into account the precautionary principle and ensuring safety of use for end users. Any such used battery should undergo an assessment of its state of health and available capacity to ascertain its suitability for use for any other than its original purpose. In order to ensure uniform conditions for the implementation of provisions related to the estimation of the state of health of batteries, implementing powers should be conferred on the Commission. | (88) Batteries that are no longer fit for the initial purpose for which they were manufactured may be used for a different purpose as stationary energy storage batteries. A market for the second life of used batteries is emerging and in order to support the practical application of the waste hierarchy, specific rules should thus be defined to allow responsible repurposing of used batteries while taking into account the precautionary principle and ensuring safety of use for end users. Any such used battery should undergo an assessment of its state of health and available capacity to ascertain its suitability for use for any other than its original purpose. ***Batteries that are found to be suitable for use other than for their original purpose should ideally be repurposed.*** In order to ensure uniform conditions for the implementation of provisions related to the estimation of the state of health of batteries, implementing powers should be conferred on the Commission. |

**Thursday 10 March 2022**

**Amendment 71**

**Proposal for a regulation**

**Recital 89**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (89) Producers and distributors should be actively involved in providing information to end users that batteries should be collected separately, that collection schemes are available and that end users have an important role in ensuring an environmentally optimal management of waste batteries. The disclosure of information to all end users as well as reporting on batteries should make use of modern information technologies. The information should be provided either by classical means, such as outdoors, posters and social media campaigns, or by more innovative means, such as electronic access to websites provided by QR codes affixed to the battery. | (89) Producers and distributors***, including online marketplaces,*** should be actively involved in providing information to end users that batteries should be collected separately, that collection schemes are available and that end users have an important role in ensuring an environmentally optimal management of waste batteries***, in particular by explaining how safer and cleaner waste streams could contribute to the reduction of waste exports to third countries and to closed materials loops within the Union***. The disclosure of information to all end users as well as reporting on batteries should make use of modern information technologies. The information should be provided either by classical means, such as outdoors, posters and social media campaigns, ***and***/or by more innovative means, such as electronic access to websites provided by QR codes affixed to the battery ***in an accessible and understandable way***. |

**Amendment 72**

**Proposal for a regulation**

**Recital 90**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (90) To enable the verification of compliance with and the effectiveness of the obligations regarding the collection and treatment of batteries, it is necessary that the respective operators report back to the competent authorities. Producers of batteries and other waste management operators collecting batteries should report for each calendar year, where applicable, the data on batteries sold and waste batteries collected. Regarding treatment and recycling, reporting obligations should be incumbent upon the waste management operators and recyclers respectively. | (90) To enable the verification of compliance with and the effectiveness of the obligations regarding the collection and treatment of batteries, it is necessary that the respective operators report back to the competent authorities. Producers of batteries and other waste management operators collecting batteries should report for each calendar year, where applicable, the data on batteries sold and waste batteries collected. Regarding treatment and recycling, reporting obligations should be incumbent upon the waste management operators and recyclers respectively. ***Waste management operators carrying out treatment in accordance with this Regulation should be subject to a selection procedure by producers of the relevant batteries or by producer responsibility organisations acting on their behalf, in accordance with Articles 8 and 8a of Directive 2008/98/EC.*** |

**Thursday 10 March 2022**

## Amendment 73

## Proposal for a regulation

## Recital 95

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (95) Regulation (EU) 2019/1020 of the European Parliament and of the Council [62] lays down rules on market surveillance and control of products entering the Union market. In order to ensure that products benefiting from the free movement of goods fulfil requirements providing a high level of protection of public interests such as human health, safety, protection of property and of the environment, that Regulation should apply to batteries covered by this Regulation. Therefore, Regulation (EU) 2019/1020 should be amended accordingly. | (95) Regulation (EU) 2019/1020 of the European Parliament and of the Council [62] lays down rules on market surveillance and control of products entering the Union market. In order to ensure that products benefiting from the free movement of goods fulfil requirements providing a high level of protection of public interests such as human health, safety, protection of property and of the environment, that Regulation should apply to batteries covered by this Regulation***, including batteries produced outside the Union and that enter the Union market***. Therefore, Regulation (EU) 2019/1020 should be amended accordingly. |

[62] Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1)

## Amendment 74

## Proposal for a regulation

## Recital 97

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (97) A procedure should exist under which interested parties are informed of measures intended to be taken with regard to batteries presenting a risk to human health, safety, property or the environment. It should also allow market surveillance authorities in the Member States, in cooperation with the relevant economic operators, to act at an early stage in respect of such batteries. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers to adopt acts should be conferred on the Commission in order to determine whether national measures in respect of non-compliant batteries are justified or not. | (97) A procedure should exist under which interested parties are informed of measures intended to be taken with regard to batteries presenting a risk to human health, safety, property or the environment. It should also allow market surveillance authorities in the Member States, in cooperation with the relevant economic operators, to act at an early stage in respect of such batteries. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers to adopt acts should be conferred on the Commission in order to ***swiftly*** determine whether national measures in respect of non-compliant batteries are justified or not. |

**Thursday 10 March 2022**

**Amendment 75**

**Proposal for a regulation**

**Recital 98**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (98) The market surveillance authorities should have the right to require economic operators to take corrective actions on the basis of findings that either the battery is not compliant with the requirements of this Regulation or the economic operator infringes the rules on the placing or making available on the market of a battery, or on sustainability, safety ***and*** labelling or on supply chain due diligence. | (98) The market surveillance authorities should have the right to require economic operators to take corrective actions on the basis of findings that either the battery is not compliant with the requirements of this Regulation or the economic operator infringes the rules on the placing or making available on the market of a battery, or on sustainability, safety, labelling ***and information*** or on supply chain due diligence. |

**Amendment 76**

**Proposal for a regulation**

**Recital 98 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(98a) To ensure the effectiveness and consistency of testing across the Union in the framework for market surveillance established by Regulation (EU) 2019/1020 with regard to batteries, as well as to provide independent technical and scientific advice in the course of evaluations carried out regarding batteries presenting a risk, the Commission should designate a Union testing facility. Furthermore, compliance with the Union legislative framework on batteries established by this Regulation should be promoted also at national level.*** |

**Amendment 77**

**Proposal for a regulation**

**Recital 98 b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(98b) The free movement of goods in the Union is often hindered by barriers set at national level that impede the full realisation of the internal market and reduce the opportunities for companies to do business and develop, in particular SMEs, which represent the backbone of the Union economy. Member States should therefore make full use of the possibility of entering into agreements with one another to allow arbitration procedures for the purpose of swiftly settling disputes arising in relation to the access to the internal market for batteries.*** |

**Thursday 10 March 2022**

## Amendment 78

## Proposal for a regulation

## Recital 99

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (99) Public procurement constitutes an important sector with regard to reducing the impacts on the environment of human activities and to stimulate market transformation towards more sustainable products. Contracting authorities, as defined in Directive 2014/24/EU ([63]) of the European Parliament and of the Council and Directive 2014/25/EU of the European Parliament and of the Council ([64]), and contracting entities as defined in Directive 2014/25/EU should take account of the environmental impacts when procuring batteries or products containing batteries, in order to promote and stimulate the market for clean and energy-efficient mobility and energy-storage and thus ***contribute*** to the environment, climate and energy policy objectives of the Union. | (99) Public procurement constitutes an important sector with regard to reducing the impacts on the environment of human activities and to stimulate market transformation towards more sustainable products. Contracting authorities, as defined in Directive 2014/24/EU ([63]) of the European Parliament and of the Council and Directive 2014/25/EU ([64]) of the European Parliament and of the Council, and contracting entities as defined in Directive 2014/25/EU should take account of the environmental impacts when procuring batteries or products containing batteries ***and ensure effective compliance with social and environmental requirements by the economic operators***, in order to promote and stimulate the market for clean and energy-efficient mobility and energy-storage, and thus ***contributing*** to the environment, climate and energy policy objectives of the Union. ***Furthermore, improving access for SMEs to public procurement in the batteries market and encouraging more local and Union stakeholders to join would also significantly contribute to reaching those objectives.*** |

([63]) Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65)

([64]) Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243)

**Thursday 10 March 2022**

**Amendment 79**

**Proposal for a regulation**

**Recital 105**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (105) The Commission should adopt immediately applicable implementing acts determining whether a national measure taken in respect of a compliant battery that presents a risk is justified or not where, in duly justified cases relating to the protection of human health, safety, property or the environment, imperative grounds of urgency so require. | (105) The Commission should adopt***, without delay,*** immediately applicable implementing acts determining whether a national measure taken in respect of a compliant battery that presents a risk is justified or not where, in duly justified cases relating to the protection of human health, safety, property or the environment, imperative grounds of urgency so require. |

**Amendment 80**

**Proposal for a regulation**

**Recital 106**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (106) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive. | (106) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive. ***In order to ensure harmonised enforcement across the Union, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of developing harmonised criteria or guidance for penalties and for compensation of damages caused to individuals.*** |

**Amendment 81**

**Proposal for a regulation**

**Recital 109 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(109a) It is important that in the implementation of this Regulation, environmental, social and economic impacts are considered. Moreover, in order to ensure that there is a level playing field, it is important that in the implementation of this regulation all relevant available technologies are equally taken into consideration, provided that those technologies allow for full compliance by batteries with any relevant requirement set out in this Regulation. Furthermore, no excessive administrative burden should be imposed on economic operators, in particular on SMEs.*** |

**Thursday 10 March 2022**

**Amendment 82**

**Proposal for a regulation**

**Recital 110**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (110) Since the objective of this Regulation, namely to guarantee the functioning of the internal market ***while ensuring*** that batteries placed on the market fulfil the requirements providing for a high level of protection of human health, safety, property and the environment, cannot be sufficiently achieved by the Member States but can rather, by reason of the need for harmonisation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective, | (110) Since the objective of this Regulation, namely to guarantee the functioning of the internal market ***and to ensure*** that batteries placed on the market ***as well as the operations linked to waste batteries*** fulfil the requirements providing for a high level of protection of human health, safety, property and the environment, cannot be sufficiently achieved by the Member States but can rather, by reason of the need for harmonisation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective, |

**Amendment 83**

**Proposal for a regulation**

**Article 1 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. This Regulation establishes requirements on sustainability, safety, labelling and information to allow the placing on the market or putting into service of batteries***, as well as requirements for the collection, treatment and recycling of waste batteries.*** | 1. This Regulation establishes requirements on ***environmental, economic and social*** sustainability, safety, labelling and information to allow the placing on the market or putting into service of batteries. |

**Amendment 84**

**Proposal for a regulation**

**Article 1 — paragraph 1 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***1a. In addition, this Regulation lays down measures to protect the environment and human health by preventing and reducing the generation of waste batteries and the adverse impacts of the generation and management of such batteries, as well as by reducing the overall impacts of resource use and by improving the efficiency of such use.*** |

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**Amendment 85**

**Proposal for a regulation**

**Article 1 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. This Regulation shall apply to all batteries, namely portable batteries, automotive batteries, electric vehicle batteries and industrial batteries, regardless of their shape, volume, weight, design, material composition, use or purpose. It shall also apply to batteries incorporated in or added to other products. | 2. This Regulation shall apply to all batteries, namely portable ***batteries, light means of transport*** batteries, automotive batteries, electric vehicle batteries and industrial batteries, regardless of their shape, volume, weight, design, material composition, use or purpose. It shall also apply to batteries incorporated in or added to other products. |

**Amendment 86**

**Proposal for a regulation**

**Article 1 — paragraph 3 — point b a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(ba) Equipment specifically designed for the safety of nuclear installations, as defined in Article 3 of Council Directive 2009/71/Euratom*** ([1a])***.*** |
| | ([1a]) ***Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (OJ L 172, 2.7.2009, p. 18).*** |

**Amendment 87**

**Proposal for a regulation**

**Article 1 — paragraph 3 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***3a. With the exception of Chapter VII, this regulation shall not apply to batteries which the producer can prove were produced before the entry into force of this regulation.*** |

**Amendment 88**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (1) 'battery' means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more non-rechargeable or rechargeable battery cells or of groups of them; | (1) 'battery' means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or more non-rechargeable or rechargeable battery cells or of groups of them***, such as battery packs and battery modules***; |

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**Amendment 89**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 6**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| ***(6) 'battery with internal storage' means a battery with no attached external devices to store energy;*** | ***deleted*** |

**Amendment 90**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 7 — indent 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| — is not designed for industrial ***purposes***; and | — is not designed ***exclusively*** for industrial ***uses***; and |

**Amendment 91**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 7 — indent 4**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| — is neither an electric vehicle battery nor an automotive battery; | — is neither ***a light means of transport battery nor*** an electric vehicle battery nor an automotive battery |

**Amendment 92**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 8**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (8) 'portable batteries of general use' means portable batteries with the following common formats: 4,5 Volts (3R12), D, C, AA, AAA, AAAA, A23, 9 Volts (PP3); | (8) 'portable batteries of general use' means portable batteries with the following common formats: 4,5 Volts (3R12), ***button cell,*** D, C, AA, AAA, AAAA, A23, 9 Volts (PP3); |

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**Amendment 93**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 9**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (9) 'light means of transport' means ***wheeled*** vehicles ***that have an electric motor of less than 750 watts, on which travellers are seated when the vehicle is moving and*** that can be powered by the electric motor alone or by a combination of motor and ***human power***; | (9) 'light means of transport ***battery***' means ***any battery in*** vehicles that can be powered by the electric motor alone or by a combination of motor and ***human power, including type-approved vehicles belonging to the vehicle categories laid down in Regulation(EU) No 168/2013 of the European Parliament and of the Council*** ([1a])***, and with a weight below 25 kg*** |

([1a]) ***Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52)***

**Amendment 94**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 10**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (10) 'automotive battery' means any battery used ***only*** for automotive starter, lighting or ignition power; | (10) 'automotive battery' means any battery used ***primarily*** for automotive ***and non-road mobile machinery*** starter, lighting or ignition power ***or other support functions***; |

**Amendment 95**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 11**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (11) 'industrial battery' means any battery designed for industrial uses and any other battery excluding portable batteries, electric vehicle batteries and automotive batteries; | (11) 'industrial battery' means any battery designed ***exclusively*** for industrial uses and any other battery***, including batteries within stationary energy storage systems,*** excluding portable ***batteries, light means of transport*** batteries, electric vehicle batteries and automotive batteries; |

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**Amendment 96**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 12**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (12) 'electric vehicle battery' means any battery specifically designed to provide traction ***to hybrid and electric vehicles for road transport***; | (12) 'electric vehicle battery' means any battery specifically designed to provide ***energy for the*** traction ***of a vehicle of L category as provided for in Regulation (EU) No 168/2013, and with a weight above 25 kg, or to a vehicle of categories M, N or O as provided for in Regulation (EU) 2018/858 of the European Parliament and of the Council*** ([1a])***;*** |

([1a]) ***Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).***

**Amendment 97**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 13**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (13) 'stationary ***battery*** energy storage system' means a rechargeable industrial battery ***with internal storage*** specifically designed to store and deliver electric energy ***into the*** grid, regardless of where and by whom this battery is being used; | (13) '***battery within a*** stationary energy storage system' means a rechargeable industrial battery specifically designed to store and deliver electric energy ***when connected to an electricity*** grid, regardless of where and by whom this battery is being used |

**Amendment 98**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 21**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (21) 'QR code' means a matrix ***barcode*** that links to information ***about a battery model***; | (21) 'QR code' means a ***machine-readable*** matrix ***code*** that links to information ***as required by this Regulation***; |

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**Amendment 99**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 22**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (22) 'battery management system' means an electronic device that controls or manages the electric and thermal functions of the battery, that manages and stores the data on the parameters for determining the state of health and expected lifetime of batteries laid down in Annex VII and that communicates with the vehicle or appliance in which the battery is incorporated; | (22) 'battery management system' means an electronic device that controls or manages the electric and thermal functions of the battery ***in order to influence the battery's safety, performance and service life***, that manages and stores the data on the parameters for determining the state of health and expected lifetime of batteries laid down in Annex VII and that communicates with the vehicle or appliance in which the battery is incorporated; |

**Amendment 100**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 26 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(26a) 'preparing for repurposing' means any operation by which parts of or a complete waste battery is prepared so that it can be used for a purpose or application different from that which the battery was originally designed for;*** |

**Amendment 101**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 26 b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(26b) 'remanufacturing' means any operation of disassembly, restoring, replacing components of used battery packs, battery modules and/or battery cells to return a battery to a level of performance and quality equivalent to that of the original battery, for the original or a different purpose;*** |

**Amendment 102**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 38**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (38) 'producer responsibility organisation' means a legal entity that financially or operationally organises the fulfilment of extended producer responsibility obligations on behalf of several producers; | (38) 'producer responsibility organisation' means a legal entity that financially or ***financially and*** operationally organises the fulfilment of extended producer responsibility obligations on behalf of several producers;; |

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**Amendment 103**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 39**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (39) 'waste battery' means any battery ***which is*** waste within the meaning of Article 3(1) of Directive 2008/98/EC; | (39) 'waste battery' means any battery ***or battery cell covered by the definition of*** waste within the meaning of Article 3(1) of Directive 2008/98/EC; |

**Amendment 104**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 40**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (40) 'reuse' means the complete or partial direct re-use of the battery for the ***original*** purpose the battery was designed for; | (40) 'reuse' means the complete or partial direct re-use of the battery ***that is not waste*** for the ***same*** purpose the battery was designed for; |

**Amendment 105**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 41 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (41) 'hazardous substance' means any substance which fulfils the criteria for any of the ***following*** hazard classes or categories set out in Annex I of Regulation (EC) No 1272/2008 of the European Parliament and of the Council ([67]): | (41) 'hazardous substance' means any substance which fulfils the criteria for any of the hazard classes or categories set out in Annex I of Regulation (EC) No 1272/2008 of the European Parliament and of the Council ([67]): |

([67]) Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1)

**Amendment 106**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 41 — point a**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| ***(a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;*** | ***deleted*** |

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**Amendment 107**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 41 — point b**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| ***(b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;*** | ***deleted*** |

**Amendment 108**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 41 — point c**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| ***(c) hazard class 4.1;*** | ***deleted*** |

**Amendment 109**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 41 — point d**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| ***(d) hazard class 5.1;*** | ***deleted*** |

**Amendment 110**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 36**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (36) '***supply*** chain due diligence' means the obligations of the economic operator which places a ***rechargeable industrial battery or an electric-vehicle*** battery on the market, in relation to its management system, risk management, third party verifications by notified bodies and disclosure of information with a view to identifying and addressing actual and potential risks linked to the sourcing, processing and trading of the raw materials required for battery manufacturing; | (36) '***battery value*** chain due diligence' means the obligations of the economic operator which places a battery on the market***, with regard to social and environmental risk categories***, in relation to its management system, risk management, third party verifications by notified bodies and disclosure of information with a view to identifying***, preventing*** and addressing actual and potential risks linked to the sourcing, processing and trading of the raw materials***, chemicals and secondary raw materials*** required for battery manufacturing ***and waste battery treatment, linked to its manufacturing operations and linked to related other business relationships***; |

**Thursday 10 March 2022**

**Amendment 111**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 36 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(36 a) 'business relationships' means the relationships between an undertaking and its subsidiaries and the commercial relationships of an undertaking throughout its value chain, including suppliers and sub-contractors, and which are directly linked to the undertaking's business operations, products or services;*** |

**Amendment 112**

**Proposal for a regulation**

**Article 2 — paragraph 1 — point 36 b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(36b) 'high-risk areas' means areas in which there is weak or non-existent governance and security, such as failed states, or areas where there are widespread and systematic violations of international law, including human rights abuses;*** |

**Amendment 113**

**Proposal for a regulation**

**Article 3 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. Member States shall not, for reasons relating to sustainability, safety, labelling and information requirements of batteries or management of waste batteries covered by this Regulation, prohibit, restrict or impede the making available on the market or the putting into service of batteries that comply with this Regulation. | 1. Member States shall not, for reasons relating to ***social and environmental*** sustainability, safety, labelling and information requirements of batteries or management of waste batteries covered by this Regulation, prohibit, restrict or impede the making available on the market or the putting into service of batteries that comply with this Regulation. |

**Amendment 114**

**Proposal for a regulation**

**Article 3 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. At trade fairs, exhibitions, demonstrations or similar events, Member States shall not prevent the showing of batteries, which do not comply with this Regulation, provided that a visible sign clearly indicates that such batteries do not comply with this Regulation and that they ***are not for sale*** until they have been brought into conformity. | 2. At trade fairs, exhibitions, demonstrations or similar events, Member States shall not prevent the showing of batteries, which do not comply with this Regulation, provided that a visible sign clearly indicates that such batteries do not comply with this Regulation and that they ***cannot be made available on the market*** until they have been brought into conformity. ***During demonstrations, the relevant economic operator shall take adequate measures to ensure the safety of persons.*** |

**Thursday 10 March 2022**

**Amendment 115**

**Proposal for a regulation**

**Article 4 — title**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Sustainability, safety, labelling ***and*** information requirements for batteries | Sustainability, safety, labelling, information ***and due diligence*** requirements for batteries |

**Amendment 116**

**Proposal for a regulation**

**Article 4 — paragraph 1 — point b a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(ba) the due diligence requirements set out in Article 39.*** |

**Amendment 117**

**Proposal for a regulation**

**Article 4 — paragraph 1 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***1a. For electric vehicle batteries and automotive batteries placed on the market as replacements for defective batteries, the same requirements shall apply as for the replaced batteries in accordance with the 'repair as produced' principle.*** |

**Amendment 118**

**Proposal for a regulation**

**Article 4 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. For any aspects not covered by Chapters II and III, batteries shall not present a risk to human health, to safety, to property or to the environment. | 2. For any aspects not covered by Chapters II and III ***and Article 39***, batteries shall not present a risk to human health, to safety, to property or to the environment. |

**Amendment 119**

**Proposal for a regulation**

**Article 5 — paragraph 1 — subparagraph 1 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***Each Member State shall also designate one contact point, among the competent authorities referred to in the first subparagraph, for the purpose of communicating with the Commission pursuant to paragraph 3.*** |

**Thursday 10 March 2022**

**Amendment 120**

**Proposal for a regulation**

**Article 5 — paragraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. By [three months after the date of entry into force of this Regulation], Member States shall notify the Commission of the ***names and addresses*** of the ***competent authorities*** designated pursuant to paragraph 1. Member States shall inform the Commission without undue delay of any changes to the ***names or addresses of those competent authorities***. | 3. By [three months after the date of entry into force of this Regulation], Member States shall notify the Commission of the ***name and address*** of the ***contact point*** designated pursuant to paragraph 1. Member States shall inform the Commission without undue delay of any changes to the ***name or address of the contact point***. |

**Amendment 121**

**Proposal for a regulation**

**Article 6 — paragraph 5 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***5a. Within 6 months of any amendment of Regulation (EC) No 1907/2006 or of the entry into force of future Union legislation concerning sustainability criteria for hazardous substances and chemicals, the Commission shall assess whether such amendment or that future Union legislation requires an amendment of this Article or of Annex I to this Regulation, or both, and adopt, where appropriate, a delegated act in accordance with Article 73 of this Regulation to amend those provisions accordingly.*** |

**Amendment 122**

**Proposal for a regulation**

**Article 6 — paragraph 5 b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***5b. By 31 December 2025, the Commission, assisted by the European Chemicals Agency, shall systematically review hazardous substances in batteries to identify potential risks to human health or the environment. This assessment shall take into account the extent to which the use of a hazardous substance is necessary for health, safety or is critical for the functioning of society as well as the availability of suitable alternatives from the standpoint of environment and health. To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking the appropriate measures, including the adoption of the delegated acts referred to in the second paragraph.*** |

**Thursday 10 March 2022**

**Amendment 123**

**Proposal for a regulation**

**Article 7 — title**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Carbon footprint of electric vehicle batteries and ***rechargeable*** industrial batteries | Carbon footprint of electric vehicle batteries***, light means of transport*** and industrial batteries |

**Amendment 124**

**Proposal for a regulation**

**Article 7 — paragraph 1 — subparagraph 1 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. Electric vehicle batteries and ***rechargeable*** industrial batteries ***with internal storage and a capacity above 2 kWh*** shall be accompanied by technical documentation that includes, for each battery model and ***batch*** per manufacturing plant, a carbon footprint declaration drawn up in accordance with the delegated act referred to in the second sub-paragraph and containing, at least, the following information: | 1. Electric vehicle batteries***, light means of transport batteries*** and industrial batteries shall be accompanied by technical documentation that includes, for each battery model and per manufacturing plant, a carbon footprint declaration drawn up in accordance with the delegated act referred to in the second sub-paragraph and containing, at least, the following information: |

**Amendment 125**

**Proposal for a regulation**

**Article 7 — paragraph 1 — subparagraph 1 — point c a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(ca) information about the raw materials used, including the share of renewable content;*** |

**Amendment 126**

**Proposal for a regulation**

**Article 7 — paragraph 1 — subparagraph 1 — point d**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (d) the total carbon footprint of the battery, calculated as kg of carbon dioxide equivalent; | (d) the total carbon footprint of the battery, calculated as kg of carbon dioxide equivalent ***and the carbon footprint of the battery, calculated as kg of carbon dioxide equivalent per one kWh of the total energy provided over the expected service life by the battery system***; |

**Thursday 10 March 2022**

**Amendment 127**

**Proposal for a regulation**

**Article 7 — paragraph 1 — subparagraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| The carbon footprint declaration requirement in the first subparagraph shall apply as of 1 July 2024 to electric vehicle batteries and to ***rechargeable*** industrial batteries. | The carbon footprint declaration requirement in the first subparagraph shall apply as of 1 July 2024 to electric vehicle batteries***, light means of transport batteries*** and to industrial batteries. |

**Amendment 128**

**Proposal for a regulation**

**Article 7 — paragraph 1 — subparagraph 3 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| The Commission shall, no later than 1 ***July*** 2023, adopt: | The Commission shall, no later than 1 ***January*** 2023, adopt: |

**Amendment 129**

**Proposal for a regulation**

**Article 7 — paragraph 1 — subparagraph 3 — point a**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (a) a delegated act in accordance with Article 73 to supplement this Regulation by establishing the methodology ***to calculate the total*** carbon footprint of the battery referred to in point (d), in accordance with the essential elements set out in Annex II; | (a) a delegated act in accordance with Article 73 to supplement this Regulation by establishing the methodology ***for calculation and verification of the*** carbon footprint of the battery referred to in point (d), in accordance with the essential elements set out in Annex II; |

**Amendment 130**

**Proposal for a regulation**

**Article 7 — paragraph 1 — subparagraph 4**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| The Commission shall be empowered to adopt delegated acts in accordance with Article 73 to amend the information requirements set out in the first subparagraph. | The Commission shall be empowered to adopt delegated acts in accordance with Article 73 to amend the information requirements set out in the first subparagraph ***in view of scientific and technical progress***. |

**Thursday 10 March 2022**

**Amendment 131**

**Proposal for a regulation**

**Article 7 — paragraph 2 — subparagraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Electric vehicle batteries and ***rechargeable*** industrial batteries ***with internal storage and a capacity above 2 kWh*** shall bear a conspicuous, clearly legible and indelible label indicating the carbon footprint performance class that the individual battery corresponds to. | Electric vehicle batteries***, light means of transport batteries*** and industrial batteries shall bear a conspicuous, clearly legible and indelible label indicating the carbon footprint ***of the battery referred to in point (d) of paragraph 1 and the carbon footprint*** performance class that the individual battery corresponds to. |

**Amendment 132**

**Proposal for a regulation**

**Article 7 — paragraph 2 — subparagraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| The carbon footprint performance class requirements in the first subparagraph shall apply as of ***1 January 2026*** for electric vehicle batteries and for ***rechargeable*** industrial batteries. | The carbon footprint performance class requirements in the first subparagraph shall apply as of ***1 July 2025*** for electric vehicle batteries***, light means of transport batteries*** and for industrial batteries. |

**Amendment 133**

**Proposal for a regulation**

**Article 7 — paragraph 2 — subparagraph 4 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| The Commission shall, no later than ***31 December*** 2024, adopt | The Commission shall, no later than ***1 January*** 2024, adopt: |

**Amendment 134**

**Proposal for a regulation**

**Article 7 — paragraph 3 — subparagraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Electric vehicle batteries and ***rechargeable*** industrial batteries with ***internal storage and a capacity*** above 2 kWh shall, for each battery model ***and batch*** per manufacturing plant, be accompanied by technical documentation demonstrating that the declared life cycle carbon footprint value, is below the maximum threshold established in the delegated act adopted by the Commission pursuant to the third subparagraph. | Electric vehicle batteries***, light means of transport batteries*** and industrial batteries with ***nominal energy*** above 2 kWh shall, for each battery model per manufacturing plant, be accompanied by technical documentation demonstrating that the declared life cycle carbon footprint value, is below the maximum threshold established in the delegated act adopted by the Commission pursuant to the third subparagraph. |

**Thursday 10 March 2022**

**Amendment 135**

**Proposal for a regulation**

**Article 7 — paragraph 3 — subparagraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| The requirement for a maximum life cycle carbon footprint threshold in the first subparagraph shall apply as of 1 ***July*** 2027 for electric vehicle batteries and for ***rechargeable*** industrial batteries. | The requirement for a maximum life cycle carbon footprint threshold in the first subparagraph shall apply as of 1 ***January*** 2027 for electric vehicle batteries***, light means of transport batteries*** and for industrial batteries ***with nominal energy above 2 Kwh***. |

**Amendment 136**

**Proposal for a regulation**

**Article 7 — paragraph 3 — subparagraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| The Commission shall, no later than 1 July ***2026***, adopt a delegated act in accordance with Article 73 to supplement this Regulation by determining the maximum life cycle carbon footprint threshold referred to in the first subparagraph. In preparing that delegated act, the Commission shall take into account the relevant essential elements set out in Annex II. | The Commission shall, no later than 1 July ***2025***, adopt a delegated act in accordance with Article 73 to supplement this Regulation by determining the maximum life cycle carbon footprint threshold referred to in the first subparagraph. In preparing that delegated act, the Commission shall take into account the relevant essential elements set out in Annex II. |

**Amendment 137**

**Proposal for a regulation**

**Article 7 — paragraph 3 — subparagraph 4**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| The introduction of a maximum life cycle carbon footprint threshold shall trigger, if necessary, a reclassification of the carbon footprint performance classes of the batteries referred to in paragraph 2. | ***The Commission shall be empowered to adopt delegated acts in accordance with Article 73 to amend the maximum life cycle carbon footprint threshold referred to in the first subparagraph based on the latest available data reported in accordance with paragraph 1.*** The introduction of a maximum life cycle carbon footprint threshold shall trigger, if necessary, a reclassification of the carbon footprint performance classes of the batteries referred to in paragraph 2. |

**Thursday 10 March 2022**

**Amendment 138**

**Proposal for a regulation**

**Article 7 — paragraph 3 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***3a. By 31 December 2025, the Commission shall assess the feasibility of extending the requirements in this article to portable batteries, and the requirement referred to in paragraph 3 to industrial batteries with nominal energy below 2kWh. To that end, the Commission shall submit a report to the European Parliament and the Council and consider taking the appropriate measures, including the adoption of legislative proposals.*** |

**Amendment 139**

**Proposal for a regulation**

**Article 8 — title**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Recycled content in industrial batteries, electric vehicle batteries and automotive batteries | Recycled content in ***portable batteries, light means of transport batteries,*** industrial batteries, electric vehicle batteries and automotive batteries |

**Amendment 140**

**Proposal for a regulation**

**Article 8 — paragraph 1 — subparagraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| From 1 ***January 2027***, industrial batteries, electric vehicle batteries and automotive batteries ***with internal storage and a capacity above 2 kWh*** that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by technical documentation containing information about the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model ***and batch*** per manufacturing plant. | From 1 ***July 2025, portable batteries, with the exception of portable batteries of general use, light means of transport batteries***, industrial batteries, electric vehicle batteries and automotive batteries that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by technical documentation containing information about the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model per manufacturing plant. |

**Thursday 10 March 2022**

**Amendment 141**

**Proposal for a regulation**

**Article 8 — paragraph 1 — subparagraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| By 31 December ***2025,*** the Commission shall adopt ***an implementing act*** laying down the methodology for the calculation and verification of the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in the batteries referred to in the first subparagraph ***and*** the format ***for*** the technical documentation. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3). | By 31 December ***2023*** the Commission shall adopt: |
| | ***(a) a delegated act in accordance with Article 73 to supplement this Regulation by*** laying down the methodology for the calculation and verification of the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in the batteries referred to in the first subparagraph. |
| | ***(b) an implementing act laying down*** the format ***and*** the technical documentation ***for the declaration on recovered materials***. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3). |

**Amendment 142**

**Proposal for a regulation**

**Article 8 — paragraph 2 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. From 1 January 2030, industrial batteries, electric vehicle batteries and automotive batteries ***with internal storage and a capacity above 2 kWh*** that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model ***and batch*** per manufacturing plant: | 2. From 1 January 2030***, portable batteries, with the exception of portable batteries of general use, light means of transport batteries***, industrial batteries, electric vehicle batteries and automotive batteries that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model per manufacturing plant: |

**Thursday 10 March 2022**

**Amendment 143**

**Proposal for a regulation**

**Article 8 — paragraph 3 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. From 1 January 2035, industrial batteries, electric vehicle batteries and automotive batteries ***with internal storage and a capacity above 2 kWh*** that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by a technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model ***and batch*** per manufacturing plant: | 3. ***From 1*** January 2035***, portable batteries, with the exception of portable batteries of general use, light means of transport batteries***, industrial batteries, electric vehicle batteries and automotive batteries that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by a technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model per manufacturing plant: |

**Amendment 144**

**Proposal for a regulation**

**Article 8 — paragraph 4**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 4. ***Where justified and appropriate*** due to the ***availability*** of cobalt, lead, lithium or nickel recovered from waste, or ***the*** lack thereof, ***the Commission shall be empowered to adopt, by 31 December 2027, a delegated act in accordance with Article 73, to amend*** the targets laid down in paragraphs 2 and 3. | 4. ***Following the establishment of the methodology referred to in paragraph 1 and no later than 31 December 2027, the Commission shall assess whether,*** due to the ***existing and forecasted availability for 2030 and 2035*** of cobalt, lead, lithium or nickel recovered from waste, or lack thereof, ***and in view of technical and scientific progress, it is appropriate to revise*** the targets laid down in paragraphs 2 and 3. ***The Commission shall also assess to what extent those targets are achieved through pre-consumption or post -consumption waste, and whether it is appropriate to limit the achievement of the targets to only post-consumption waste. On the basis of the assessment, the Commission shall, where appropriate, submit a legislative proposal.*** |

**Amendment 145**

**Proposal for a regulation**

**Article 8 — paragraph 4 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***4a. Where justified by changes in battery technologies impacting the type of materials that can be recovered, the Commission is empowered to adopt delegated acts in accordance with Article 73, to supplement this Regulation by inserting further raw materials and targets in the lists laid down in paragraphs 2 and 3.*** |

**Thursday 10 March 2022**

**Amendment 146**

**Proposal for a regulation**

**Article 9 — title**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Performance and durability requirements for portable batteries ***of general use*** | Performance and durability requirements for portable batteries |

**Amendment 147**

**Proposal for a regulation**

**Article 9 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. From 1 January 2027, portable batteries ***of general use*** shall meet the values for the electrochemical performance and durability parameters set out in Annex III as laid down in the delegated act adopted by the Commission pursuant to paragraph 2. | 1. From 1 January 2027, portable batteries shall meet the values for the electrochemical performance and durability parameters set out in Annex III as laid down in the delegated act adopted by the Commission pursuant to paragraph 2. |

**Amendment 148**

**Proposal for a regulation**

**Article 9 — paragraph 2 — subparagraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| By ***31 December*** 2025, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Annex III that portable batteries of general use shall attain. | By ***1 July*** 2025, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Annex III that portable batteries***, including portable batteries*** of general use, shall attain. |

**Amendment 149**

**Proposal for a regulation**

**Article 9 — paragraph 2 — subparagraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the electrochemical performance and durability parameters laid down in Annex III in view of technical and scientific progress. | The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the ***minimum values and add further*** electrochemical performance and durability parameters laid down in Annex III in view of technical and scientific progress. |

**Thursday 10 March 2022**

**Amendment 150**

**Proposal for a regulation**

**Article 9 — paragraph 2 — subparagraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of portable batteries ***of general use*** and take into consideration relevant international standards and labelling schemes. The Commission shall also ensure that the provisions laid down by that delegated act do not have a significant negative impact on the functionality of those batteries or the appliances into which those batteries are incorporated, the affordability and the cost for end-users and the industry's competitiveness. ***No excessive administrative burden shall be imposed on manufacturers of the batteries and the appliances concerned.*** | In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact ***and increase resource efficiency*** of portable batteries and take into consideration relevant international standards and labelling schemes. The Commission shall also ensure that the provisions laid down by that delegated act do not have a significant negative impact on the ***safety and*** functionality of those batteries or the appliances into which those batteries are incorporated, the affordability and the cost for end-users and the industry's competitiveness. |

**Amendment 151**

**Proposal for a regulation**

**Article 9 — paragraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. By 31 December ***2030***, the Commission shall assess the feasibility of measures to phase out the use of non-rechargeable portable batteries of general use in view of minimising their environmental impact based on the life cycle assessment methodology. To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking the appropriate measures, including the adoption of legislative proposals. | 3. By 31 December ***2027***, the Commission shall assess the feasibility of measures to phase out the use of non-rechargeable portable batteries of general use in view of minimising their environmental impact based on the life cycle assessment methodology ***and viable alternatives for end-users***. To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking the appropriate measures, including the adoption of legislative proposals ***for phase out, the setting of eco-design requirements, or both, where environmentally beneficial.*** |

**Amendment 152**

**Proposal for a regulation**

**Article 10 — title**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Performance and durability requirements for ***rechargeable*** industrial batteries ***and*** electric vehicle batteries | Performance and durability requirements for industrial batteries, electric vehicle batteries ***and light means of transport batteries*** |

**Thursday 10 March 2022**

**Amendment 153**

**Proposal for a regulation**

**Article 10 — paragraph 1 — subparagraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| From [12 months after entry into force of the Regulation], ***rechargeable*** industrial batteries and electric vehicle batteries ***with internal storage and a capacity above 2 kWh*** shall be accompanied by a technical documentation containing values for the electrochemical performance and durability parameters laid down in Part A of Annex IV. | From [12 months after entry into force of the Regulation], industrial ***batteries, light means of transport*** batteries and electric vehicle batteries shall be accompanied by a technical documentation containing values for the electrochemical performance and durability parameters laid down in Part A of Annex IV. |

**Amendment 154**

**Proposal for a regulation**

**Article 10 — paragraph 1 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***1a. By 1 January 2026, information on the performance and durability of industrial batteries, light means of transport batteries and electric vehicle batteries referred to in paragraph 1 shall be available via the publicly available part of the electronic exchange system as set out in Article 64 and Annex XIII. The information on the performance and durability of such batteries shall be available to consumers prior to purchase.*** |

**Amendment 155**

**Proposal for a regulation**

**Article 10 — paragraph 1 b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***1b. The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the electrochemical performance and durability parameters for electric vehicle batteries laid down in Annex IV, in view of technical and scientific progress.*** |

**Thursday 10 March 2022**

**Amendment 156**

**Proposal for a regulation**

**Article 10 — paragraph 1 c (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***1c. The Commission shall adopt a delegated act in accordance with Article 73 to amend the electrochemical performance and durability parameters for electric vehicle batteries laid down in Annex IV, within 6 months following the adoption of technical specifications of the informal UNECE Working Group on Electric Vehicles and the Environment, with a view to ensuring the coherence of the parameters of Annex IV and the technical specifications of UNECE.*** |

**Amendment 157**

**Proposal for a regulation**

**Article 10 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. From 1 January 2026***, rechargeable*** industrial batteries ***with internal storage and a capacity above 2 kWh*** shall meet the minimum values laid down in the delegated act adopted by the Commission pursuant to paragraph 3 for the electrochemical performance and durability parameters set out in Part A of Annex IV. | 2. From 1 January 2026 industrial batteries***, light means of transport batteries and electric vehicle batteries*** shall meet the minimum values ***for the specific battery type*** laid down in the delegated act adopted by the Commission pursuant to paragraph 3 for the electrochemical performance and durability parameters set out in Part A of Annex IV. |

**Amendment 158**

**Proposal for a regulation**

**Article 10 — paragraph 3 — subparagraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| By 31 December 2024, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Part A of Annex IV that ***rechargeable*** industrial batteries ***with internal storage and capacity above 2 kWh*** shall attain. | By 31 December 2024, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Part A of Annex IV that ***light means of transport batteries, electric vehicle batteries and*** industrial batteries shall attain |

**Thursday 10 March 2022**

**Amendment 159**

**Proposal for a regulation**

**Article 10 — paragraph 3 — subparagraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of ***rechargeable*** industrial batteries ***with internal storage and a capacity above 2 kWh*** and ensure that the requirements laid down therein do not have a significant negative impact on the functionality of those batteries or the appliances into which those batteries are incorporated, its affordability and industry's competitiveness. ***No excessive administrative burden shall be imposed on manufacturers of the batteries and the appliances concerned.*** | In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of industrial batteries***, electric vehicle batteries and light means of transport batteries*** and ensure that the requirements laid down therein do not have a significant negative impact on the functionality of those batteries or the appliances into which those batteries are incorporated, its affordability and industry's competitiveness. |

**Amendment 160**

**Proposal for a regulation**

**Article 10 — paragraph 3 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***3 a. The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the electrochemical performance and durability minimum values laid down in Annex IV, in view of technical and scientific progress, to ensure synergies with minimum values that may originate from the work of the informal UNECE Working Group on Electric Vehicles and the Environment, and in order to avoid unnecessary overlap. The amendment of the electrochemical performance and durability minimum values shall not lead to a decreased level of performance and durability for electric vehicle batteries.*** |

**Amendment 161**

**Proposal for a regulation**

**Article 11 — title**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Removability and replaceability of portable batteries | Removability and replaceability of portable batteries ***and batteries for light means of transport*** |

**Thursday 10 March 2022**

**Amendment 162**

**Proposal for a regulation**

**Article 11 — paragraph 1 — subparagraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Portable batteries incorporated in appliances shall be readily removable and replaceable by the end-user or by independent operators during the lifetime of the appliance, if the batteries have a shorter lifetime than the appliance, or at the latest at the end of the lifetime of the appliance. | ***By 1 January 2024*** portable batteries incorporated in appliances ***and batteries for light means of transport*** shall ***be designed in such a manner that they can*** be readily ***and safely removed and replaced with basic and commonly available tools and without causing damage to the appliance or the batteries. Portable batteries shall be*** removable and replaceable by the end-user ***and batteries for light means of transport shall be removable and replaceable by the end-users*** or by independent operators during the lifetime of the appliance, if the batteries have a shorter lifetime than the appliance, or at the latest at the end of the lifetime of the appliance. ***Battery cells for light means of transport shall be removable and replaceable by independent operators.*** |

**Amendment 163**

**Proposal for a regulation**

**Article 11 — paragraph 1 — subparagraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| A battery is readily replaceable where, after its removal from an appliance, it can be substituted by a ***similar*** battery, without affecting the functioning ***or*** the performance of that appliance. | A battery is readily replaceable where, after its removal from an appliance ***or a light means of transport***, it can be substituted by a ***compatible*** battery without affecting the functioning, the performance ***or the safety*** of that appliance ***or light means of transport***. |

**Amendment 164**

**Proposal for a regulation**

**Article 11 — paragraph 1 — subparagraph 2 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***Portable batteries and light means of transport batteries shall be available as spare parts of the equipment they power for a minimum of 10 years after placing the last unit of the model on the market, with a reasonable and non-discriminatory price for independent operators and end users.*** |

**Thursday 10 March 2022**

**Amendment 165**

**Proposal for a regulation**

**Article 11 — paragraph 1 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***1a. Clear and detailed instructions for removal and replacement shall be provided by the relevant economic operator at the time of purchase of the appliance and, shall be made available permanently online in an easily understandable way for end users, including consumers, on its website for the expected lifetime of the product.*** |

**Amendment 166**

**Proposal for a regulation**

**Article 11 — paragraph 1 b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***1b. Software shall not be used to affect the replacement of a portable battery or light means of transport or of their key components with another compatible battery or key components.*** |

**Amendment 167**

**Proposal for a regulation**

**Article 11 — paragraph 2 — point a**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (a) continuity of power supply is necessary and a permanent connection between the appliance and the portable battery is required for safety***, performance, medical or data integrity reasons; or*** | (a) continuity of power supply is necessary and a permanent connection between the appliance and the portable battery is required for safety ***and it can be proved by the manufacturer that there is no alternative available on the market;*** |

**Amendment 168**

**Proposal for a regulation**

**Article 11 — paragraph 2 — point a a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(aa) continuity of power supply is necessary and a permanent connection between the appliance and the portable battery is required for medical or data integrity reasons and it can be proved by the manufacturer that there is no alternative available on the market;*** |

**Thursday 10 March 2022**

**Amendment 169**

**Proposal for a regulation**

**Article 11 — paragraph 2 — point b**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (b) the functioning of the battery is only possible when the battery is integrated into the structure of the appliance. | (b) the functioning of the battery is only possible when the battery is integrated into the structure of the appliance ***and it can be proved by the manufacturer that there is no alternative available on the market***. |

**Amendment 170**

**Proposal for a regulation**

**Article 11 — paragraph 2 — subparagraph 1 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***The relevant economic operator shall inform end-users in a clear and comprehensible manner at the time of purchase of the appliance, including through labelling, of any case where the derogation provided for in the first subparagraph applies. The information provided shall indicate the expected lifetime of the battery.*** |

**Amendment 171**

**Proposal for a regulation**

**Article 11 — paragraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. The Commission shall adopt guidance to facilitate harmonised application of the derogations set out in paragraph 2. | 3. The Commission shall adopt, ***no later than 12 months after the entry into force of this Regulation,*** guidance to facilitate harmonised application of the derogations set out in paragraph 2. |

**Amendment 172**

**Proposal for a regulation**

**Article 11 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***Article 11a*** |
| | ***Removability and replaceability of automotive batteries, electric vehicle batteries and industrial batteries*** |
| | ***1. Automotive batteries, industrial batteries and electric vehicle batteries shall be readily removable and replaceable, if the battery has a shorter lifetime than the appliance or vehicle it is used in, by qualified independent operators, which shall be able to discharge the battery safely and without prior disassembly of the battery pack.*** |

**Thursday 10 March 2022**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***2. Industrial batteries and electric vehicle batteries shall be designed, including as regards joining, fastening and sealing elements, so as to enable the removability, replaceability and disassembly of the case, of individual battery cells or other key components without damaging the battery.*** |
| | ***3. Software shall not be used to affect the replacement of industrial batteries or electric vehicle batteries or of their key components with another compatible battery or key components.*** |
| | ***4. The Commission shall be empowered to adopt delegated acts in accordance with Article 73 laying down detailed rules supplementing those set out in this Article, by laying down the criteria for the removability, replaceability and disassembly of automotive batteries, electric vehicle batteries and industrial batteries, taking into account technical and scientific and progress.*** |

**Amendment 173**

**Proposal for a regulation**

**Article 11 b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***Article 11b*** |
| | ***Safety of repaired automotive batteries, industrial batteries, light means of transport batteries and electric vehicle batteries*** |
| | ***1. The safety of repaired automotive batteries, industrial batteries, light means of transport batteries and electric vehicle batteries shall be assessed based on non- destructive tests adapted to them.*** |
| | ***2. The Commission is empowered to adopt delegated acts in accordance with Article 73 to define the appropriate testing methods to ensure that repaired batteries are safe.*** |

**Thursday 10 March 2022**

**Amendment 174**

**Proposal for a regulation**

**Article 11 c (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***Article 11c*** |
| | ***Common chargers*** |
| | ***By 1 January 2024, the Commission shall assess how best to introduce harmonised standards for a common charger, to be applicable no later than 1 January 2026, for, respectively, rechargeable batteries designed for electric vehicles, for light means of transport, as well as for rechargeable batteries incorporated into specific categories of electrical and electronic equipment covered by Directive 2012/19/EU.*** |
| | ***When undertaking the assessment referred to in paragraph 1, the Commission shall take into account the size of the market, the reduction of waste, the availability and reduction of costs for consumers and other end-users.*** |
| | ***To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking the appropriate measures, including the adoption of legislative proposals.*** |
| | ***The assessment of the Commission shall be without prejudice to the adoption of any legislation providing for the introduction of such common chargers at an earlier date.*** |

**Amendment 175**

**Proposal for a regulation**

**Article 12 — title**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Safety of stationary ***battery energy*** storage systems | Safety of ***batteries within energy*** stationary storage systems |

**Amendment 176**

**Proposal for a regulation**

**Article 12 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. Stationary ***battery*** energy storage systems shall be accompanied by technical documentation demonstrating that they are safe during their normal operation and use, including evidence that they have been successfully tested for the safety parameters laid down in Annex V, for which state-of-the-art testing methodologies ***should*** be used. | 1. ***Batteries within*** stationary energy storage systems shall be accompanied by technical documentation demonstrating that they are safe during their normal operation and use, including evidence that they have been successfully tested for the safety parameters laid down in Annex V, for which state-of-the-art testing methodologies ***shall*** be used. |

**Thursday 10 March 2022**

**Amendment 177**

**Proposal for a regulation**

**Article 13 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. From ***1 January 2027***, batteries shall be marked with a label containing the information laid down in Part A of Annex VI. | 1. From … [***24 months after the entry into force of this Regulation]***, batteries shall be marked with a label containing the information laid down in Part A of Annex VI ***and the specific information required pursuant to Regulation (EU) 2017/1369 of the European Parliament and of the Council***. |

**Amendment 178**

**Proposal for a regulation**

**Article 13 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. From 1 January 2027, portable and automotive batteries shall be marked with a label containing information on their capacity and ***portable batteries shall be*** marked with a label containing information on their minimum average duration when used in specific applications. | 2. From 1 January 2027, portable ***batteries, light means of transport batteries*** and automotive batteries shall be marked with a label containing information on their ***nominal energy*** capacity and marked with a label containing information on their minimum average duration when used in specific applications ***and the expected lifetime in terms of number of cycles and calendar years***. |

**Amendment 179**

**Proposal for a regulation**

**Article 13 — paragraph 2 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***2a. From 1 January 2023, non-rechargeable portable batteries of general use shall be marked with a label indicating 'non-rechargeable'.*** |

**Amendment 180**

**Proposal for a regulation**

**Article 13 — paragraph 3 — subparagraph 4**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Where the size of the battery is such that the symbol would be smaller than ***0,5 × 0,5*** cm, the battery does not need to be marked but a symbol measuring at least 1 × 1 cm shall be printed on the packaging. | Where the size of the battery is such that the symbol would be smaller than ***0,47 × 0,47*** cm, the battery does not need to be marked but a symbol measuring at least 1 × 1 cm shall be printed on the packaging. |

**Thursday 10 March 2022**

**Amendment 181**

**Proposal for a regulation**

**Article 13 — paragraph 3 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***3a. From 1 July 2023, batteries shall be labelled with a symbol indicating a harmonised colour code based on the battery type and its chemical composition.*** |

**Amendment 182**

**Proposal for a regulation**

**Article 13 — paragraph 5 — point — a a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(- aa) from 1 January 2025, the information laid down in Part Aa of Annex VI;*** |

**Amendment 183**

**Proposal for a regulation**

**Article 13 — paragraph 5 — point b**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (b) from 1 January 2027, for portable and automotive batteries the information referred to in paragraph 2; | (b) from 1 January 2027, for portable***, light means of transport batteries*** and automotive batteries, the information referred to in paragraph 2; |

**Amendment 184**

**Proposal for a regulation**

**Article 13 — paragraph 5 — point b a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(ba) from 1 January 2023, for portable batteries of general use, the information referred to in paragraph 2a;*** |

**Amendment 185**

**Proposal for a regulation**

**Article 13 — paragraph 5 — point e**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (e) from [12 months after the entry into force of this Regulation], for ***rechargeable industrial batteries and electric vehicle*** batteries the report referred to in Article 39(6); | (e) from [12 months after the entry into force of this Regulation], for ***all*** batteries, the report referred to in Article 39(6); |

**Thursday 10 March 2022**

**Amendment 186**

**Proposal for a regulation**

**Article 13 — paragraph 5 — point f**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (f) from ***1*** July 2024, for electric vehicle batteries and for ***rechargeable*** industrial batteries ***with internal storage and a capacity above 2 kWh*** the carbon footprint declaration referred to in Article 7(1); | (f) from July 2024, for electric vehicle batteries***, light means of transport batteries*** and for industrial batteries, the carbon footprint declaration referred to in Article 7(1); |

**Amendment 187**

**Proposal for a regulation**

**Article 13 — paragraph 5 — point g**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (g) from ***1 January 2026***, for electric vehicle batteries and for ***rechargeable*** industrial batteries with internal storage ***and a capacity above 2 kWh*** the carbon footprint performance class referred to in Article 7(2); | (g) from ***1 July 2025***, for electric vehicle batteries***, light means of transport vehicles*** and for industrial batteries with internal storage the carbon footprint performance class referred to in Article 7(2); |

**Amendment 188**

**Proposal for a regulation**

**Article 13 — paragraph 5 — point h**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (h) ***from 1 January 2027, for rechargeable*** industrial batteries, automotive batteries and electric vehicle batteries ***with internal storage and a capacity above 2 kWh*** the amount of cobalt, lead, lithium or nickel recovered from waste and present in active materials in the battery, in accordance with Article 8; | (h) ***from 1 July 2025, for portable batteries, with the exception of portable batteries of general use, light means of transport batteries,*** industrial batteries, automotive batteries and electric vehicle batteries, the amount of cobalt, lead, lithium or nickel recovered from waste and present in active materials in the battery, in accordance with Article 8; |

**Amendment 189**

**Proposal for a regulation**

**Article 13 — paragraph 5 — point j a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(ja) from 1 January 2026, for light means of transport batteries, electric vehicle batteries and industrial batteries the information contained in the battery passport referred to in Article 65.*** |

**Thursday 10 March 2022**

**Amendment 190**

**Proposal for a regulation**

**Article 13 — paragraph 6**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 6. Labels and QR code referred to in paragraphs 1 to 5 shall be printed or engraved visibly, legibly and indelibly on the battery. Where this is not possible or not warranted on account of the nature and size of the battery, labels shall be affixed to the packaging and to the documents accompanying the battery. | 6. Labels and QR code referred to in paragraphs 1 to 5 shall be printed or engraved visibly, legibly and indelibly on the battery. Where this is not possible or not warranted on account of the nature and size of the battery, labels shall be affixed to the packaging and to the documents accompanying the battery. ***In the event of remanufacturing or repurposing, labels shall be updated by a new label reflecting the new status of the battery.*** |
| | ***Where batteries are incorporated in appliances, the labels and QR code referred to in paragraphs 1, 2, 3 and 5 shall be printed or engraved visibly, legibly and indelibly on the appliances.*** |
| | ***The QR code shall also provide access to the publicly accessible part of the battery passport established pursuant to Article 65.*** |

**Amendment 191**

**Proposal for a regulation**

**Article 13 — paragraph 6 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***6a. The Commission is empowered to adopt delegated acts in accordance with Article 73 to provide for alternative types of smart labels instead of or in addition to the QR-code, in view of technical and scientific progress.*** |

**Amendment 192**

**Proposal for a regulation**

**Article 13 — paragraph 7**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 7. The Commission shall, by ***31 December*** 2025, adopt implementing acts to establish harmonised specifications for the labelling requirements referred to in paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3). | 7. The Commission shall, by ***1 July*** 2025, adopt implementing acts to establish harmonised specifications for the labelling requirements referred to in paragraphs 1 and 2***. For portable batteries of general use, such labelling shall include an easily recognisable classification of their performance and durability***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3). |

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**Amendment 193**

**Proposal for a regulation**

**Article 13 — paragraph 7 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***7a. The Commission shall, by 1 January 2023, adopt implementing acts to establish harmonised specifications for the labelling requirements referred to in paragraph 3 concerning the harmonised colour code. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).*** |

**Amendment 194**

**Proposal for a regulation**

**Article 14 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. ***Rechargeable industrial*** batteries ***and*** electric vehicle batteries ***with internal storage and a capacity above 2 kWh shall*** include a battery management system ***containing*** data on the parameters for determining the state of health and expected lifetime of batteries as laid down in Annex VII. | 1. Batteries ***within stationary energy storage systems,*** electric vehicle batteries ***and light means of transport batteries that*** include a battery management system ***shall contain within the battery management system real time*** data on the parameters for determining the state of health***, safety*** and expected lifetime of batteries as laid down in Annex VII. |

**Amendment 195**

**Proposal for a regulation**

**Article 14 — paragraph 2 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. Access to the data in the battery management system referred to in paragraph 1 shall be provided on ***a non-discriminatory*** basis to the legal or natural person who has legally purchased the battery or any third party acting on their behalf at any time for the purpose of: | 2. ***Read-only*** access to the data in the battery management system, referred to in paragraph 1***, and in portable batteries that include a battery management system,*** shall be provided on ***a non-discriminatory*** basis to the legal or natural person who has legally purchased the battery or any third party acting on their behalf at any time for the purpose of: |

**Amendment 196**

**Proposal for a regulation**

**Article 14 — paragraph 2 — point b**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (b) facilitating the reuse, repurposing or remanufacturing of the battery; | (b) facilitating the ***preparation for*** reuse***, reuse, the preparation for repurposing***, repurposing or remanufacturing of the battery; |

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**Amendment 197**

**Proposal for a regulation**

**Article 14 — paragraph 2 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***2a. Manufacturers shall make available for electric vehicle batteries and light means of transport batteries that contain a battery management system real-time in-vehicle data related to the battery state of health, battery state of charge, battery power set point and battery capacity.*** |

**Amendment 198**

**Proposal for a regulation**

**Article 14 — paragraph 2 b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***2b. By 1 January 2024, the battery management system for electric vehicle batteries shall be designed in such a manner that it can communicate with smart charging systems, including by having vehicle-to-grid, vehicle-to-load, vehicle-to-vehicle, vehicle-to-power bank and vehicle-to-building charging functions.*** |

**Amendment 199**

**Proposal for a regulation**

**Article 14 — paragraph 3 — subparagraph 1 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***The Commission is empowered to adopt a delegated act in accordance with Article 73 to amend the parameters for determining the state of health and expected lifetime of batteries as laid down in Annex VII, in view of technical and scientific progress, and to ensure synergies with the parameters that may originate from the work of the informal UNECE Working Group on Electric Vehicles and the Environment.*** |

**Thursday 10 March 2022**

**Amendment 200**

**Proposal for a regulation**

**Article 15 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. For the purposes of compliance and verification of compliance with the requirements set out in Articles 9, 10, 12, 13 and 59(5)(a) of this Regulation, measurements and calculations shall be made using a reliable, accurate and reproducible method, which takes into account the generally recognised state-of-the-art methods, and whose results are deemed to be of low uncertainty, including methods set out in standards, the reference numbers of which have been published for that purpose in the Official Journal of the European Union. | 1. For the purposes of compliance and verification of compliance with the requirements set out in Articles 9, 10***, 11a***, 12, 13 and 59(5)(a) of this Regulation, measurements and calculations shall be made using a reliable, accurate and reproducible method, which takes into account the generally recognised state-of-the-art methods, and whose results are deemed to be of low uncertainty, including methods set out in standards, the reference numbers of which have been published for that purpose in the Official Journal of the European Union. |

**Amendment 201**

**Proposal for a regulation**

**Article 15 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. Batteries which are tested following harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements referred to in Articles 9, 10, 13 and 59(5)(a) to the extent that those requirements are covered by such harmonised standards. | 2. Batteries which are tested following harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements referred to in Articles 9, 10, 13 and 59(5)(a) to the extent that those requirements are covered by such harmonised standards ***or parts thereof***. |

**Amendment 202**

**Proposal for a regulation**

**Article 16 — paragraph 1 — subparagraph 1 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. The Commission ***shall be empowered to*** adopt implementing acts laying down common specifications for the requirements set out in Articles 9, 10, 12, 13, 59(5)(a) or tests referred to in Article 15(2), where: | 1. The Commission ***may*** adopt ***in exceptional cases, after consultation of the relevant European standardisation organisations and European stakeholder organisations receiving Union financing under Regulation (EU) No 1025/2012,*** implementing acts laying down common specifications for the requirements set out in Articles 9, 10, ***11a,*** 12, 13, 59(5)(a) or tests referred to in Article 15(2), where: |

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**Amendment 203**

**Proposal for a regulation**

**Article 16 — paragraph 1 — subparagraph 1 — point b**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (b) the Commission observes undue delays in the adoption of requested harmonised standards, ***or*** considers that relevant harmonised standards ***are not sufficient***; or | (b) the Commission observes undue delays in the adoption of requested harmonised standards, ***namely by exceeding the deadlines set for the standardisation organisation in the standardisation request, or reasonably*** considers that relevant harmonised standards ***do not sufficiently fulfil the criteria described in the standardisation request***; or |

**Amendment 204**

**Proposal for a regulation**

**Article 16 — paragraph 3 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***3a. The Commission shall actively support the Union industry and strengthen its presence in international standardisation organisations by aiming for the greatest possible coherence between international and European standards, and by promoting the general use of European standards outside the Union.*** |

**Amendment 205**

**Proposal for a regulation**

**Article 17 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. Before a battery is placed on the market or put ***it*** into service, the manufacturer or its authorised representative shall ensure that an assessment of the product's conformity with the requirements of Chapters II and III of this Regulation is carried out. | 1. Before a battery is placed on the market or put into service, the manufacturer or its authorised representative shall ensure that an assessment of the product's conformity with the requirements of Chapters II and III ***and Article 39*** of this Regulation is carried out. |

**Amendment 206**

**Proposal for a regulation**

**Article 17 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. Conformity assessment of batteries with the requirements set out in Articles 6, 9, ***10,*** 11, ***12***, 13 and 14 shall be carried out in accordance with the procedure set out in Part A of Annex VIII. | 2. Conformity assessment of batteries with the requirements set out in Articles 6, 9, 11, 13 and 14 shall be carried out in accordance with the procedure set out in Part A of Annex VIII. |

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**Amendment 207**

**Proposal for a regulation**

**Article 17 — paragraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. Conformity assessment of batteries with requirements set out in Articles 7, 8 and 39 shall be carried out in accordance with the procedure set out in Part B of Annex VIII. | 3. Conformity assessment of batteries with requirements set out in Articles 7, 8***, 10, 12*** and 39 shall be carried out in accordance with the procedure set out in Part B of Annex VIII. |

**Amendment 208**

**Proposal for a regulation**

**Article 17 — paragraph 5**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 5. Records and correspondence relating to the conformity assessment of batteries shall be drawn up in ***an*** official language of the Member State where the notified body carrying out the conformity assessment procedures referred to in paragraphs 1 and 2 is established, or in a language accepted by that body. | 5. Records and correspondence relating to the conformity assessment of batteries shall be drawn up in ***the*** official language ***or languages*** of the Member State where the notified body carrying out the conformity assessment procedures referred to in paragraphs 1 and 2 is established, or in a language accepted by that body. |

**Amendment 209**

**Proposal for a regulation**

**Article 17 — paragraph 5 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***5 a. This Article shall apply 12 months after the date of publication by the Commission of the list of notified bodies referred to in Article 30(2).*** |

**Amendment 210**

**Proposal for a regulation**

**Article 18 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. The EU declaration of conformity shall state that the fulfilment of the requirements set out in Chapters II and III has been demonstrated. | 1. The EU declaration of conformity shall state that the fulfilment of the requirements set out in Chapters II and III ***and Article 39*** has been demonstrated. |

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**Amendment 211**

**Proposal for a regulation**

**Article 18 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. The EU declaration of conformity shall have the model structure set out in Annex IX, shall contain the elements specified in the relevant modules set out in Annex VIII and shall be continuously updated. It shall be translated into the language or languages required by the Member State in which the battery is placed on the market or put into service. | 2. The EU declaration of conformity ***may be completed electronically and*** shall have the model structure set out in Annex IX, shall contain the elements specified in the relevant modules set out in Annex VIII and shall be continuously updated. It shall be translated into the language or languages required by the Member State in which the battery is placed ***or made available*** on the market or put into service. |

**Amendment 212**

**Proposal for a regulation**

**Article 21 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Member States shall notify the Commission and the other Member States of conformity assessment bodies authorised to carry out conformity assessment in accordance with this Regulation | Member States shall notify the Commission and the other Member States of conformity assessment bodies authorised to carry out ***third-party*** conformity assessment in accordance with this Regulation. |

**Amendment 213**

**Proposal for a regulation**

**Article 23 — paragraph 5**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 5. A notifying authority shall have a sufficient number of competent personnel at its disposal for the proper performance of its tasks. | 5. A notifying authority shall have a sufficient number of competent personnel ***and sufficient funding*** at its disposal for the proper performance of its tasks. |

**Amendment 214**

**Proposal for a regulation**

**Article 25 — paragraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. A conformity assessment body shall be a third-party body independent from any and all business ties and from the ***battery model*** it assesses, in particular from battery manufacturers, the battery manufacturers' trade partners, shareholding investors on the battery manufacturers' plants and from other notified bodies and the notified bodies' business associations, parent companies or subsidiaries. | 3. A conformity assessment body shall be a third-party body independent from any and all business ties and from the ***batteries*** it assesses, in particular from battery manufacturers, the battery manufacturers' trade partners, shareholding investors on the battery manufacturers' plants and from other notified bodies and the notified bodies' business associations, parent companies or subsidiaries. |

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**Amendment 215**

**Proposal for a regulation**

**Article 25 — paragraph 6 — subparagraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| A conformity assessment body shall be capable of carrying out all the conformity assessment ***activities*** mentioned in Annex VIII and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility. | A conformity assessment body shall be capable of carrying out all the conformity assessment ***tasks*** mentioned in Annex VIII and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility. |

**Amendment 216**

**Proposal for a regulation**

**Article 25 — paragraph 6 — subparagraph 2 — point a**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (a) in-house personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment ***activities***; | (a) in-house personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment ***tasks***; |

**Amendment 217**

**Proposal for a regulation**

**Article 25 — paragraph 6 — subparagraph 2 — point c**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (c) appropriate policies and procedures to distinguish between activities that it carries out as a notified body and other ***activities***; | (c) appropriate policies and procedures to distinguish between activities that it carries out as a notified body and other ***tasks***; |

**Amendment 218**

**Proposal for a regulation**

**Article 25 — paragraph 6 — subparagraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| A conformity assessment body shall at all times have access to all testing equipment or facilities needed for each conformity assessment procedure and each battery model in relation to which it has been notified. | A conformity assessment body shall at all times have access to all ***the information,*** testing equipment or facilities needed for each conformity assessment procedure and each battery model in relation to which it has been notified. |

**Thursday 10 March 2022**

**Amendment 219**

**Proposal for a regulation**

**Article 25 — paragraph 7 — point c**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (c) appropriate knowledge and understanding of the requirements set out in Chapters II and III, of the applicable harmonised standards referred to in Article 15 and common specifications referred to in Article 16 and of the relevant provisions of Union harmonisation legislation and of national legislation; | (c) appropriate knowledge and understanding of the requirements set out in Chapters II and III ***and in Article 39***, of the applicable harmonised standards referred to in Article 15 and common specifications referred to in Article 16 and of the relevant provisions of Union harmonisation legislation and of national legislation; |

**Amendment 220**

**Proposal for a regulation**

**Article 25 — paragraph 8 — subparagraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| The impartiality of a conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment ***activities*** shall be guaranteed. | The impartiality of a conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment ***tasks*** shall be guaranteed. |

**Amendment 221**

**Proposal for a regulation**

**Article 25 — paragraph 8 — subparagraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| The remuneration of the top level management and the personnel responsible for carrying out the conformity assessments ***activities*** shall not depend on the number of conformity assessments carried out or on the results of those assessments. | The remuneration of the top level management and the personnel responsible for carrying out the conformity assessments ***tasks*** shall not depend on the number of conformity assessments carried out or on the results of those assessments. |

**Amendment 222**

**Proposal for a regulation**

**Article 25 — paragraph 10**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 10. The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out the conformity assessment ***activities*** in accordance with Annex VIII, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected. | 10. The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out the conformity assessment ***tasks*** in accordance with Annex VIII, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected. |

**Thursday 10 March 2022**

**Amendment 223**

**Proposal for a regulation**

**Article 25 — paragraph 11**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 11. A conformity assessment body shall participate in, or ensure that its personnel responsible for carrying out the conformity assessment ***activities*** are informed of, the relevant standardisation activities and the activities of the notified body coordination group established pursuant to Article 37 and shall apply as general guidance the administrative decisions and documents produced as a result of the work of that group. | 11. A conformity assessment body shall participate in, or ensure that its personnel responsible for carrying out the conformity assessment ***tasks*** are informed of, the relevant standardisation activities and the activities of the notified body coordination group established pursuant to Article 37 and shall apply as general guidance the administrative decisions and documents produced as a result of the work of that group. |

**Amendment 224**

**Proposal for a regulation**

**Article 28 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. The application for notification shall be accompanied by a description of the conformity assessment activities, of the conformity assessment modules set out in Annex VIII and of the battery model for which the conformity assessment body claims to be competent, as well as by an accreditation certificate, issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Article 25. | 2. The application for notification shall be accompanied by a description of the conformity assessment activities, of the conformity assessment ***module or*** modules set out in Annex VIII and of the battery model for which the conformity assessment body claims to be competent, as well as by an accreditation certificate, issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Article 25. |

**Amendment 225**

**Proposal for a regulation**

**Article 32 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention regarding, the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject. | 1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention***, in particular by economic operators and other relevant stakeholders,*** regarding the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject. |

**Thursday 10 March 2022**

**Amendment 226**

**Proposal for a regulation**

**Article 32 — paragraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially. | 3. The Commission ***may seek the advice of the Union testing facility referred to in Article 68a and*** shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially. |

**Amendment 227**

**Proposal for a regulation**

**Article 33 — paragraph 2 — subparagraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| A notified body shall ***perform its activities*** in a proportionate manner, avoiding unnecessary burdens for economic operators, and taking due account of the size of an undertaking, the sector in which the undertaking operates, the structure of the undertaking, the degree of complexity of the battery to be assessed and the mass or serial nature of the production process. | A notified body shall ***carry out conformity assessments*** in a proportionate manner, avoiding unnecessary burdens for economic operators***, in particular small and medium-sized enterprises***, and taking due account of the size of an undertaking, the sector in which the undertaking operates, the structure of the undertaking, the degree of complexity of the battery to be assessed and the mass or serial nature of the production process. |

**Amendment 228**

**Proposal for a regulation**

**Article 33 — paragraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. Where a notified body finds that the requirements set out in ***Chapters*** II ***and*** III, harmonised standards referred to in Article 15, common specifications referred to in Article 16 or other technical specifications have not been met by a manufacturer, it shall require ***that*** manufacturer to take appropriate corrective action in view of a second and final certification decision, unless the deficiencies cannot be remedied, in which case the certificate cannot be issued. | 3. Where a notified body finds that the requirements set out in ***Chapter*** II ***or*** III ***or Article 39***, ***the*** harmonised standards referred to in Article 15, common specifications referred to in Article 16 or other technical specifications have not been met by a manufacturer, it shall require ***the*** manufacturer to take appropriate corrective action in view of a second and final certification decision, unless the deficiencies cannot be remedied, in which case the certificate cannot be issued. |

**Thursday 10 March 2022**

**Amendment 229**

**Proposal for a regulation**

**Article 35 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. A notified body shall provide other notified ***bodies*** carrying out similar conformity assessment activities covering the same batteries with relevant information on issues relating to negative and, on request, positive conformity assessment results. | 2. A notified body shall provide other ***bodies*** notified ***under this Regulation*** carrying out similar conformity assessment activities covering the same batteries with relevant information on issues relating to negative and, on request, positive conformity assessment results. |

**Amendment 230**

**Proposal for a regulation**

**Article 36 — title**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Exchange of experience | Exchange of experience ***and good practice*** |

**Amendment 231**

**Proposal for a regulation**

**Article 36 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| The Commission shall provide for the organisation of exchange of experience between the Member States' national authorities responsible for notification policy. | The Commission shall provide for the organisation of exchange of experience ***and good practice*** between the Member States' national authorities responsible for notification policy. |

**Amendment 232**

**Proposal for a regulation**

**Article 37 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| The Commission shall ensure that appropriate coordination and cooperation between notified ***bodies*** are put in place and properly operated in the form of a sectoral group or groups of notified bodies. | The Commission shall ensure that appropriate coordination and cooperation between ***bodies*** notified ***under this Regulation*** are put in place and properly operated in the form of a sectoral group or groups of notified bodies. |

**Thursday 10 March 2022**

**Amendment 233**

**Proposal for a regulation**

**Article 38 — paragraph 1 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. ***When placing a battery on the*** market or ***putting it*** into service, including for the manufacturers' own purposes, manufacturers shall ensure that the battery: | 1. ***For all batteries placed on the Union*** market or ***put*** into service ***in the Union***, including for the manufacturers' own purposes, manufacturers shall ensure that the battery: |

**Amendment 234**

**Proposal for a regulation**

**Article 38 — paragraph 4 — subparagraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| However, where several batteries are delivered simultaneously to a single user, the ***batch or*** consignment concerned may be accompanied by a single copy of the EU declaration of conformity. | However, where several batteries are delivered simultaneously to a single user, the consignment concerned may be accompanied by a single copy of the EU declaration of conformity. |

**Amendment 235**

**Proposal for a regulation**

**Article 38 — paragraph 8**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 8. Manufacturers shall indicate their name, registered trade name or registered trade mark and the postal ***address*** and web address at which they can be contacted on the packaging of the battery. The postal address shall indicate a single point at which the manufacturer can be contacted. Such information shall be in a language easily understood by end-users and market surveillance authorities and shall be clear, understandable and legible. | 8. Manufacturers shall indicate their name, registered trade name or registered trade mark and the ***telephone number,*** postal, ***email*** and web address at which they can be contacted on the packaging of the battery. The postal address shall indicate a single point at which the manufacturer can be contacted. Such information shall be in a language easily understood by end-users and market surveillance authorities and shall be clear, understandable and legible. |

**Thursday 10 March 2022**

**Amendment 236**

**Proposal for a regulation**

**Article 38 — paragraph 11**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 11. Manufacturers who consider or have reason to believe that a battery which they have placed on the market or put into service is not in conformity with the requirements set out in Chapters II and III shall immediately take the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate. Furthermore, where the battery presents a risk, manufacturers shall immediately inform the national authority of the Member State in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken. | 11. Manufacturers who consider or have reason to believe that a battery which they have placed on the market or put into service is not in conformity with the requirements set out in Chapters II and III shall immediately take the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate. Furthermore, ***where they consider or have reason to believe that a*** battery presents a risk, manufacturers shall immediately inform the national authority of the Member State in which they made the battery available on the market to that effect, giving details, in particular, of the noncompliance and of any corrective action taken. |

*(Horizontal amendment: the change 'where they consider or have reason to believe that a battery presents a risk' applies throughout the text. Adopting it will necessitate corresponding changes throughout the text.)*

**Amendment 237**

**Proposal for a regulation**

**Article 39 — title**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Obligation for economic operators that place ***rechargeable industrial*** batteries ***and electric-vehicle batteries with internal storage and a capacity above 2 kWh*** on the market to ***establish supply chain due*** diligence ***policies*** | Obligation for economic operators that place batteries on the market to ***conduct value chain due*** diligence |

**Amendment 238**

**Proposal for a regulation**

**Article 39 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. As of [12 months after the entry into force of the Regulation] the economic operator that places ***rechargeable industrial*** batteries ***and electric-vehicle batteries with internal storage and a capacity above 2 kWh*** on the market shall comply with the ***supply*** chain due diligence obligations set out in paragraphs 2 to 5 of this Article and shall keep documentation demonstrating its respective compliance with those obligations, including the results of the third-party verification carried out by notified bodies. | 1. As of [12 months after the entry into force of the Regulation] the economic operator that places batteries on the market shall comply with the ***value*** chain due diligence obligations set out in paragraphs 2 to 5 of this Article and shall keep documentation demonstrating its respective compliance with those obligations, including the results of the third-party verification carried out by notified bodies. |

**Thursday 10 March 2022**

**Amendment 239**

**Proposal for a regulation**

**Article 39 — paragraph 2 — point a**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (a) adopt, and clearly communicate to suppliers and the public, a company policy for the ***supply*** chain of raw materials indicated in Annex X, point 1; | (a) adopt, and clearly communicate to suppliers and the public, a company ***due diligence*** policy for the ***value*** chain of ***batteries, including concerning*** raw materials indicated in Annex X, point 1 ***and for associated social and environmental risk categories indicated in Annex X, point 2;*** |

**Amendment 240**

**Proposal for a regulation**

**Article 39 — paragraph 2 — point b**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (b) incorporate in its ***supply*** chain policy standards consistent with the standards set out in ***the model supply chain policy in Annex II to the OECD*** Due Diligence ***Guidance***; | (b) incorporate in its ***value*** chain policy standards consistent with the standards set out in ***internationally recognised*** due diligence ***standards listed in Annex X, point 3a***; |

**Amendment 241**

**Proposal for a regulation**

**Article 39 — paragraph 2 — point c**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (c) structure its respective internal management systems to support ***supply*** chain due diligence by assigning responsibility to senior management to oversee the ***supply*** chain due diligence process as well as maintain records of those systems for a minimum of five years; | (c) structure its respective internal management systems to support ***value*** chain due diligence by assigning responsibility to senior management to oversee the ***value*** chain due diligence process as well as maintain records of those systems for a minimum of five years; |

**Amendment 242**

**Proposal for a regulation**

**Article 39 — paragraph 2 — point d — subparagraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (d) establish and operate a system of controls and transparency over the ***supply*** chain, including a chain of custody or traceability system ***or the identification of*** upstream actors in the ***supply*** chain. | (d) establish and operate a system of controls and transparency over the ***value*** chain, including a chain of custody or traceability system***, identifying*** upstream actors in the ***value*** chain. |

**Thursday 10 March 2022**

**Amendment 243**

**Proposal for a regulation**

**Article 39 — paragraph 2 — point d — subparagraph 2 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Such a system shall be supported by documentation that provides the following information: | Such a system shall be supported by documentation that provides ***at least*** the following information: |

**Amendment 244**

**Proposal for a regulation**

**Article 39 — paragraph 2 — point d — subparagraph 2 — point iii a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(iii a) where the raw material originates from a high-risk area, additional information in accordance with the specific recommendations for upstream economic operators, as set out in the OECD Due Diligence Guidance, where relevant, such as the mine of origin, locations where raw materials are consolidated, traded and processed, and taxes, fees and royalties paid;*** |

**Amendment 245**

**Proposal for a regulation**

**Article 39 — paragraph 2 — point d — subparagraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| The requirements set out in the current point (d) may be implemented through participation in industry-led schemes. | ***Without prejudice to the individual responsibility of economic operators for their due diligence processes,*** the requirements set out in the current point (d) may be implemented ***in collaboration with other actors, including*** through participation in industry-led schemes***, recognised under this Regulation***. |

**Amendment 246**

**Proposal for a regulation**

**Article 39 — paragraph 2 — point e**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (e) incorporate its ***supply*** chain policy into contracts and agreements with suppliers, including their risk management measures; | (e) incorporate its ***value*** chain policy into contracts and agreements with suppliers, including their risk management measures; |

**Thursday 10 March 2022**

**Amendment 247**

**Proposal for a regulation**

**Article 39 — paragraph 2 — point f**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (f) establish a grievance mechanism as an early-warning risk-awareness system or provide such ***mechanism*** through collaborative arrangements with other economic operators or organisations, or by facilitating recourse to an external expert or body, such as an ombudsman. | (f) establish a grievance mechanism as an early-warning risk-awareness system***, and as a remediation mechanism in line with the UN Guiding Principles on Business and Human Rights*** or provide such ***mechanisms*** through collaborative arrangements with other economic operators or organisations, or by facilitating recourse to an external expert or body, such as an ombudsman. ***Such mechanisms shall take into account the criteria of grievance mechanisms outlined in the UN Guiding Principles on Business and Human Rights.*** |

**Amendment 248**

**Proposal for a regulation**

**Article 39 — paragraph 3 — subparagraph 1 — point a**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (a) identify and assess the adverse impacts associated to the risk categories listed in Annex X, point 2, in its ***supply*** chain on the basis of the information provided pursuant to paragraph 2 against the standards of their ***supply*** chain policy; | (a) identify and assess the ***risk of*** adverse impacts associated to the risk categories ***including those*** listed in Annex X, point 2, in its ***value*** chain on the basis of the information provided pursuant to paragraph 2***, and any other relevant information that is either publicly available or provided by stakeholders,*** against the standards of their ***value*** chain policy |

**Amendment 249**

**Proposal for a regulation**

**Article 39 — paragraph 3 — subparagraph 1 — point b — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (b) implement a strategy to respond to the identified risks designed so as to prevent ***or*** mitigate adverse impacts by: | (b) implement a strategy to respond to the identified risks designed so as to prevent, mitigate ***and address*** adverse impacts by: |

**Thursday 10 March 2022**

**Amendment 250**

**Proposal for a regulation**

**Article 39 — paragraph 3 — subparagraph 1 — point b — point i**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (i) ***reporting*** findings of the ***supply*** chain risk assessment to senior management designated for that purpose; | (i) ***report*** findings of the ***value*** chain risk assessment to senior management designated for that purpose; |

**Amendment 251**

**Proposal for a regulation**

**Article 39 — paragraph 3 — subparagraph 1 — point b — point ii**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (ii) ***adopting*** risk management measures consistent with ***Annex II to the OECD*** Due Diligence ***Guidance***, considering their ability to influence, and where necessary take steps to exert pressure on ***suppliers*** who can most effectively prevent or mitigate the identified risk; | (ii) ***adopt*** risk management measures consistent with ***the internationally recognised*** due diligence ***standards listed in Annex X, point 3a***, considering their ability to influence, and where necessary take steps to exert pressure on ***business relationships*** who can most effectively prevent or mitigate the identified risk; |

**Amendment 252**

**Proposal for a regulation**

**Article 39 — paragraph 3 — subparagraph 1 — point b — point iii**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (iii) ***implementing*** the risk management plan, monitoring and tracking performance of risk mitigation efforts, reporting back to senior management designated for this purpose and considering suspending or discontinuing engagement with a ***supplier*** after failed attempts at mitigation, based on relevant contractual arrangements in line with the second subparagraph to paragraph ***2 above***; | (iii) ***implement*** the risk management plan, monitoring and tracking performance of risk mitigation efforts, reporting back to senior management designated for this purpose and considering suspending or discontinuing engagement with a ***business relationship*** after failed attempts at mitigation, based on relevant contractual arrangements in line with the second subparagraph to paragraph **2**; |

**Thursday 10 March 2022**

**Amendment 253**

**Proposal for a regulation**

**Article 39 — paragraph 3 — subparagraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| If the economic operator referred to in paragraph 1 pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with ***suppliers*** and with the stakeholders concerned, including local and central government authorities, international or civil society organisations and affected ***third parties***, and agree on a strategy for measurable risk mitigation in the risk management plan. | If the economic operator referred to in paragraph 1 pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with ***business relationships*** and with the stakeholders concerned, including local and central government authorities, international or civil society organisations and affected ***communities***, and agree on a strategy for measurable risk mitigation in the risk management plan. |

**Amendment 254**

**Proposal for a regulation**

**Article 39 — paragraph 3 — subparagraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| The economic operator referred to in paragraph 1 shall identify and assess the probability of adverse impacts in the risk categories listed in Annex X, point 2, in its ***supply*** chain ***based on*** available reports by third-party verification done by a notified body concerning the ***suppliers*** in that chain, and, by assessing, as appropriate, its due diligence practices. Those verification reports shall be in accordance with the first subparagraph in paragraph 4. ***In the absence of such third-party verification reports concerning suppliers, the economic operator referred to in paragraph 1 shall identify and assess the risks in its supply chain as part of its own risk management systems. In such cases, economic operators referred to in paragraph 1 shall carry out third party verifications of its own supply chains due diligence via a notified body in accordance with the first subparagraph in paragraph 4.*** | The economic operator referred to in paragraph 1 shall identify and assess the probability of adverse impacts in the risk categories listed in Annex X, point 2, in its ***value chain. The economic operator referred to in paragraph 1 shall identify and assess the risks in its value*** chain ***as part of its own risk management systems. In such cases, economic operators referred to in paragraph 1 shall carry out third party verifications of their own due diligence chains via a notified body in accordance with the first subparagraph of paragraph 4. The economic operator may also make use of*** available reports by third-party verification done by a notified body concerning the ***business relationships*** in that chain, and, by assessing, as appropriate, its due diligence practices. Those verification reports shall be in accordance with the first subparagraph in paragraph 4. |

**Amendment 255**

**Proposal for a regulation**

**Article 39 — paragraph 3 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***3a. Member States shall ensure that they have a liability regime in place under which economic operators can, in accordance with national law, be held liable and provide remediation for any harm arising out of potential or actual adverse impacts on human rights, the environment or good governance that they, or undertakings under their control, have caused or contributed to by acts or omissions.*** |

**Thursday 10 March 2022**

**Amendment 256**

**Proposal for a regulation**

**Article 39 — paragraph 4 — subparagraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 4. The economic operator referred to in paragraph 1 shall have their ***supply*** chain due diligence ***policies*** verified by a notified body ('third-party verification'). | 4. The economic operator referred to in paragraph 1 shall have their ***value*** chain due diligence ***policy and practices*** verified by a notified body ('third-party verification'). |

**Amendment 257**

**Proposal for a regulation**

**Article 39 — paragraph 4 — subparagraph 2 — point a**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (a) include in its scope all activities, processes and systems used by economic operators to implement their ***supply*** chain due diligence requirements in accordance with paragraphs 2, 3 and 5; | (a) include in its scope all activities, processes and systems used by economic operators to implement their ***value*** chain due diligence requirements in accordance with paragraphs 2, 3 and 5. |

**Amendment 258**

**Proposal for a regulation**

**Article 39 — paragraph 4 — subparagraph 2 — point b**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (b) have as its objective the determination of conformity of the ***supply*** chain due diligence practices of economic operators placing batteries on the market with paragraphs 2, 3 and 5; | (b) have as its objective the determination of conformity of the ***value*** chain due diligence practices of economic operators placing batteries on the market with paragraphs 2, 3 and 5***, as well as, where relevant, carry out checks on undertakings and gather information from stakeholders***; |

**Amendment 259**

**Proposal for a regulation**

**Article 39 — paragraph 4 — subparagraph 2 — point c**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (c) make recommendations to the economic operators that place batteries on the market on how to improve their ***supply*** chain due diligence practices; | (c) make recommendations to the economic operators that place batteries on the market on how to improve their ***value*** chain due diligence practices; |

**Thursday 10 March 2022**

**Amendment 260**

**Proposal for a regulation**

**Article 39 — paragraph 5**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 5. The economic operator referred to in paragraph 1 shall make available upon request to Member States' market surveillance authorities the reports of any third-party verification carried out in accordance with paragraph 4 or evidence of compliance with a ***supply*** chain due diligence scheme recognised by the Commission in accordance with Article 72. | 5. The economic operator referred to in paragraph 1 shall make available upon request to Member States' market surveillance authorities the reports of any third-party verification carried out in accordance with paragraph 4 or evidence of compliance with a ***value*** chain due diligence scheme recognised by the Commission in accordance with Article 72. |

**Amendment 261**

**Proposal for a regulation**

**Article 39 — paragraph 6 — subparagraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 6. The economic operator referred to in paragraph 1 shall make available to its immediate downstream purchasers all information gained and maintained pursuant to its ***supply*** chain due diligence policies with due regard for business confidentiality and other competitive concerns. | 6. The economic operator referred to in paragraph 1 shall make available to its immediate downstream purchasers all information gained and maintained pursuant to its ***value*** chain due diligence policies with due regard for business confidentiality and other competitive concerns |

**Amendment 262**

**Proposal for a regulation**

**Article 39 — paragraph 6 — subparagraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| The economic operator referred to in paragraph 1 shall on an annual basis, publicly report as widely as possible, including on the internet, on its ***supply*** chain due diligence policies. That report shall contain the steps taken by that economic operator to comply with the requirements set out in paragraphs 2 and 3, including findings of significant adverse impacts in the risk categories listed in Annex X, point 2, and how they have been addressed, as well as a summary report of the third-party verifications carried out in accordance with point 4, including the name of the notified body, with due regard for business confidentiality and other competitive concerns. | The economic operator referred to in paragraph 1 shall on an annual basis, publicly report as widely as possible, including on the internet, on its ***value*** chain due diligence policies ***regarding, in particular, the raw materials contained in each battery model placed on the market***. That report shall contain***, in a manner that is easily comprehensible for end-users and clearly identifies the batteries concerned,*** the steps taken by that economic operator to comply with the requirements set out in paragraphs 2 and 3, including findings of significant adverse impacts in the risk categories listed in Annex X, point 2, and how they have been addressed, as well as a summary report of the third-party verifications carried out in accordance with point 4, including the name of the notified body, with due regard for business confidentiality and other competitive concerns.. |

**Thursday 10 March 2022**

**Amendment 263**

**Proposal for a regulation**

**Article 39 — paragraph 7**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 7. The Commission shall develop guidance as regards the application of the due diligence requirements defined in paragraphs 2 and 3 of this Article, with regard to the social and environmental risks referred to in Annex X, point 2, and particularly in line with the international instruments referred to in Annex X, ***point*** 3. | 7. The Commission shall develop guidance as regards the application of the due diligence requirements defined in paragraphs 2 and 3 of this Article, with regard to the social and environmental risks referred to in Annex X, point 2,and particularly in line with the international instruments referred to in Annex X, ***points*** 3 ***and 3a***. |

**Amendment 264**

**Proposal for a regulation**

**Article 39 — paragraph 7 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***7 a. Member States shall provide specific technical assistance to economic operators, especially to small and medium-sized companies, for the purposes of compliance with the value chain due diligence requirements set out in this Article. Member States may be assisted by their national battery competence centres, established pursuant to Article 68b, in providing such technical support.*** |

**Amendment 265**

**Proposal for a regulation**

**Article 39 — paragraph 7 b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***7b. In order to enable Member States to ensure that there is compliance with this Regulation in accordance with Article 69, Member States shall be responsible for carrying out appropriate checks.*** |
| | ***The checks referred to in the first subparagraph shall be conducted by taking a risk-based approach, including in cases where a competent authority is in possession of relevant information, such as on the basis of substantiated concerns provided by third parties, concerning the compliance by an economic operator with this Regulation.*** |
| | ***The checks referred to in the first subparagraph shall include on-the-spot inspections, including at the premises of the economic operator.*** |
| | ***Economic operators shall offer all the assistance necessary to facilitate the performance of the checks referred to in the first subparagraph, in particular as regards access to premises and the presentation of documentation and records.*** |

**Thursday 10 March 2022**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***In order to ensure clarity of tasks and consistency of action among Member State competent authorities, the Commission shall prepare guidelines detailing the steps to be followed by Member State competent authorities carrying out the checks referred to in the first subparagraph. Those guidelines shall include, as appropriate, templates for documents facilitating the implementation of this Regulation.*** |
| | ***Member State shall keep records of the checks referred to in the first subparagraph indicating in particular the nature and results of such checks, as well as records of any notice of remedial action issued under Article 69.*** |

**Amendment 266**

**Proposal for a regulation**

**Article 39 — paragraph 8 — point a a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(aa) amend the list of international instruments in Annex X in accordance with developments within the relevant international fora;*** |

**Amendment 267**

**Proposal for a regulation**

**Article 39 — paragraph 8 — point b**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (b) amend the obligations on the economic operator referred to in paragraph 1 set out in paragraphs 2 to 4 in view of amendments to Regulation (EU) 2017/821 and ***changes to the*** due diligence ***recommendations*** set out in Annex ***I to the OECD Due Diligence Guidance.*** | (b) amend the obligations on the economic operator referred to in paragraph 1 set out in paragraphs 2 to 4 in view of amendments to Regulation (EU) 2017/821 and ***amend the list of internationally recognised*** due diligence ***instruments*** set out in Annex ***X, point 3a;*** |

**Amendment 268**

**Proposal for a regulation**

**Article 39 — paragraph 8 — point b a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(ba) establish and amend a list of high risk areas taking into consideration OECD due diligence guidelines.*** |

**Thursday 10 March 2022**

**Amendment 269**

**Proposal for a regulation**

**Article 39 — paragraph 8 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***8a. In the event that future Union legislation laying down general rules for sustainable corporate governance and due diligence is adopted, the provisions set out in paragraphs 2 to 5 of this Article and in Annex X shall be considered as complementary to such future Union legislation.*** |
| | ***Within 6 months of the entry into force of future Union legislation laying down general rules for sustainable corporate governance and due diligence, the Commission shall assess whether that new Union legislation requires amendment of paragraphs 2 to 5 of this Article or of Annex X, or both, and adopt, where appropriate, a delegated act in accordance with Article 73 to amend those provisions accordingly.*** |
| | ***That delegated act shall be without prejudice to the obligations set out in paragraphs 2 to 5 of this Article or in Annex X that are specific to economic operators that place batteries on the market. Any additional due diligence obligation on economic operators that is laid down in that delegated act shall be such as to ensure at least the same level of protection provided for by this regulation without creating any undue administrative burden.*** |

**Amendment 270**

**Proposal for a regulation**

**Article 40 — paragraph 4 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 4. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The authorised representative shall provide a copy of the mandate to the competent authority, upon request. The mandate shall allow the authorised representative to do at least the following: | 4. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The authorised representative shall ***have the appropriate financial and organisational means to perform the tasks specified in the mandate. The authorised representative shall*** provide a copy of the mandate to the competent authority, upon request***, in a Union language determined by the competent authority***. The mandate shall allow the authorised representative to do at least the following: |

**Thursday 10 March 2022**

**Amendment 271**

**Proposal for a regulation**

**Article 40 — paragraph 4 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***4a. Where they consider or have reason to believe that a battery presents a risk, authorised representatives shall immediately inform the market surveillance authorities thereof.*** |

**Amendment 272**

**Proposal for a regulation**

**Article 41 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. Importers shall only place on the market or put into service a battery which is compliant with the requirements of Chapters II and III | 1. Importers shall only place on the market or put into service a battery which is compliant with the requirements of Chapters II and III ***and Article 39.*** |

**Amendment 273**

**Proposal for a regulation**

**Article 41 — paragraph 2 — subparagraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Where an importer considers or has reason to believe that a battery is not in conformity with the requirements set out in Chapters II and III, the importer shall not place it on the market or put it into service until it has been brought into conformity. Furthermore, ***where the*** battery presents a risk, the importer shall inform the manufacturer and the market surveillance authorities to that effect. | Where an importer considers or has reason to believe that a battery is not in conformity with the requirements set out in Chapters II and III ***and Article 39***, the importer shall not place it on the market or put it into service until it has been brought into conformity. Furthermore, ***where it considers or has reason to believe that a*** battery presents a risk, the importer shall ***immediately*** inform the manufacturer and the market surveillance authorities to that effect |

**Amendment 274**

**Proposal for a regulation**

**Article 41 — paragraph 6**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 6. When deemed appropriate with regard to the risks presented by a battery, importers shall, to protect the human health and safety of consumers, carry out sample testing of marketed batteries, investigate, and, if necessary, keep a register of complaints, of non-conforming batteries and battery recalls, and shall keep distributors informed of such monitoring. | 6. When deemed appropriate with regard to the risks presented by a battery, importers shall, to protect the human health***, the environment*** and safety of consumers, carry out sample testing of marketed batteries, investigate, and, if necessary, keep a register of complaints, of non-conforming batteries and battery recalls, and shall keep distributors informed of such monitoring. |

**Thursday 10 March 2022**

**Amendment 275**

**Proposal for a regulation**

**Article 41 — paragraph 7**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 7. Importers who consider or have reason to believe that a battery, which they have placed on the market or put into service, is not in conformity with the requirements set out in Chapters II and III, shall immediately take the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate. Furthermore, ***where the*** battery presents a risk, importers shall immediately inform the national authority of the Member State in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken. | 7. Importers who consider or have reason to believe that a battery, which they have placed on the market or put into service, is not in conformity with the requirements set out in Chapters II and III ***and Article 39***, shall immediately take the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate. Furthermore, ***where they consider or have reason to believe that a*** battery presents a risk, importers shall immediately inform the national authority of the Member State in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken. |

**Amendment 276**

**Proposal for a regulation**

**Article 42 — paragraph 2 — point a**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (a) the ***manufacturer, the manufacturer's authorised representative, importer or other distributors are*** registered on the territory of a Member State in accordance with Article 46; | (a) the ***producer is*** registered on the territory of a Member State in accordance with Article 46; |

**Amendment 277**

**Proposal for a regulation**

**Article 42 — paragraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. Where a distributor considers or has reason to believe that a battery is not in conformity with the requirements set out in Chapters II and III, the distributor shall not make the battery available on the market until it has been brought into conformity. Furthermore, ***where*** the battery presents a risk, the distributor shall inform the manufacturer or the importer to that effect as well as the relevant market surveillance authorities. | 3. Where a distributor considers or has reason to believe that a battery is not in conformity with the requirements set out in Chapters II and III ***and Article 39***, the distributor shall not make the battery available on the market until it has been brought into conformity. Furthermore, ***where it considers or has reason to believe that*** the battery presents a risk, the distributor shall inform the manufacturer or the importer to that effect as well as the relevant market surveillance authorities. |

**Thursday 10 March 2022**

**Amendment 278**

**Proposal for a regulation**

**Article 42 — paragraph 5**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 5. Distributors who consider or have reason to believe that a battery, which they have made available on the market, is not in conformity with the requirements set out in Chapters II and III shall make sure that the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate, are taken. Furthermore, ***where*** the battery presents a risk, distributors shall immediately inform the national authority of the Member States in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken. | 5. Distributors who consider or have reason to believe that a battery, which they have made available on the market, is not in conformity with the requirements set out in Chapters II and III ***and Article 39*** shall make sure that the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate, are taken. Furthermore, ***where they consider or have reason to believe that*** the battery presents a risk, distributors shall immediately inform the national authority of the Member States in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken. |

**Amendment 279**

**Proposal for a regulation**

**Article 42 — paragraph 6**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 6. Distributors shall, further to a reasoned request from a national authority provide ***it*** with all the information and the technical documentation necessary to demonstrate the conformity of a battery with the requirements set out in Chapters II and III in a language that can be easily understood by that authority. That information and the technical documentation shall be provided in paper or electronic form. Distributors shall cooperate with the national authority, at its request, on any action taken to eliminate the risks posed by batteries that they have made available on the market. | 6. Distributors shall, further to a reasoned request from a national authority provide ***that authority*** with all the information and the technical documentation necessary to demonstrate the conformity of a battery with the requirements set out in Chapters II and III ***and Article 39*** in a language that can be easily understood by that authority. That information and the technical documentation shall be provided in paper or electronic form. Distributors shall cooperate with the national authority, at its request, on any action taken to eliminate the risks posed by batteries that they have made available on the market. |

**Amendment 280**

**Proposal for a regulation**

**Article 43 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Fulfilment service providers shall ensure that, for batteries that they handle, the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the batteries' compliance with the requirements set out in Chapters II ***and III***. | Fulfilment service providers***, including online marketplaces,*** shall ensure that, for batteries that they handle, the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the batteries' compliance with the requirements set out in Chapters II***, III and VII***.<br><br>***Without prejudice to the obligations of the relevant economic operators set out in Chapter VI, fulfilment service providers shall in addition to the requirement referred to in the first subparagraph perform the tasks set out in Article 40(4), point (d), and Article 40(4a).*** |

**Thursday 10 March 2022**

**Amendment 281**

**Proposal for a regulation**

**Article 44 — paragraph 1 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and that importer or distributor shall be subject to the obligations of the manufacturer under Article ***40***, where | An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and that importer or distributor shall be subject to the obligations of the manufacturer under Article ***38***, where ***any of the following applies:*** |

**Amendment 282**

**Proposal for a regulation**

**Article 44 — paragraph 1 — point b**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (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 requirements of this Regulation may be affected; | (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 requirements of this Regulation may be affected; ***or*** |

**Amendment 283**

**Proposal for a regulation**

**Article 46 — paragraph 2 — subparagraph 2 — point d**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (d) the type of batteries that the producer intends to make available on the market for the first time within the territory of a Member State, namely portable batteries, industrial batteries, electric vehicle batteries, or automotive batteries; | (d) the type of batteries that the producer intends to make available on the market for the first time within the territory of a Member State, namely portable batteries, ***light means of transport batteries,*** industrial batteries, , electric vehicle batteries, or automotive batteries; |

**Amendment 284**

**Proposal for a regulation**

**Article 46 — paragraph 2 — subparagraph 2 — point d a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(da) the chemistry of batteries that the producer intends to make available on the market for the first time within the territory of a Member State;*** |

**Thursday 10 March 2022**

**Amendment 285**

**Proposal for a regulation**

**Article 46 — paragraph 2 — subparagraph 2 — point f — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (f) information on how the producer meets its responsibilities set out in Article 47 and the requirements under Article 48 and Article 49 respectively: | (f) information on how the producer meets its responsibilities set out in Article 47 and the requirements under Article 48***, Article 48a*** and Article 49 respectively: |

**Amendment 286**

**Proposal for a regulation**

**Article 46 — paragraph 2 — subparagraph 2 — point f — point i — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (i) for portable batteries, the requirements of this point (f) shall be met by providing: | (i) for portable ***batteries and light means of transport*** batteries, the requirements of this point (f) shall be met by providing: |

**Amendment 287**

**Proposal for a regulation**

**Article 46 — paragraph 2 — subparagraph 2 — point f — point i — indent 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| — a declaration demonstrating the measures put in place by the producer to attain the producer responsibility obligations set out in Article 47, the measures put in place to meet the separate collection obligations set out in Article 48(1)with regard to the amount of batteries the producer supplies and the system to ensure that the data reported to the competent authorities is reliable; | — a declaration demonstrating the measures put in place by the producer to attain the producer responsibility obligations set out in Article 47, the measures put in place to meet the separate collection obligations set out in Article 48(1) ***and in Article 48a (1)*** with regard to the amount of batteries the producer supplies and the system to ensure that the data reported to the competent authorities is reliable; |

**Thursday 10 March 2022**

**Amendment 288**

**Proposal for a regulation**

**Article 46 — paragraph 2 — subparagraph 2 — point f — point i — indent 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| — where applicable, the name and contact details, including postal ***code and place, street and number, country***, telephone ***and fax numbers***, internet address and e-mail address and the national identification code of the producer responsibility organisation entrusted by the producer to fulfil its extended producer responsibility obligations in accordance with Article 47(2), including the trade register number or an equivalent official registration number of the producer responsibility organisation including the European or national tax number of the producer responsibility organisation, and the represented producer's mandate; | — where applicable, the name and contact details, including postal ***address***, telephone ***number***, internet address and e-mail address and the national identification code of the producer responsibility organisation entrusted by the producer to fulfil its extended producer responsibility obligations in accordance with Article 47(2) ***and (4)***, including the trade register number or an equivalent official registration number of the producer responsibility organisation including the European or national tax number of the producer responsibility organisation, and the represented producer's mandate; |

**Amendment 289**

**Proposal for a regulation**

**Article 46 — paragraph 2 — subparagraph 2 — point f — point i — indent 2 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | — ***where the producer responsibility organisation represents more than one producer, it shall indicate separately how each one of the represented producers meets the responsibilities set out in Article 47.*** |

**Amendment 290**

**Proposal for a regulation**

**Article 46 — paragraph 2 — subparagraph 2 — point f — point ii — indent 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| — where applicable, the national identification code of the producer responsibility organisation entrusted by the producer to fulfil its extended producer responsibility obligations in accordance with paragraphs 2 and 4 of Article 47, including the trade register number or an equivalent official registration number of the producer responsibility organisation including the European or national tax number of the producer responsibility organisation, and the represented producer's mandate; | — where applicable, ***the name and contact details, including postal address, telephone number, and e-mail and web address and*** the national identification code of the producer responsibility organisation entrusted by the producer to fulfil its extended producer responsibility obligations in accordance with paragraphs 2 and 4 of Article 47, including the trade register number or an equivalent official registration number of the producer responsibility organisation including the European or national tax number of the producer responsibility organisation, and the represented producer's mandate; |

**Thursday 10 March 2022**

**Amendment 291**

**Proposal for a regulation**

**Article 46 — paragraph 2 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***2a. Producers supplying batteries by means of distance communication shall be registered in the Member State they sell to. Where such producers are not registered in the Member State they sell to, they shall be registered through their authorised representative.*** |

**Amendment 292**

**Proposal for a regulation**

**Article 46 — paragraph 3 — point d a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(da) may refuse the registration provided by the producer in the event of non-compliance or insufficient compliance with the obligation laid down in paragraph 2.*** |

**Amendment 293**

**Proposal for a regulation**

**Article 46 — paragraph 4 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***4a. Battery producers shall provide to online marketplaces information about their registration or authorised representative in the Member States they sell to.*** |

**Amendment 294**

**Proposal for a regulation**

**Article 47 — paragraph 1 — point a**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (a) organise the separate collection of waste batteries in accordance with Article 48 and Article 49 and the subsequent transport, preparation for repurposing and remanufacturing, treatment and recycling of waste batteries, ***including*** the necessary safety measures, in accordance with Article 56; | (a) ***cover at least the costs referred to in point (a) of paragraph 4 of Article 8a of Directive 2008/98/EC, including the costs of*** organising the separate collection of waste batteries in accordance with Article 48***, Article 48a*** and Article 49 and the subsequent transport, preparation for repurposing and remanufacturing, treatment***, preparation for reuse*** and recycling of waste batteries, ***and*** the necessary safety measures, in accordance with Article 56; |

**Thursday 10 March 2022**

**Amendment 295**

**Proposal for a regulation**

**Article 47 — paragraph 1 — point c**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (c) promote the separate collection of batteries, including by covering the costs of carrying out surveys to identify batteries discarded inappropriately by end-users in accordance with Article 48(1); | (c) promote the separate collection of batteries, including by covering the costs of ***data gathering and of*** carrying out surveys ***regularly*** to identify batteries discarded inappropriately by end-users in accordance with Article 48(1); |

**Amendment 296**

**Proposal for a regulation**

**Article 47 — paragraph 1 — point d a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(da) set up awareness campaigns and/or economic incentives including those listed in Annex IV a to Directive 2008/98/EC to encourage end-users to discard waste batteries in a manner that is in line with the information on prevention and management of waste batteries made available to them in accordance with Article 60(1);*** |

**Amendment 297**

**Proposal for a regulation**

**Article 47 — paragraph 1 — point e**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (e) finance the activities referred to in points (a) to ***(d)***. | (e) finance the activities referred to in points (a) to ***(da)***. |

**Thursday 10 March 2022**

**Amendment 298**

**Proposal for a regulation**

**Article 47 — paragraph 3 — point a**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (a) have the necessary organisational ***and financial*** means to fulfil the extended producer responsibility obligations referred to in paragraph 1; | (a) have the necessary ***financial or financial and*** organisational means to fulfil the extended producer responsibility obligations referred to in paragraph 1; |

**Amendment 299**

**Proposal for a regulation**

**Article 47 — paragraph 4 — point a**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (a) are modulated ***as a minimum*** by battery type and battery chemistry and, as appropriate, taking into account the rechargeability and the level of recycled content in the manufacture of batteries; | (a) are modulated ***in accordance with the criteria set out in point (b) of Article 8a(4) of Directive 2008/98/EC and*** by battery type and battery chemistry and, as appropriate, taking into account the rechargeability***, durability,*** and the level of recycled content in the manufacture of batteries***, as well as the possibility of them being remanufactured or repurposed, and their carbon footprint***; |

**Amendment 300**

**Proposal for a regulation**

**Article 47 — paragraph 4 — point b**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (b) are adjusted to take account of any revenues by the producer responsibility organisations from reuse and from sales of secondary raw materials from the batteries and waste batteries; | (b) are adjusted to take account of any revenues by the producer responsibility organisations from reuse***, remanufacturing, repurposing*** and from sales of secondary raw materials from the batteries and waste batteries; |

**Thursday 10 March 2022**

**Amendment 301**

**Proposal for a regulation**

**Article 47 — paragraph 5**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 5. Where, in accordance with Articles 48(2), 49(3), 53(1), 56(1), and paragraphs 1, 2 and 3 of Article 61, activities to carry out obligations referred to in points (a) to (d) of paragraph 1 are carried out by a third party other than a producer or a producer responsibility organisation, the costs to be covered by producers shall not exceed the costs that are necessary to provide those activities in a cost-efficient way. Such costs shall be established in a transparent way between the producers and the third parties concerned and adjusted to take account of any revenues from reuse and from sales of secondary raw materials from the batteries and waste batteries. | 5. Where, in accordance with Articles 48(2),***48a(2),*** 49(3), 53(1), 56(1), and paragraphs 1, 2 and 3 of Article 61, activities to carry out obligations referred to in points (a) to (d) of paragraph 1 are carried out by a third party other than a producer or a producer responsibility organisation, the costs to be covered by producers shall not exceed the costs that are necessary to provide those activities in a cost-efficient way. Such costs shall be established in a transparent way between the producers and the third parties concerned and adjusted to take account of any revenues from reuse***, remanufacturing, repurposing*** and from sales of secondary raw materials from the batteries and waste batteries. |

**Amendment 302**

**Proposal for a regulation**

**Article 47 — paragraph 6 — subparagraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 6. Producer responsibility ***organisations*** shall apply for an authorisation from the competent authority. The authorisation shall be granted only where it is demonstrated that the measures put in place by the producer responsibility organisation are sufficient to meet the obligations set out in this ***Article*** with regard to the amount of batteries made available on the market for the first time within the territory of a Member State by the producers on whose behalf it acts. The competent authority shall in regular intervals, verify whether the conditions for the authorisation laid down in paragraphs 1, 3, 4 and 5 continue to be met. The ***competent authorities shall fix the details of the*** authorisation ***procedure and the modalities for verifying compliance, including the information to be provided by producers to that end***. | 6. ***A producer or a*** producer responsibility ***organisation acting on its behalf*** shall apply for an authorisation from the competent authority. The authorisation shall be granted only where it is demonstrated that the measures put in place by the ***producer or*** producer responsibility organisation are sufficient ***and that it has the necessary financial or financial and organisational means*** to meet the obligations set out in this ***Chapter*** with regard to the amount of batteries made available on the market for the first time within the territory of a Member State by the producers on whose behalf it acts ***and are in line with the attainment of the targets on separate collection of waste batteries, the level of recycling and recycling efficiencies laid down in this Regulation***. The competent authority shall in regular intervals***, and at least every three years***, verify whether the conditions for the authorisation laid down in paragraphs 1, 3, 4 and 5 continue to be met. The authorisation ***may be revoked if the collection targets set out in Article 48(4) or Article 48a(5) are not met or if the producer or producer responsibility organisation is in breach of Article 49(1), (2) or (3)***. |

**Thursday 10 March 2022**

**Amendment 303**

**Proposal for a regulation**

**Article 47 — paragraph 6 — subparagraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Producer responsibility ***organisations*** shall notify the competent authority without undue delay of any changes to the information contained in the application for an authorisation, of any changes that concern the terms of the authorisation and of the permanent cessation of operations. | ***The producer or the*** producer responsibility ***organisation acting on its behalf*** shall notify the competent authority without undue delay of any changes to the information contained in the application for an authorisation, of any changes that concern the terms of the authorisation and of the permanent cessation of operations. |

**Amendment 304**

**Proposal for a regulation**

**Article 47 — paragraph 9 — point c**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (c) the rate of separate collection of waste batteries, the level of recycling ***and*** recycling efficiencies achieved based on the amount of batteries made available on the market for the first time in the Member State by their member producers; | (c) the rate of separate collection of waste batteries, the level of recycling***, the*** recycling efficiencies ***and levels of recovered materials*** achieved based on the amount of batteries made available on the market for the first time in the Member State by their member producers; |

**Amendment 305**

**Proposal for a regulation**

**Article 47 — paragraph 9 — point d a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(da) the selection procedure for waste management operators.*** |

**Amendment 306**

**Proposal for a regulation**

**Article 47 — paragraph 10 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***10a. Where an operator carries out re-use, repurposing or remanufacturing of a battery, the extended producer responsibility for that battery shall be transferred from the producer to that operator.*** |

**Thursday 10 March 2022**

**Amendment 307**

**Proposal for a regulation**

**Article 47 — paragraph 13**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 13. ***Articles 8 and*** 8a of Directive 2008/98/EC shall ***not apply to batteries***. | 13. ***The requirements on extended producer responsibility and the general minimum requirements for extended producer responsibility schemes provided for in Article*** 8a of Directive 2008/98/EC shall ***be considered as minimum requirements and shall be supplemented by the provisions laid down in this Regulation***. |

**Amendment 308**

**Proposal for a regulation**

**Article 48 — paragraph 1 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall ensure the collection of all waste portable batteries, regardless of their nature, brand or origin in the territory of a Member State where they make batteries available on the market for the first time. For that purpose they shall: | 1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall ensure the ***separate*** collection of all waste portable batteries, regardless of their nature***, chemical composition***, brand or origin in the territory of a Member State where they make batteries available on the market for the first time. For that purpose they shall: |

**Amendment 309**

**Proposal for a regulation**

**Article 48 — paragraph 1 — point a**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (a) establish waste portable battery collection points; | (a) establish waste portable battery ***take-back and*** collection points; |

**Amendment 310**

**Proposal for a regulation**

**Article 48 — paragraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. End users***, when discarding*** waste portable batteries at collection points referred to in paragraph 2, shall not be charged or be obliged to buy a new battery. | 3. End users ***shall be able to discard*** waste portable batteries at collection points referred to in paragraph 2 ***and*** shall not be charged or be obliged to buy a new battery ***or to have bought the battery from the producers who set up the collection points***. |

**Thursday 10 March 2022**

**Amendment 311**

**Proposal for a regulation**

**Article 48 — paragraph 4 — subparagraph 1 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 4. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall attain, and maintain ***durably***, at least the following collection targets of waste portable batteries, calculated as percentages of the portable batteries***, excluding batteries from light means of transport***, made available on the market for the first time in a Member State by the respective producer or collectively by the producers covered by a producer responsibility organisation: | 4. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall attain, and maintain ***yearly***, at least the following collection targets of waste portable batteries, calculated as percentages of the portable batteries, made available on the market for the first time in a Member State by the respective producer or collectively by the producers covered by a producer responsibility organisation: |

**Amendment 312**

**Proposal for a regulation**

**Article 48 — paragraph 4 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***4a. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall attain, and maintain yearly, at least the following collection targets for waste portable batteries of general use, calculated as percentages of the portable batteries of general use, made available on the market for the first time in a Member State by the respective producer or collectively by the producers covered by a producer responsibility organisation:*** |
| | ***(a) 45 % by 31 December 2023;*** |
| | ***(b) 70 % by 31 December 2025;*** |
| | ***(c) 80 % by 31 December 2030.*** |

**Thursday 10 March 2022**

**Amendment 313**

**Proposal for a regulation**

**Article 48 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***Article 48a*** |
| | ***Collection of light means of transport waste batteries*** |
| | ***1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall ensure collection of all light means of transport waste batteries regardless of their nature, chemical composition, brand or origin, in the territory of the Member State in which they make batteries available on the market for the first time.*** |
| | ***2. Producers of light means of transport waste batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall take back, free of charge and without an obligation on the end user to buy a new battery, or to have bought the waste battery from them, all light means of transport waste batteries regardless of their chemical composition, brand or origin in the territory of the Member State in which they make batteries available on the market for the first time. For that purpose, they shall take back light means of transport waste batteries from end-users or from take-back and collection points provided in cooperation with:*** |
| | ***(a) distributors of light means of transport batteries in accordance with Article 50(1);*** |
| | ***(b) independent operators that repair light means of transport;*** |
| | ***(c) public authorities, or third parties carrying out waste management on their behalf, in accordance with Article 53.*** |
| | ***3. The take-back arrangements put in place in accordance with paragraph 2 shall cover the whole territory of a Member State taking into account population size and density, the expected volume of light means of transport waste batteries, accessibility for and proximity to end-users. The take-back arrangements shall not be limited to areas where the collection and subsequent management of light means of transport waste batteries is most profitable.*** |
| | ***4. End users, when discarding light means of transport waste batteries at collection points referred to in paragraph 2, shall, in all circumstances, be able to return any waste light means of transport battery at any collection point and to do so free of charge or without being obliged to buy a new battery.*** |

**Thursday 10 March 2022**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***5. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall attain, and maintain yearly, at least the following collection targets for light means of transport batteries, calculated as percentages of the quantities of light means of transport batteries, made available on the market for the first time in a Member State by the respective producer or collectively by the producers covered by a producer responsibility organisation:*** |
| | ***(a) 75 % by 31 December 2025;*** |
| | ***(b) 85 % by 31 December 2030.*** |
| | ***Producers or, where appointed in accordance with Article 47 (2), producer responsibility organisations acting on their behalf, shall calculate the collection rate referred to in the first subparagraph in accordance with the delegated act adopted in accordance with Article 55(2b).*** |
| | ***6. Collection points set up in accordance with paragraphs 1 and 2 of this Article shall not be subject to the registration or permit requirements of Directive 2008/98/EC.*** |
| | ***7. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations shall request an authorisation from the competent authority that is to verify compliance with the arrangements put in place to ensure compliance with this Article. Where the authorisation is requested by a producer responsibility organisation, the request for authorisation shall clearly identify the active member producers that it is representing.*** |
| | ***8. The producer responsibility organisation shall ensure that the data in its possession as regards proprietary information or information directly attributable to individual producers remain confidential. The competent authority may, in its authorisation, establish conditions to be met to that end.*** |
| | ***9. The authorisation under paragraph 6 may be granted only where it is demonstrated, by providing documentary evidence, that the requirements of paragraphs 1, 2 and 3 of this Article are met and that all the arrangements are in place to allow at least the collection target referred to in paragraph 5 to be attained and maintained durably. Where the authorisation is requested by a producer responsibility organisation, it shall be obtained as part of the authorisation referred to in Article 47(6).*** |

**Thursday 10 March 2022**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***10. The competent authority shall establish the details of the procedure to grant the authorisation under paragraph 7 to ensure compliance with the requirements set out in paragraphs 1 to 4 of this Article and Article 56. This shall include the requirement of an independent experts' report for an ex-ante verification of the arrangements for collection under this Article being made in a way to ensure compliance with the requirements under this Article. It shall also include time-frames for verification of the respective steps and the decision to be taken by the competent authority, which shall not exceed six weeks from the submission of a complete application dossier.*** |
| | ***11. The competent authority shall review regularly, and at least every three years, whether the conditions for the authorisation under paragraph 7 continue to be met. The authorisation may be revoked when the collection target set out in paragraph 4 is not met or the producer or producer responsibility organisation is in material breach of its obligations under paragraphs 1 to 3.*** |
| | ***12. The producer or, where appointed in accordance with Article 47(2), the producer responsibility organisation acting on its behalf, shall immediately notify the competent authority of any changes to the conditions covered by the application for authorisation referred to in paragraph 7, of any changes that concern the terms of the authorisation under paragraph 8, and of the permanent cessation of operations.*** |
| | ***13. Every five years the Member States shall carry out a compositional survey at least at NUTS 2 level of collected mixed municipal waste and waste electric and electronic equipment streams to determine the share of waste portable batteries therein. The first survey shall be carried out by 31 December 2023. On the basis of the information obtained, the competent authorities may require, when granting or reviewing an authorisation under paragraphs 7 and 10 that the producers of portable batteries or producer responsibility organisations take corrective action to increase their network of connected collection points and carry out information campaigns in accordance with Article 60(1) in proportion to the share of waste portable batteries in mixed municipal waste and waste electric and electronic equipment streams detected in the survey.*** |

**Thursday 10 March 2022**

**Amendment 314**

**Proposal for a regulation**

**Article 49 — paragraph — 1 (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***-1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall ensure the collection of all waste automotive batteries, industrial batteries and electric vehicle batteries, regardless of their nature, chemical composition, brand or origin in the territory of the Member State in which they make batteries available on the market for the first time.*** |

**Amendment 315**

**Proposal for a regulation**

**Article 49 — paragraph 1 — subparagraph 1 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. Producers of automotive batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations, shall take back, free of charge and without an obligation on the end user to buy a new battery, nor to have bought the battery from them, all waste automotive batteries, industrial batteries and electric vehicle batteries of the respective type that they have made available on the market for the first time in the territory of that Member State. For that purpose they shall accept to take back waste automotive batteries, industrial batteries and electric vehicle batteries from end-users, or from collection points provided in cooperation with: | 1. Producers of automotive batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations, shall take back, free of charge and without an obligation on the end user to buy a new battery, nor to have bought the battery from them, all waste automotive batteries, industrial batteries and electric vehicle batteries of the respective type that they have made available on the market for the first time in the territory of that Member State. For that purpose they shall accept to take back waste automotive batteries, industrial batteries and electric vehicle batteries from end-users, or from ***take-back and*** collection points provided in cooperation with: |

**Amendment 316**

**Proposal for a regulation**

**Article 49 — paragraph 1 — subparagraph 1 — point a a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(aa) independent operators carrying out re-use, remanufacturing or repurposing of automotive batteries, industrial batteries and electric vehicle batteries;*** |

**Thursday 10 March 2022**

**Amendment 317**

**Proposal for a regulation**

**Article 49 — paragraph 1 — subparagraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Where waste industrial batteries require prior dismantling at the premises of private, non-commercial users, the obligation of the producer to take back those batteries shall include covering the costs of dismantling and collecting waste batteries at the premises of those users. | Where waste industrial batteries require prior dismantling at the premises of private, non-commercial users, the obligation of the producer***, or, where appointed in accordance with Article 47(2), producer responsibility organisations,*** to take back those batteries shall include covering the costs of dismantling and collecting waste batteries at the premises of those users |

**Amendment 318**

**Proposal for a regulation**

**Article 49 — paragraph 3 — point a**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (a) provide the collection points referred to in paragraph 1 with suitable collection infrastructure for the separate collection of waste automotive batteries, industrial batteries and electric vehicle batteries meeting the applicable safety requirements and cover the necessary costs incurred by those collection points in relation to the take back activities. The containers to collect and temporarily store such batteries at the collection point shall be adequate to provide for the volume and hazardous nature of waste automotive batteries, industrial batteries and electric vehicle batteries that are likely to be collected through those collection points; | (a) provide the ***take-back and*** collection points referred to in paragraph 1 with suitable collection infrastructure for the separate collection of waste automotive batteries, industrial batteries and electric vehicle batteries meeting the applicable safety requirements and cover the necessary costs incurred by those ***take-back and*** collection points in relation to the take back activities. The containers to collect and temporarily store such batteries at the collection point shall be adequate to provide for the volume and hazardous nature of waste automotive batteries, industrial batteries and electric vehicle batteries that are likely to be collected through those ***take-back and*** collection points; |

**Thursday 10 March 2022**

**Amendment 319**

**Proposal for a regulation**

**Article 49 — paragraph 4 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***4a. Member States shall collect information, including substantiated estimates, on an annual basis, on the quantities and categories of automotive batteries, industrial batteries and electric vehicle batteries placed on their markets, available for collection in comparison to the amounts collected through all routes, prepared for re-use, recycled and recovered within the Member State, and on batteries in vehicles/ industrial products exported, by weight and by chemistry.*** |

**Amendment 320**

**Proposal for a regulation**

**Article 50 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. Distributors shall take back waste batteries from the end-user at no charge ***and*** without an obligation to ***buy a new*** battery, regardless of their chemical composition or origin. Take back for portable batteries shall be provided at or in the immediate vicinity of their retail outlet. Take back for waste automotive batteries, industrial batteries and electric vehicle batteries shall be provided at or in the vicinity of their retail outlet. This obligation is limited to the types of waste batteries which the distributor has, or had, as new batteries in its offer and, for portable batteries, to the quantity that ***non professional*** end-users normally discard. | 1. Distributors shall take back waste batteries from the end-user at no charge ***or*** without an obligation to ***have bought the*** battery ***from the same distributor***, regardless of their chemical composition or origin. Take back for portable batteries shall be provided at or in the immediate vicinity of their retail outlet. Take back for waste ***light means of transport batteries,*** automotive batteries, industrial batteries and electric vehicle batteries shall be provided at or in the vicinity of their retail outlet. This obligation is limited to the types of waste batteries which the distributor has, or had, as new batteries in its offer and, for portable batteries, to the quantity that ***non-professional*** end-users normally discard. |

**Thursday 10 March 2022**

**Amendment 321**

**Proposal for a regulation**

**Article 50 — paragraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. Distributors shall hand over waste batteries that they have taken back to the producers or producer responsibility organisations who are responsible for the collection of those batteries in accordance with Articles 48 and 49 respectively, or to an waste management operator with a view to their treatment and recycling in accordance with Article 56. | 3. Distributors shall hand over waste batteries that they have taken back to the producers or producer responsibility organisations who are responsible for the collection of those batteries in accordance with Articles 48***, 48a*** and 49 respectively, or to an waste management operator with a view to their treatment and recycling in accordance with Article 56. ***Member States may restrict the possibility for distributors to hand over waste batteries according to their type, to producers or producer responsibility organisations, or to waste management operators. Member States shall ensure that such restrictions do not have an adverse impact on the collection and recycling systems.*** |

**Amendment 322**

**Proposal for a regulation**

**Article 50 — paragraph 4**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 4. The obligations under this article shall apply mutatis mutandis to operators supplying batteries by means of distance contracts to end users. Those operators shall provide for a sufficient number of collection points covering the whole territory of a Member State and taking into account population size and density, expected volume of waste automotive, industrial and electric vehicle batteries, accessibility and vicinity to end users allowing end users to return batteries. | 4. The obligations under this article shall apply mutatis mutandis to operators supplying batteries by means of distance contracts to end users. Those operators shall provide for a sufficient number of collection points covering the whole territory of a Member State and taking into account population size and density, expected volume of waste ***of portable, light means of transport,*** automotive, industrial and electric vehicle batteries, accessibility and vicinity to end users allowing end users to return batteries. |

**Amendment 323**

**Proposal for a regulation**

**Article 50 — paragraph 4 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***4a. In the case of sales with delivery, distributors shall offer to take back batteries free of charge. When ordering a battery, the end user of the battery shall be informed of the arrangements for having the used battery taken back.*** |

**Thursday 10 March 2022**

**Amendment 324**

**Proposal for a regulation**

**Article 50 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***Article 50a*** |
| | ***Deposit return systems for batteries*** |
| | ***By 31 December 2025, the Commission shall assess the feasibility and potential benefits of establishment of Union-wide deposit return systems for batteries, in particular for portable batteries of general use. To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking appropriate measures, including the adoption of legislative proposals. Member States, when implementing national deposit return systems for batteries, shall notify the Commission of those measures. National deposit return systems shall not prevent the adoption of harmonised Union-wide systems.*** |

**Amendment 325**

**Proposal for a regulation**

**Article 51 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. End users shall discard waste batteries in designated separate collection points set up by or in accordance with the specific arrangements concluded with the producer or a producer responsibility organisation, in accordance with Articles 48 and 49. | 2. End users shall discard waste batteries in designated separate collection points set up by or in accordance with the specific arrangements concluded with the producer or a producer responsibility organisation, in accordance with Articles 48***, 48a*** and 49. |

**Thursday 10 March 2022**

**Amendment 326**

**Proposal for a regulation**

**Article 52 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Operators of waste treatment facilities subject to Directives 2000/53/EC and 2012/19/EU shall hand over waste batteries resulting from the treatment of end-of-life vehicles and waste electrical and electronic equipment to the producers of the relevant batteries or, where appointed in accordance with Article 47(2) of this Regulation, producer responsibility organisations acting on their behalf or to waste management operators with a view to their treatment and recycling in accordance with the requirements of Article 56 of this Regulation. The operators of waste treatment facilities shall keep records of those transactions. | Operators of waste treatment facilities subject to Directives 2000/53/EC and 2012/19/EU shall hand over waste batteries resulting from the treatment of end-of-life vehicles and waste electrical and electronic equipment to the producers of the relevant batteries or, where appointed in accordance with Article 47(2) of this Regulation, producer responsibility organisations acting on their behalf or to ***authorised*** waste management operators with a view to their treatment and recycling in accordance with the requirements of Article 56 of this Regulation. ***Member States may restrict the possibility for operators of waste treatment facilities subject to Directive 2000/53/EC or Directive 2012/19/EU to hand over waste batteries, according to their type, either to producers or producer responsibility organisations, or to another waste management operator. Member States shall ensure that such restrictions do not have an adverse impact on the collection and recycling systems.*** The operators of waste treatment facilities shall keep records of those transactions. |

**Amendment 327**

**Proposal for a regulation**

**Article 53 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. Waste batteries originating from private, non-commercial users may be discarded in separate collection points set up by public waste management authorities. | 1. Waste batteries originating from private, non-commercial users may be discarded in separate collection points set up by public waste management authorities. ***When set up for a specific battery type, the public waste management authorities shall not refuse to take back any waste batteries of that type, including re-used, repurposed and remanufactured batteries.*** |

**Thursday 10 March 2022**

**Amendment 328**

**Proposal for a regulation**

**Article 53 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. Public waste management authorities shall hand over collected waste batteries to the producers or, where appointed in accordance with Article 47(2), to producer responsibility organisations acting on their behalf, or to waste management operators with a view to treatment and recycling of those waste batteries in accordance with the requirements of Article 56 or carry out their treatment and recycling themselves in accordance with the requirements of Article 56. | 2. Public waste management authorities shall hand over collected waste batteries to the producers or, where appointed in accordance with Article 47(2), to producer responsibility organisations acting on their behalf, or to waste management operators with a view to treatment and recycling of those waste batteries in accordance with the requirements of Article 56 or carry out their treatment and recycling themselves in accordance with the requirements of Article 56. ***Member States may restrict the ability of public waste management authorities to hand over waste batteries, according to their type, either to producers or producer responsibility organisations, or to a waste management operator, or to carry out their treatment and recycling themselves. Member States shall ensure that such restrictions do not have an adverse impact on the collection and recycling systems.*** |

**Amendment 329**

**Proposal for a regulation**

**Article 54 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Voluntary waste portable battery collection points shall hand over waste portable batteries to the producers of portable batteries or third parties acting on their behalf, including producer responsibility organisations, or to waste management operators with a view to their treatment and recycling in accordance with the requirements of Article 56. | Voluntary waste portable battery collection points shall hand over waste portable batteries to the producers of portable batteries or third parties acting on their behalf, including producer responsibility organisations, or to ***authorised*** waste management operators with a view to their treatment and recycling in accordance with the requirements of Article 56. ***Member States may restrict the ability for voluntary waste portable battery collection points to hand over those waste portable batteries either to producers or producer responsibility organisations, or to a waste management operator. Member States shall ensure that such restrictions do not have an adverse impact on the collection and recycling systems.*** |

**Thursday 10 March 2022**

**Amendment 330**

**Proposal for a regulation**

**Article 55 — title**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Collection rates for waste portable batteries | Collection rates for waste portable batteries ***and waste light means of transport batteries*** |

**Amendment 331**

**Proposal for a regulation**

**Article 55 — paragraph 1 — point b**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (b) ***65 %*** by 31 December 2025; | (b) ***70 %*** by 31 December 2025; |

**Amendment 332**

**Proposal for a regulation**

**Article 55 — paragraph 1 — point c**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (c) ***70*** % by 31 December 2030. | (c) ***80*** % by 31 December 2030. |

**Amendment 333**

**Proposal for a regulation**

**Article 55 — paragraph 1 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***1a. Member States shall achieve the following minimum collection targets for waste portable batteries of general use:*** |
| | ***(a) 45 % by 31 December 2023;*** |
| | ***(b) 70 % by 31 December 2025;*** |
| | ***(c) 80 % by 31 December 2030.*** |

**Amendment 334**

**Proposal for a regulation**

**Article 55 — paragraph 2 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***2a. Member States shall achieve the following minimum collection targets for waste light means of transport batteries:*** |
| | ***(a) 75 % by 31 December 2025;*** |
| | ***(b) 85 % by 31 December 2030.*** |

**Thursday 10 March 2022**

**Amendment 335**

**Proposal for a regulation**

**Article 55 — paragraph 2 b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***2b. The Commission shall, by 31 December 2023, adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing detailed rules regarding the calculation and verification of collection targets for waste light means of transport batteries with a view to reflecting the quantity of waste batteries available for collection.*** |

**Amendment 336**

**Proposal for a regulation**

**Article 55 — paragraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. The Commission shall, by 31 December ***2030***, review the target laid down in paragraph 1(c) ***and, as part of that review consider the setting of a collection target for batteries powering light means of transport, in the light of the evolution of the market share, as a separate target or as part of a review of the target laid down in paragraph 1(c) and in Article 48(4)***. This review ***may*** also consider introducing a calculation methodology for the calculation of the separate collection rate with a view to reflecting the quantity of waste batteries available for collection. To that end, the Commission shall submit a report to the European Parliament and the Council on the outcome of the review accompanied, if appropriate, by a legislative proposal. | 3. The Commission shall, by 31 December ***2024,*** review the target laid down in paragraph 1(c) .This review ***shall*** also consider introducing a calculation methodology for the calculation of the separate collection rate with a view to reflecting the quantity of waste ***portable*** batteries available for collection. To that end, the Commission shall submit a report to the European Parliament and the Council on the outcome of the review accompanied, if appropriate, by a legislative proposal. |

**Amendment 337**

**Proposal for a regulation**

**Article 55 — paragraph 4**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| ***4. The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the methodology to calculate the collection rate for portable batteries laid down in Annex XI.*** | ***deleted*** |

**Thursday 10 March 2022**

**Amendment 338**

**Proposal for a regulation**

**Article 56 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. Collected waste batteries shall not be ***landfilled or incinerated.*** | 1. Collected waste batteries shall not be ***disposed of or be the subject of an energy recovery operation.*** |

**Amendment 339**

**Proposal for a regulation**

**Article 56 — paragraph 4 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***4a. Member States may set up incentive schemes for economic operators that achieve higher yields than the respective thresholds set out in Parts B and C of Annex XII.*** |

**Amendment 340**

**Proposal for a regulation**

**Article 57 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. All waste batteries collected shall ***enter*** a recycling process. | 1. All waste batteries collected shall ***undergo preparation for reuse, preparation for repurposing or*** a recycling process***, except batteries containing mercury, which shall be disposed of in a manner that does not entail any negative impacts on human health or the environment***. |

**Amendment 341**

**Proposal for a regulation**

**Article 57 — paragraph 3 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***3a. In order to enable proper sorting and reporting of lithium-ion waste batteries, the Commission shall include lithium-ion waste batteries in the list of wastes referred to in Decision 2000/532/EC as appropriate.*** |

**Thursday 10 March 2022**

**Amendment 342**

**Proposal for a regulation**

**Article 57 — paragraph 4**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 4. The Commission shall, by 31 December 2023, adopt ***an implementing act to establish*** detailed rules regarding the calculation and verification of recycling efficiencies and recovery of materials. ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).*** | 4. The Commission shall, by 31 December 2023, adopt ***a delegated act in accordance with Article 73 to supplement this Regulation by establishing*** detailed rules regarding the calculation and verification of recycling efficiencies and recovery of materials. |

**Amendment 343**

**Proposal for a regulation**

**Article 57 — paragraph 5**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 5. The Commission shall ***be empowered to adopt delegated acts, in accordance with Article 73, to amend the minimum*** levels of recovered materials for waste batteries laid down in Annex XII, Parts B and C, in light of technical and scientific progress and emerging new technologies in waste management. | 5. ***By 31 December 2027,*** the Commission shall ***evaluate and present a report on progress made on recycling efficiencies and*** levels of recovered materials for waste batteries laid down in Annex XII, Parts B and C, in light of technical and scientific progress and emerging new technologies in waste management. ***If appropriate, that report shall be accompanied by a legislative proposal to increase the minimum recycling efficiencies and levels of recovered materials.*** |

**Amendment 344**

**Proposal for a regulation**

**Article 57 — paragraph 5 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***5a. The Commission shall be empowered to adopt delegated acts, in accordance with Article 73, to extend the list of battery chemistries and materials laid down in Annex XII, Parts B and C, in light of technical and scientific progress and emerging new technologies in waste management.*** |

**Thursday 10 March 2022**

**Amendment 345**

**Proposal for a regulation**

**Article 58 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. Treatment and recycling may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of waste batteries is in compliance with Regulation (EC) No 1013/2006 and Regulation (EC) No 1418/2007. | 1. Treatment***, preparation for reuse, preparation for repurposing*** and recycling may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of waste batteries is in compliance with Regulation (EC) No 1013/2006 and Regulation (EC) No 1418/2007 |

**Amendment 346**

**Proposal for a regulation**

**Article 58 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. Waste batteries exported out of the Union in accordance with paragraph 1 shall only count towards the fulfilment of obligations, efficiencies and targets set out in Article 56 and Article 57 if the recycler or other waste holder exporting the waste batteries for treatment and recycling ***can prove*** that the treatment took place in conditions that are equivalent to the requirements of this Regulation. | 2. Waste batteries exported out of the Union in accordance with paragraph 1 shall only count towards the fulfilment of obligations, efficiencies and targets set out in Article 56 and Article 57 if the recycler or other waste holder exporting the waste batteries for treatment***, preparation for reuse, preparation for repurposing*** and recycling ***provides documentary evidence approved by the competent authority of destination*** that the treatment took place in conditions that are equivalent to the requirements of this Regulation ***and to relevant environmental and human health protection requirements in other Union legislation***. |

**Amendment 347**

**Proposal for a regulation**

**Article 58 — paragraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. The Commission ***is empowered to*** adopt a delegated act, in accordance with Article 73, laying down detailed rules supplementing those in paragraph 2 of this Article, by laying down the criteria for the assessment of equivalent conditions. | 3. The Commission ***shall*** adopt a delegated act, in accordance with Article 73, laying down detailed rules supplementing those in paragraph 2 of this Article, by laying down the criteria for the assessment of equivalent conditions ***no later than 1 July 2023***. |

**Thursday 10 March 2022**

**Amendment 348**

**Proposal for a regulation**

**Article 59 — title**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Requirements related to the repurposing and remanufacturing of industrial batteries and electric-vehicle batteries | Requirements related to the repurposing and remanufacturing of ***light means of transport batteries,*** industrial batteries and electric-vehicle batteries |

**Amendment 349**

**Proposal for a regulation**

**Article 59 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. Independent operators shall be given access to the battery management system of ***rechargeable industrial*** batteries and electric vehicle batteries ***with internal storage with a capacity above 2 kWh,*** on equal terms and conditions, for the purpose of assessing and determining the state of health and remaining lifetime of batteries, according to the parameters laid down in Annex VII. | 1. Independent operators shall be given ***read-only*** access to the battery management system of ***light means of transport*** batteries***, and of batteries within stationary battery energy storage systems*** and electric vehicle batteries***, and in portable batteries that include a battery management system*** on equal terms and conditions, for the purpose of assessing and determining the state of health and remaining lifetime of batteries, according to the parameters laid down in Annex VII. |

**Amendment 350**

**Proposal for a regulation**

**Article 59 — paragraph 1 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***1a. All used stationary battery energy storage systems and electric vehicle batteries shall be assessed to determine whether they are suitable for reuse, repurposing or remanufacturing. If the assessment shows that such batteries are suitable for reuse, they shall be reused. If the assessment shows that they are not suitable for reuse, but suitable for repurposing or remanufacturing, they shall be repurposed or remanufactured.*** |

**Thursday 10 March 2022**

**Amendment 351**

**Proposal for a regulation**

**Article 59 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. Independent operators carrying out repurposing or remanufacturing operations shall be given adequate access on equal terms and conditions, to the information relevant for the handling and testing of ***rechargeable*** industrial batteries and electric vehicle batteries, or of appliances and vehicles in which such batteries are incorporated as well as of components of such batteries, appliances or vehicles, including safety aspects. | 2. Independent operators carrying out ***preparation for repurposing,*** repurposing or remanufacturing operations shall be given adequate access on equal terms and conditions, to the information relevant for the handling and testing of ***light means of transport batteries,*** industrial batteries and electric vehicle batteries, or of appliances and vehicles in which such batteries are incorporated as well as of components of such batteries, appliances or vehicles, including safety aspects. |

**Amendment 352**

**Proposal for a regulation**

**Article 59 — paragraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. Operators carrying out repurposing or remanufacturing operations of batteries shall ensure that the examination, performance testing, packing and shipment of batteries and their components is carried out following adequate quality control and safety instructions. | 3. Operators carrying out ***preparation for repurposing,*** repurposing or remanufacturing operations of batteries shall ensure that the examination, performance ***and safety*** testing, packing and shipment of batteries and their components is carried out following adequate quality control and safety instructions. |

**Amendment 353**

**Proposal for a regulation**

**Article 59 — paragraph 4 — subparagraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 4. Operators carrying out repurposing or remanufacturing operations of batteries shall ensure that the repurposed or remanufactured battery complies with this Regulation, relevant product, environmental and human health protection requirements in other legislation and technical requirements for its specific purpose of use when placed on the market. | 4. Operators carrying out ***preparation for repurposing,*** repurposing or remanufacturing operations of batteries shall ensure that the repurposed or remanufactured battery complies with this Regulation, relevant product, environmental and human health protection requirements in other legislation and technical requirements for its specific purpose of use when placed on the market. |

**Thursday 10 March 2022**

**Amendment 354**

**Proposal for a regulation**

**Article 59 — paragraph 4 — subparagraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| A battery that has been repurposed or remanufactured shall not be subject to the obligations laid down in Article 7(1), (2) and (3), Article 8(1), (2) and (3), ***Article 10(1) and (2)*** and Article 39 (1) where the economic operator placing a repurposed or remanufactured battery on the market can demonstrate that the battery, before its repurposing or remanufacturing, was placed on the market before the dates on which those obligations become applicable in accordance with those Articles. | A battery that has been repurposed or remanufactured shall not be subject to the obligations laid down in Article 7(1), (2) and (3), Article 8(1), (2) and (3),and Article 39(1) where the economic operator placing a repurposed or remanufactured battery on the market can demonstrate that the battery, before its repurposing or remanufacturing, was placed on the market before the dates on which those obligations become applicable in accordance with those Articles. |

**Amendment 355**

**Proposal for a regulation**

**Article 59 — paragraph 4 — subparagraph 2 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***Operators placing repurposed or remanufactured batteries on the market shall be considered the new producer of the battery and thus be registered in accordance with Article 46 and shall have an extended producer responsibility in accordance with Article 47.*** |

**Amendment 356**

**Proposal for a regulation**

**Article 59 — paragraph 5 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 5. In order to document that a waste battery, subject to a repurposing or remanufacturing operation, is no longer waste, ***the battery holder*** shall demonstrate the following upon request by a competent authority: | 5. In order to document that a waste battery, subject to a repurposing or remanufacturing operation, is no longer waste, ***operators carrying out repurposing or remanufacturing operations*** shall demonstrate the following upon request by a competent authority: |

**Amendment 357**

**Proposal for a regulation**

**Article 60 — paragraph 1 — subparagraph 1 — point a**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (a) the contribution of end users to waste prevention, including by information on good practices concerning the use of batteries aiming at extending their use phase and the possibilities of preparation for reuse; | (a) the contribution of end users to waste prevention, including by information on good practices ***and recommendations*** concerning the use of batteries aiming at extending their use phase and the possibilities of ***reuse,*** preparation for reuse***, preparation for repurposing, repurposing and remanufacturing***; |

**Thursday 10 March 2022**

**Amendment 358**

**Proposal for a regulation**

**Article 60 — paragraph 1 — subparagraph 1 — point c**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (c) the separate collection, preparation for re-use and recycling systems available for waste batteries; | (c) the separate collection, ***take-back and collection points,*** preparation for re-use***, preparation for repurposing, repurposing, remanufacturing*** and recycling systems available for waste batteries; |

**Amendment 359**

**Proposal for a regulation**

**Article 60 — paragraph 1 — subparagraph 1 — point f**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (f) the impact of substances contained in batteries on the environment and on human health, including impact due to inappropriate discarding of waste batteries such as littering or discarding as unsorted municipal waste. | (f) the impact of substances***, in particular hazardous substances,*** contained in batteries on the environment and on human health, including impact due to inappropriate discarding of waste batteries such as littering or discarding as unsorted municipal waste. |

**Amendment 360**

**Proposal for a regulation**

**Article 60 — paragraph 1 — subparagraph 2 — point b**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (b) in a language, which can be easily understood by consumers and other ***end-users***, as determined by the Member State concerned. | (b) in a language, which can be easily understood by consumers and other ***end- users***, ***and accessible for persons with disabilities in accordance with Directive (EU) 2019/882*** as determined by the Member State concerned. |

**Amendment 361**

**Proposal for a regulation**

**Article 60 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. Producers shall make available to distributors and operators referred to in Articles 50, 52 and 53 and other waste management operators carrying out repair, remanufacturing, preparing for re-use, treatment and recycling activities information regarding the safety and protective measures, including on occupational safety, applicable to the storage and collection of waste batteries. | 2. Producers shall make available to distributors and operators referred to in Articles 50, 52 and 53 and other waste management operators carrying out repair, remanufacturing, preparing for re-use, treatment and recycling activities information regarding the ***components and materials of batteries as well as the location of all hazardous substances in batteries. Producers shall make available information regarding the*** safety and protective measures, including on occupational safety, applicable to the storage and collection of waste batteries. |

**Thursday 10 March 2022**

**Amendment 362**

**Proposal for a regulation**

**Article 60 — paragraph 3 — subparagraph 1 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. From the moment that a battery model is supplied within the territory of a Member State producers shall make available electronically, upon request, to waste management operators carrying out repair, remanufacturing, preparing for re-use, treatment and recycling activities, as far as it is needed by those operators to carry out those activities, the following battery model specific information regarding the proper and environmentally sound treatment of waste batteries: | 3. From the moment that a battery model is supplied within the territory of a Member State producers shall make available electronically, ***free of charge and*** upon request, to waste management operators carrying out repair, remanufacturing, preparing for re-use, treatment and recycling activities, as far as it is needed by those operators to carry out those activities, the following battery model specific information regarding the proper and environmentally sound treatment of waste batteries: |

**Amendment 363**

**Proposal for a regulation**

**Article 60 — paragraph 3 — subparagraph 1 — point a**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (a) the processes to ensure the dismantling of vehicles and appliances in a way that allows the removal of incorporated batteries; | (a) the processes to ensure the dismantling of ***light means of transport,*** vehicles and appliances in a way that allows the removal of incorporated batteries; |

**Amendment 364**

**Proposal for a regulation**

**Article 60 — paragraph 3 — subparagraph 1 — point b**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (b) the safety and protective measures, including on occupational safety, applicable to the storage, transport, treatment and recycling processes for waste batteries. | (b) the safety and protective measures, including on occupational safety ***and fire protection***, applicable to the storage, transport, treatment and recycling processes for waste batteries. |

**Thursday 10 March 2022**

**Amendment 365**

**Proposal for a regulation**

**Article 60 — paragraph 4**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 4. Distributors that supply batteries to end-users shall provide in their retail premises***, in a visible manner,*** and through their online marketplaces the information listed in paragraph 1 and 2, and information on how the end users may return waste batteries free of charge to the respective collection points established at retail outlets or on behalf of a marketplace. That obligation shall be limited to the types of batteries which the distributor or retailer has, or had, as new batteries in its offer. | 4. Distributors that supply batteries to end-users shall ***permanently*** provide in their retail premises and through their online marketplaces***, in an easily accessible and clearly visible manner for the end-users of the battery,*** the information listed in paragraph 1 and 2, and information on how the end users may return waste batteries free of charge to the respective collection points established at retail outlets or on behalf of a marketplace. That obligation shall be limited to the types of batteries which the distributor or retailer has, or had, as new batteries in its offer. |

**Amendment 366**

**Proposal for a regulation**

**Article 60 — paragraph 5**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 5. The costs covered by the producer under Article 47(1)(e) shall be shown separately to the end-user at the point of sale of a new battery. The costs mentioned shall not exceed the best estimate of the actual costs incurred. | 5. The costs covered by the producer under Article 47(1)(e) shall be shown separately to the end-user at the point of sale of a new battery. The costs mentioned shall not exceed the best estimate of the actual costs incurred ***and shall not be added to the final cost of the battery charged to the consumer at the point of sale***. |

**Amendment 367**

**Proposal for a regulation**

**Article 61 — paragraph 1 — subparagraph 1 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. Producers of portable batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf shall report to the competent authority for each calendar year the following information according to the battery chemistry***, specifying the amounts of batteries powering light means of transport***: | 1. Producers of portable batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf shall report to the competent authority for each calendar year the following information according to the battery chemistry: |

**Thursday 10 March 2022**

**Amendment 368**

**Proposal for a regulation**

**Article 61 — paragraph 1 — subparagraph 1 — point a a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(aa) the amount of portable batteries of general use made available on the market for the first time in the territory of a Member State, excluding any portable batteries of general use that have left the territory of that Member State in that year before being sold to end users;*** |

**Amendment 369**

**Proposal for a regulation**

**Article 61 — paragraph 1 — subparagraph 1 — point b a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(ba) the amount of waste portable batteries of general use collected in accordance with Article 48, calculated on the basis of the methodology set out in Annex XI;*** |

**Amendment 370**

**Proposal for a regulation**

**Article 61 — paragraph 1 — subparagraph 1 — point d a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(da) the amount of collected waste portable batteries exported to third countries for treatment, preparation for reuse, preparation for repurposing or recycling***. |

**Amendment 371**

**Proposal for a regulation**

**Article 61 — paragraph 1 — subparagraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Where waste management operators other than producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, collect waste portable batteries from distributors or other collection points for waste portable batteries, they shall report to the competent authority for each calendar year the amount of waste portable batteries collected according to their chemistry ***and specifying the amounts of batteries powering light means of transport***. | Where waste management operators other than producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, collect waste portable batteries from distributors or other collection points for waste portable batteries, they shall report to the competent authority for each calendar year the amount of waste portable batteries collected according to their chemistry. |

**Thursday 10 March 2022**

**Amendment 372**

**Proposal for a regulation**

**Article 61 — paragraph 1 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***1a. Producers of light means of transport batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf shall report to the competent authority for each calendar year the following information according to the chemical composition of the battery, specifying the quantities of batteries powering light means of transport:*** |
| | ***(a) the quantity of light means of transport batteries made available on the market for the first time in the territory of a Member State, excluding any light means of transport batteries that have left the territory of that Member State in that year before being sold to end users;*** |
| | ***(b) the quantity of light means of transport batteries collected in accordance with Article 48a, calculated on the basis of the methodology laid down in the delegated act that shall be adopted in accordance with Article 55(2b);*** |
| | ***(c) the collection target reached by the producer or producer responsibility organisation acting on behalf of their members;*** |
| | ***(d) the quantity of collected light means of transport waste batteries delivered for treatment and recycling to permitted facilities; and*** |
| | ***(e) the quantity of batteries delivered for reuse, repurposing and remanufacturing.*** |
| | ***Where waste management operators other than producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, collect light means of transport batteries from distributors or other take-back and collection points for light means of transport batteries, they shall report to the competent authority for each calendar year the quantity of light means of transport batteries collected with a breakdown according to chemical composition, specifying the quantities of batteries powering light means of transport.*** |

**Thursday 10 March 2022**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***The operators referred to in the first and second subparagraphs shall report to the competent authority the data referred to in the first subparagraph within 4 months of the end of the reporting year for which the data are collected. The first reporting period shall concern the first full calendar year after the adoption of the implementing act that establishes the format for reporting to the Commission, in accordance with Article 62(5). The competent authorities shall establish the format and procedures in accordance with which data are to be reported to them.*** |

**Amendment 373**

**Proposal for a regulation**

**Article 61 — paragraph 2 — point b a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(ba) the amount of batteries delivered for reuse, repurposing and remanufacturing;*** |

**Amendment 374**

**Proposal for a regulation**

**Article 61 — paragraph 2 — point b b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(bb) the amount of collected waste automotive batteries, industrial batteries and electric vehicle batteries exported to third countries for treatment, preparation for reuse, preparation for repurposing or recycling.*** |

**Amendment 375**

**Proposal for a regulation**

**Article 61 — paragraph 3 — subparagraph 1 — point b a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(ba) the amount of collected waste automotive batteries, industrial batteries and electric vehicle batteries exported to third countries for treatment, preparation for reuse, preparation for repurposing or recycling.*** |

**Thursday 10 March 2022**

**Amendment 376**

**Proposal for a regulation**

**Article 61 — paragraph 5 — subparagraph 1 — point b**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (b) the amount of waste batteries entering recycling processes; | (b) the amount of waste batteries entering ***preparation for repurposing and*** recycling processes; |

**Amendment 377**

**Proposal for a regulation**

**Article 62 — paragraph 1 — subparagraph 1 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Member States shall make publicly available in an aggregated format for each calendar year the following data on portable batteries, automotive batteries, industrial batteries and electric vehicle batteries according to battery types and their chemistries and, regarding portable batteries, identifying separately batteries powering light means of transport: | Member States shall make publicly available in an aggregated format for each calendar year the following data on portable ***batteries, light means of transport*** batteries, automotive batteries, industrial batteries and electric vehicle batteries according to battery types and their chemistries and, regarding portable batteries, identifying separately batteries powering light means of transport: |

**Amendment 378**

**Proposal for a regulation**

**Article 62 — paragraph 1 — subparagraph 1 — point b**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (b) the amount of waste batteries collected in accordance with Article 48 and 49, calculated on the basis of the methodology set out in Annex XI; | (b) the amount of waste batteries collected in accordance with Article 48***, 48a*** and 49, calculated on the basis of the methodology set out in Annex XI; |

**Amendment 379**

**Proposal for a regulation**

**Article 64 — paragraph 1 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***1a. The system shall serve the following purposes:*** |
| | ***(a) supporting market surveillance authorities in carrying out their tasks under this Regulation and the relevant delegated acts, including the enforcement by those authorities of the Regulation;*** |

**Thursday 10 March 2022**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(b) providing the public with information about batteries placed on the market and their sustainability and safety requirements, and battery information sheets;*** |
| | ***(c) providing the Commission and accredited remanufacturers, second-life operators and recyclers with up-to-date information for batteries.*** |

**Amendment 380**

**Proposal for a regulation**

**Article 64 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. The system shall contain the information and data on ***rechargeable*** industrial batteries and electric vehicle batteries ***with internal storage and a capacity above 2 kWh*** as laid down in Annex XIII. That information and data shall be sortable and searchable, respecting open standards for third party use. | 2. The system shall contain the information and data on ***light means of transport batteries,*** industrial batteries and electric vehicle batteries as laid down in Annex XIII. That information and data shall be sortable and searchable, respecting open standards for third party use. ***The system shall also contain a regularly updated database for all batteries falling under this Regulation.*** |

**Amendment 381**

**Proposal for a regulation**

**Article 64 — paragraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. The economic operators that place a ***rechargeable*** industrial battery or an electric vehicle battery ***with internal storage*** on the market shall make the information referred to in paragraph 2 available electronically in a machine readable format using interoperable and easily accessible data services in the format established in accordance with paragraph 5. | 3. The economic operators that place a ***light means of transport battery,*** industrial battery or an electric vehicle battery on the market shall make the information referred to in paragraph 2 available electronically in a machine readable format using interoperable and easily accessible data services in the format established in accordance with paragraph 5. |

**Amendment 382**

**Proposal for a regulation**

**Article 64 — paragraph 4 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***4 a. The system shall not replace or modify the responsibilities of the market surveillance authorities.*** |

**Thursday 10 March 2022**

**Amendment 383**

**Proposal for a regulation**

**Article 64 — paragraph 5 — subparagraph 1 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 5. The Commission shall, by 31 December 2024, adopt ***implementing acts to establish***: | 5. The Commission shall, by 31 December 2024, adopt ***a delegated act in accordance with Article 73 to supplement this Regulation by establishing***: |

**Amendment 384**

**Proposal for a regulation**

**Article 64 — paragraph 5 — subparagraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).*** | ***deleted*** |

**Amendment 385**

**Proposal for a regulation**

**Article 65 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. By 1 January 2026, each industrial battery ***and*** electric vehicle battery placed on the market or put into service ***and whose capacity is higher than 2 kWh*** shall have an electronic record ('battery passport'). | 1. By 1 January 2026, each industrial battery, electric vehicle ***battery and light means of transport*** battery placed on the market or put into service shall have an electronic record ('battery passport'). |

**Amendment 386**

**Proposal for a regulation**

**Article 65 — paragraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. The battery passport shall be linked to the information about the basic characteristics of each battery type and model stored in the data sources of the System established pursuant to Article 64. The economic operator that places an industrial battery or an electric vehicle battery on the market shall ensure that the data included in the battery passport is accurate, complete and up-to-date. | 3. ***For industrial batteries and electric vehicle batteries,*** the battery passport shall be linked to the information about the basic characteristics of each battery type and model stored in the data sources of the System established pursuant to Article 64. The economic operator that places an industrial battery or an electric vehicle battery on the market shall ensure that the data included in the battery passport is accurate, complete and up-to-date. |

**Thursday 10 March 2022**

**Amendment 387**

**Proposal for a regulation**

**Article 65 — paragraph 3 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***3a. For light means of transport batteries, the battery passport shall contain the information described in Article 13 (5) points (a) to (d), and points (i) and (j), and updated information about the battery, linked to changes to its status.*** |

**Amendment 388**

**Proposal for a regulation**

**Article 65 — paragraph 4**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 4. The battery passport shall be accessible online, through electronic ***systems interoperable*** with the System established pursuant to Article 64. | 4. The battery passport shall be accessible online, through electronic ***systems that are interoperable*** with the System established pursuant to Article 64***, and via the QR code referred to in Article 13(5)***. |

**Amendment 389**

**Proposal for a regulation**

**Article 65 — paragraph 5**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 5. The battery passport shall allow access to information about the values for performance and durability parameters referred to in Article 10(1), when the battery is placed on the market and when it is subject to changes in its status. | 5. The battery passport shall allow access to information about the values for performance and durability parameters referred to in Article 10(1), ***as well as to information on the state of health of the battery pursuant to Article 14,*** when the battery is placed on the market and when it is subject to changes in its status. |

**Amendment 390**

**Proposal for a regulation**

**Article 65 — paragraph 6**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 6. When the change in the status is due to ***repairing or*** repurposing activities, the responsibility for the battery record in the battery passport shall be transferred to the economic operator that is considered to place the industrial battery ***or*** the electric vehicle battery on the market or that puts it into service. | 6. When the change in the status is due to repurposing ***or remanufacturing*** activities, the responsibility for the battery record in the battery passport shall be transferred to the economic operator that is considered to place the industrial battery, the electric vehicle ***battery or the light means of transport*** battery on the market or that puts it into service. ***The record for repurposed or remanufactured batteries shall be linked to the record of the original battery.*** |

**Thursday 10 March 2022**

**Amendment 391**

**Proposal for a regulation**

**Article 65 — paragraph 7 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 7. The Commission is empowered to adopt ***implementing acts to*** establish the rules for accessing, sharing, managing, exploring, publishing and reusing of the information and data accessible through the battery passport. | 7. The Commission is empowered to adopt ***delegated acts in accordance with Article 73 to*** establish the rules for accessing, sharing, managing, exploring, publishing and reusing of the information and data accessible through the battery passport. |

**Amendment 392**

**Proposal for a regulation**

**Article 65 — paragraph 7 — subparagraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).*** | ***deleted*** |

**Amendment 393**

**Proposal for a regulation**

**Article 66 — paragraph 1 — subparagraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. ***Where the*** market surveillance authorities ***of one Member State have sufficient reason to believe that a battery covered by this Regulation presents a risk to human health or safety of persons, to property or to the environment, they*** shall ***carry out an evaluation in relation to the battery concerned*** covering all relevant requirements laid down in this Regulation. | 1. Market surveillance authorities shall ***perform appropriate checks on batteries made available online and offline on an adequate scale, by means of documentary checks and, where appropriate, physical and laboratory checks based on adequate samples,*** covering all relevant requirements laid down in this Regulation. ***Market surveillance authorities may send batteries to the Union testing facility referred to in Article 68a for such an evaluation.*** |

**Thursday 10 March 2022**

**Amendment 394**

**Proposal for a regulation**

**Article 66 — paragraph 1 — subparagraph 1 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***By … [two years after the entry into force of this Regulation] the Commission shall adopt implementing acts to establish the uniform conditions for checks, criteria for determination of the frequency of checks and the amount of samples to be checked in accordance with Article 11(4) of Regulation (EU) 2019/1020.*** |
| | ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).*** |

**Amendment 395**

**Proposal for a regulation**

**Article 66 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. ***Where*** the market surveillance authorities ***consider that non-compliance is not restricted to their national territory, they*** shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take. | 2. The market surveillance authorities shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take. |

**Amendment 396**

**Proposal for a regulation**

**Article 66 — paragraph 5 — point a**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (a) failure of the battery to meet the requirements set out in Chapter II or III of this Regulation | (a) failure of the battery to meet the requirements set out in Chapter II or III ***or Article 39*** of this Regulation |

**Thursday 10 March 2022**

**Amendment 397**

**Proposal for a regulation**

**Article 66 — paragraph 8 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***8 a. Consumers shall be enabled to enter information on batteries presenting a risk to consumers in a separate section of the Community Rapid Information System (RAPEX) provided for in Article 12 of Directive 2001/95/EC. The Commission shall take due account of the information received and ensure follow-up, including transmission of the information to the relevant national authorities, where appropriate.*** |
| | ***The Commission shall adopt an implementing act in accordance with the advisory procedure referred to in Article 74(2) to establish the modalities for the transmission of the information referred to in the first subparagraph as well as for the transmission of such information to the relevant national authorities for follow-up.*** |

**Amendment 398**

**Proposal for a regulation**

**Article 67 — paragraph 1 — subparagraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. Where, on completion of the procedure set out in Article 66(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not. | 1. Where, on completion of the procedure set out in Article 66(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. ***The Commission shall conclude that evaluation within one month.*** On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not. |

**Amendment 399**

**Proposal for a regulation**

**Article 68 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. Where, having carried out an evaluation under Article 67(1), a Member State finds that although a battery is in compliance with the requirements set out in Chapters II and III, it presents a risk to the human health or safety of persons, to the protection of property or to the environment, it shall require the relevant economic operator to take all appropriate measures to ensure that the battery concerned, when placed on the market, no longer presents that risk, to withdraw the battery from the market or to recall it, within a reasonable period which is commensurate with the nature of that risk. | 1. Where, having carried out an evaluation under Article 67(1), a Member State finds that although a battery is in compliance with the requirements set out in Chapters II and III, it presents a risk ***or may reasonably be considered to present a risk*** to the human health or safety of persons, to the protection of property or to the environment, it shall require the relevant economic operator to take all appropriate measures to ensure that the battery concerned, when placed on the market, no longer presents that risk, to withdraw the battery from the market or to recall it, within a reasonable period which is commensurate with the nature of that risk. |

**Thursday 10 March 2022**

**Amendment 400**

**Proposal for a regulation**

**Article 68 — paragraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. The Member State shall immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the batteries concerned, the origin and the ***supply*** chain of the battery, the nature of the risk involved and the nature and duration of the national measures taken. | 3. The Member State shall immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the batteries concerned, the origin and the ***value*** chain of the battery, the nature of the risk involved and the nature and duration of the national measures taken. |

**Amendment 401**

**Proposal for a regulation**

**Article 68 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***Article 68a*** |
| | ***Union testing facility*** |
| | ***1. By … [two years after the entry into force of this Regulation], the Commission shall designate a Union testing facility specialised in batteries in accordance with Article 21(2), second subparagraph, of Regulation (EU) 2019/1020.*** |
| | ***2. The Union testing facility shall serve as a competence centre for:*** |
| | ***(a) providing, by way of derogation from Article 21(6)(b) of Regulation(EU) 2019/1020, independent technical and scientific advice to the Commission in the course of the investigations referred to in Article 32 of this Regulation and in the course of the evaluations referred to in Articles 67(1) and 68(4) of this Regulation;*** |
| | ***(b) carrying out the testing of batteries at the request of market surveillance authorities for the purpose of the evaluation referred to in Article 66(1).*** |

**Thursday 10 March 2022**

**Amendment 402**

**Proposal for a regulation**

**Article 68 b (new)**

| *Text proposed by the Commission* | *Amendment* |
| --- | --- |
| | ***Article 68b*** |
| | ***National battery competence centres*** |
| | ***1. Market surveillance authorities shall agree with the organisations representing economic operators and research centres to set up a national battery competence centre in each Member State.*** |
| | ***2. National battery competence centres referred to in paragraph 1 shall carry out activities that have the aim of promoting compliance, identifying non-compliance, raising awareness and providing guidance and technical advice in relation to the requirements of this Regulation. Where relevant, other stakeholders, such as organisations representing end-users, may also participate in the activities of the national battery competence centres.*** |
| | ***3. In accordance with Article 9(2) of Regulation (EU) 2019/1020, the market surveillance authority and the parties referred to in paragraph 1 shall ensure that the activities carried out by national battery competence centres do not lead to unfair competition between economic operators and do not affect the objectivity, independence and impartiality of the parties.*** |

**Thursday 10 March 2022**

**Amendment 403**

**Proposal for a regulation**

**Article 69 — paragraph 1 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. Without prejudice to Article 66, where a Member State finds that a battery falling outside the scope of Article 68 is non-compliant with this Regulation or an economic operator has infringed an obligation set out in this Regulation, shall require the relevant economic operator to put an end to the non-compliance concerned. Such non compliances shall include the following: | 1. Without prejudice to Article 66, where a Member State finds that a battery falling outside the scope of Article 68 is non-compliant with this Regulation or an economic operator has infringed an obligation set out in this Regulation, shall require the relevant economic operator to put an end to the non-compliance concerned. ***To facilitate this task, Member States shall establish easily accessible reporting channels for consumers on non-compliance.*** Such non compliances shall include the following: |

**Amendment 404**

**Proposal for a regulation**

**Article 69 — paragraph 1 — point k**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (k) the requirements related to the ***supply*** chain due diligence policy in Article 39 are not fulfilled. | (k) the requirements related to the ***value*** chain due diligence policy in Article 39 are not fulfilled; |

**Amendment 405**

**Proposal for a regulation**

**Article 69 — paragraph 1 — point k a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(ka) the requirements on battery passports referred to in Article 65 are not fulfilled.*** |

**Amendment 406**

**Proposal for a regulation**

**Article 69 — paragraph 3 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***3 a. Competent authorities of the Member States shall be granted investigative powers in accordance with Article 14 of Regulation (EU) 2019/1020 to carry out appropriate controls, be they risk-based or on the basis of information received, to detect possible non-compliance.*** |

**Thursday 10 March 2022**

**Amendment 407**

**Proposal for a regulation**

**Article 69 — paragraph 3 b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***3b. Market surveillance authorities shall cooperate to ensure cross-border enforcement of this Regulation in accordance with the provisions set out in Chapter VI of Regulation (EU) 2019/1020.*** |

**Amendment 408**

**Proposal for a regulation**

**Article 69 — paragraph 3 c (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***3c. Member States shall cooperate in an enforcement network supporting each other in the infringement procedure in case of cross-border sales within the Union.*** |

**Amendment 409**

**Proposal for a regulation**

**Article 70 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. Contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3(1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU shall, when procuring batteries or products containing batteries in situations covered by those Directives, ***take account of the environmental impacts of*** batteries ***over*** their life cycle with a view to ensure that such impacts of the batteries procured are kept to a minimum. | 1. Contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3(1)of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU shall, when procuring batteries or products containing batteries in situations covered by those Directives, ***give preference to the most environmentally friendly*** batteries ***based on*** their ***entire*** life cycle with a view to ensure that such impacts of the batteries procured are kept to a minimum. |

**Thursday 10 March 2022**

**Amendment 410**

**Proposal for a regulation**

**Article 71 — paragraph 3 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***3a. If a Member State considers that the use of a substance in the manufacture of batteries, or the presence of a substance in the batteries when they are placed on the market, or during their subsequent life cycle stages, including the waste phase, poses a risk to human health or the environment, and that that risk is not adequately controlled and needs to be addressed, it shall notify the Agency that it proposes to prepare a dossier which conforms to the requirements of a restriction dossier. If that dossier demonstrates that action on a Community-wide basis is necessary, beyond any measures already in place, the Member State shall submit the dossier to the Agency in order to initiate the restrictions process.*** |

**Amendment 411**

**Proposal for a regulation**

**Article 71 — paragraph 14 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***14a. Within 6 months of any amendment of Regulation (EC) No 1907/2006 or of the entry into force of future Union legislation concerning sustainability criteria for hazardous substances and chemicals, the Commission shall assess whether that amendment of Regulation (EC) No 1907/2006 or that future Union legislation requires an amendment of this Article, and adopt, where appropriate, a delegated act in accordance with Article73 of this Regulation to amend those provisions accordingly.*** |

**Amendment 412**

**Proposal for a regulation**

**Article 72 — paragraph 2 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***2a. Only industry led schemes that fulfil the requirements of Article 39 and are verified by third party actors may be recognised.*** |

**Thursday 10 March 2022**

**Amendment 413**

**Proposal for a regulation**

**Article 73 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. The power to adopt delegated acts referred to in Articles 6(2), ***7(1), (2) and (3)***, ***9(2), 10(3)***, 12(2), 17(4), ***27 (3),*** 39(8), ***55(4),*** 56(4), ***57(6),*** 58(3) and ***70(2)*** shall be conferred on the Commission for a period of five years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than three months before the end of each period. | 2. The power to adopt delegated acts referred to in Articles 6(2), ***6(5a)***, ***7(1) third subparagraph, point (a), 7(1), fourth subparagraph, 7 (2) fourth subparagraph, point(a), 7 (3) third subparagraph and forth subparagraph, 8(1) second subparagraph, point (a), 8(4a), 9(2) second subparagraph***, ***10 (1b) and (1c), 10(3) first subparagraph, 10(3a)***, ***11a (4), 11b (2), 13(6a), 14(3) subparagraph 1a,*** 12(2), 17(4), 39(8) ***and (8a), 55(2b)***, 56(4), ***57(4), 57(5a)*** , 58(3), ***64(5), 65(7), 70(3)***, ***71(14a) and 76(1b)*** shall be conferred on the Commission for a period of five years from … [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than three months before the end of each period. |

**Thursday 10 March 2022**

**Amendment 414**

**Proposal for a regulation**

**Article 73 — paragraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. The delegation of power referred to in Articles 6(2), ***7(1), (2) and (3), 9(2), 10(3)***, 12(2), 17(4), ***27(3),*** 39(8)***, 55(4)***, 56(4), ***57(6),*** 58(3) and ***70(2)*** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. | 3. The delegation of power referred to in Articles 6(2), ***6(5a)***, ***7(1) third subparagraph, point (a), 7(1), fourth subparagraph, 7 (2) fourth subparagraph, point(a), 7 (3) third subparagraph and forth subparagraph, 8(1) second subparagraph, point (a), 8(4a) , 9(2) second subparagraph***, ***10 (1b) and (1c), 10(3) first subparagraph, 10(3a)***, ***11a (4), 11b (2), 13(6a), 14(3) subparagraph 1a ,*** 12(2), 17(4), 39(8) ***and (8a), 55(2b)***, 56 (4), ***57(4), 57(5a)*** , 58(3), ***64(5), 65(7), 70(3)***, ***71(14a) and 76 (1b)*** may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force. |

**Thursday 10 March 2022**

**Amendment 415**

**Proposal for a regulation**

**Article 73 — paragraph 6**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 6. A delegated act adopted pursuant to Articles 6(2), ***7(1), (2) and (3), 9(2), 10(3),*** 12(2), 17(4), ***27(3),*** 39(8)***, 55(4)***, 56(4), ***57 (6)***, 58(3) and ***70(2)*** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council. | 6. A delegated act adopted pursuant to Articles 6(2), ***6(5a)***, ***7(1) third subparagraph, point (a), 7(1), fourth subparagraph, 7 (2) fourth subparagraph, point(a), 7 (3) third subparagraph and forth subparagraph, 8(1) second subparagraph, point (a), 8(4a), 9(2) second subparagraph***, ***10(1b) and (1c), 10(3) first subparagraph, 10(3a)***, ***11a (4), 11b (2), 13(6a), 14(3) subparagraph 1a,*** 12(2), 17(4), 39(8) ***and (8a), 55(2b)***, 56(4), ***57(4), 57(5a)***, 58(3), ***64(5), 65(7), 70(3)***, ***71(14a) and 76(1b)*** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council. |

**Amendment 416**

**Proposal for a regulation**

**Article 75 — paragraph 1 — point 2 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (2) in Annex I, ***the following*** point ***71 is added to*** the list of Union harmonisation legislation: | (2) in Annex I, point ***21 of*** the list of Union harmonisation legislation ***is replaced by the following***: |

**Amendment 417**

**Proposal for a regulation**

**Article 76 — paragraph 1 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***By 1 January 2023, the Commission shall develop harmonised criteria or guidance for effective, proportionate and dissuasive penalties and for compensation of damages caused to individuals.*** |

**Thursday 10 March 2022**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***Those criteria shall at least cover the following types of infringements:*** |
| | — ***making false declarations during the conformity assessment procedures set out in Chapter IV and measures set out in Articles 66 and 68;*** |
| | — ***falsifying test results for conformity or for market surveillance;*** |
| | — ***withholding data or technical specifications that could lead to the recall of the battery or its components or to the refusal or withdrawal of the declaration of conformity.*** |

**Amendment 418**

**Proposal for a regulation**

**Article 76 — paragraph 1 b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***The Commission shall, by 1 January 2023, adopt delegated acts in accordance with Article 73, supplementing this Regulation by establishing criteria for effective, proportionate and dissuasive penalties and for compensation of damages caused to individuals covering at least the infringements listed in paragraph 1a.*** |

**Amendment 419**

**Proposal for a regulation**

**Article 77 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. By 31 December 2030, the Commission shall draw up a report on the application of this Regulation and its impact on the environment and the functioning of the internal market. | 1. By 31 December 2030***, and every 5 years thereafter***, the Commission shall draw up a report on the application of this Regulation and its impact on the environment***, human health*** and the functioning of the internal market ***and submit and present it to the European Parliament and to the Council***. |

**Amendment 420**

**Proposal for a regulation**

**Article 77 — paragraph 2 — subparagraph 1 –point c**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (c) ***supply*** chain due diligence requirements set out in Articles 39 and 72; | (c) ***battery value*** chain due diligence requirements set out in Articles 39 and 72; |

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**Amendment 421**

**Proposal for a regulation**

**Article 77 — paragraph 2 — subparagraph 1 — point d a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(da) the measures regarding the identification of economic operators set out in Article 45;*** |

**Amendment 422**

**Proposal for a regulation**

**Article 77 — paragraph 2 — subparagraph 1 — point d b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(db) infringements and the effectiveness, proportionality and dissuasiveness of penalties as set out in Article 76;*** |

**Amendment 423**

**Proposal for a regulation**

**Article 77 — paragraph 2 — subparagraph 1 — point d c (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(dc) analysis of the impact of the Regulation on the competitiveness of and on the investments in the batteries sector, and of the administrative burden.*** |

**Amendment 424**

**Proposal for a regulation**

**Article 77 — paragraph 2 — subparagraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| ***Where*** appropriate, the report shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Regulation. | ***If*** appropriate, the report ***referred to in paragraph 1*** shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Regulation. |

**Amendment 425**

**Proposal for a regulation**

**Article 79 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| It shall apply from ***1 January 2022***. | It shall apply from … ***[6 months after the entry into force of this Regulation]***. |

**Thursday 10 March 2022**

**Amendment 426**

**Proposal for a regulation**

**Annex I — table — row 3 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| ***2a. Lead*** | ***Portable batteries, whether or not incorporated into appliances, shall not contain more than 0,01 % of lead (expressed as lead metal) by weight.*** |
| ***CAS No. 7439-92-1*** | |
| ***EC No. 231-100-4 and its compounds*** | |

**Amendment 427**

**Proposal for a regulation**

**Annex II — point 1 — paragraph 1 — point c a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(ca) 'Data Quality Ratings' means a semi-quantitative assessment of the quality criteria of a dataset based on technological representativeness, geographical representativeness, time-related representativeness, and precision. The data quality shall be considered to be that of the dataset as documented.*** |

**Amendment 428**

**Proposal for a regulation**

**Annex II — point 2 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| The harmonised calculation rules referred to in Article 7 shall build on the essential elements included in this Annex, be in compliance with the latest version of the Commission Product Environmental Footprint ([80]) ***(PEF)*** method and relevant Product Environmental Footprint Category Rules (PEFCRs) ([81]) and reflect the international agreements and technical/scientific progress in the area of life cycle assessment ([82]). | The harmonised calculation rules referred to in Article 7 shall build on the essential elements included in this Annex, be in compliance with the latest version of the Commission Product Environmental Footprint ([80]) ***(PEF)*** method and relevant Product Environmental Footprint Category Rules (PEFCRs) ([81]) and reflect the international agreements and technical/scientific progress in the area of life cycle assessment ([82]). ***The development and update of PEF methods and relevant PEFCRs shall be open and transparent, and involve adequate representation of civil society organisations, academia and other interested parties.*** |

([80]) https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013H0179&from=EN
([81]) https://ec.europa.eu/environment/eussd/smgp/pdf/PEFCR_guidance_v6.3.pdf
([82]) See https://ec.europa.eu/environment/eussd/smgp/dev_methods.htm

**Thursday 10 March 2022**

**Amendment 429**

**Proposal for a regulation**

**Annex II — point 2 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***2a. Energy use and accounting*** |
| | ***When calculating the carbon intensity of the energy used during the different battery life cycle stages and processes as listed in point 4, average carbon emissions data for the country where the specific activity or process took place shall be used. Lower emission factors shall only be used where the economic actor can reliably demonstrate that the region where the specific activity took place and which supplied the energy to the economic operator or their individual processes or energy supply are less carbon intensive than the country average. This shall be demonstrated via proof that the energy is taken from that region and that it is less carbon intensive, or via a direct connection to a renewable or lower carbon energy source or a contract demonstrating a temporal and geographical link between the energy supply and the use by the economic operator, which must be verified by a third party verification statement.*** |

**Amendment 430**

**Proposal for a regulation**

**Annex II — point 4 — paragraph 1 — table — row 2**

*Text proposed by the Commission*

| | |
|---|---|
| Raw material acquisition and pre-processing | Includes mining and pre-processing, up to the manufacturing of battery cells and batteries components (active materials, separator, electrolyte, casings, active and passive battery components), and electric/electronics components. |

*Amendment*

| | |
|---|---|
| Raw material acquisition and pre-processing | Includes mining ***and other relevant sourcing,*** pre-processing ***and transport of all raw and active materials***, up to the manufacturing of battery cells and batteries components (active materials, separator, electrolyte, casings, active and passive battery components), and electric/electronics components. |

**Thursday 10 March 2022**

**Amendment 431**

**Proposal for a regulation**

**Annex II — point 4 — paragraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| The use phase ***should*** be excluded from the lifecycle carbon footprint calculations, ***as not being under the direct influence of*** manufacturers ***unless it is demonstrated that*** choices ***made by battery manufacturers at the design stage can make a non-negligible*** contribution to this impact. | The use phase ***may only*** be excluded from the lifecycle carbon footprint calculations, ***where*** manufacturers ***can reliably demonstrate that design*** choices ***only lead to a*** contribution to this impact ***that is negligible***. |

**Amendment 432**

**Proposal for a regulation**

**Annex II — point 5 — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| In particular, all activity data related to the battery's anode, cathode, electrolyte, separator and cell-casing shall refer to a specific battery model produced in a specific production plant (i.e., no default activity data shall be used). The battery-specific activity data shall be used in combination with the relevant Product Environmental Footprint compliant secondary datasets. | In particular, all activity data related to the battery's ***raw materials,*** anode, cathode, electrolyte, separator and cell-casing shall refer to a specific battery model produced in a specific production plant (i.e., no default activity data shall be used). The battery-specific activity data shall be used in combination with the relevant Product Environmental Footprint compliant secondary datasets. |

**Amendment 433**

**Proposal for a regulation**

**Annex II — point 5 — paragraph 5 — indent 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| — Raw material acquisition and pre-processing stage | — Raw material acquisition***, including transport,*** and pre-processing stage |

**Amendment 434**

**Proposal for a regulation**

**Annex II — point 8 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Depending on the distribution of the values of the batteries' carbon footprint declarations placed in the EU internal market, a meaningful number of classes of performance will be identified, with category A being the best class with the lowest carbon footprint life cycle impact, to allow for market differentiation. | Depending on the distribution of the values of the batteries' carbon footprint declarations ***and data quality ratings*** placed in the EU internal market, a meaningful number of classes of performance will be identified, with category A being the best class with the lowest carbon footprint life cycle impact, to allow for market differentiation. |

**Thursday 10 March 2022**

**Amendment 435**

**Proposal for a regulation**

**Annex III — title**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Electrochemical performance and durability parameters for portable batteries ***of general use*** | Electrochemical performance and durability parameters for portable batteries |

**Amendment 436**

**Proposal for a regulation**

**Annex III — point 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. Battery capacity, electric charge which a battery can deliver under ***a specific set of*** conditions. | 1. Battery capacity, electric charge which a battery can deliver under ***real-life*** conditions. |

**Amendment 437**

**Proposal for a regulation**

**Annex III — point 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. Shelf life (delayed discharge performance), the relative decrease of the minimum average duration after a defined period of time and specific conditions. | 3. Shelf life (delayed discharge performance), the relative decrease of the minimum average duration ***with the initially measured capacity as the reference point,*** after a defined period of time and specific conditions. |

**Amendment 438**

**Proposal for a regulation**

**Annex IV — title**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Electrochemical performance and durability requirements for ***rechargeable*** industrial batteries and electric vehicle batteries | Electrochemical performance and durability requirements for ***light means of transport batteries,*** industrial batteries and electric vehicle batteries |

**Amendment 439**

**Proposal for a regulation**

**Annex IV — Part A — paragraph 1 — point 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 3. Internal resistance (in Ω) ***and*** internal resistance increase (in %). | 3. Internal resistance (in Ω), internal resistance increase (in %) ***and electrochemical impedance (in Ω)*** |

**Thursday 10 March 2022**

**Amendment 440**

**Proposal for a regulation**

**Annex IV — Part A — paragraph 1 — point 5**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 5. ***An indication of*** their expected life-time under the conditions for which they have been designed. | 5. Their expected life-time under the ***reference*** conditions for which they have been designed ***in terms of cycles and calendar years***. |

**Amendment 441**

**Proposal for a regulation**

**Annex IV — Part A — paragraph 1 — point 5 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***5a. Self discharge.*** |

**Amendment 442**

**Proposal for a regulation**

**Annex IV — Part A — paragraph 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 'Rated capacity' means the total number of ampere-hours (Ah) that can be withdrawn from a fully charged battery under specific conditions. | 'Rated capacity' means the total number of ampere-hours (Ah) that can be withdrawn from a fully charged battery under specific ***reference*** conditions. |

**Amendment 443**

**Proposal for a regulation**

**Annex IV — Part A — paragraph 3**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 'Capacity fade' means the decrease over time and upon usage in the amount of charge that a battery can deliver at the rated voltage, with respect to the original rated capacity ***declared by the manufacturer.*** | 'Capacity fade' means the decrease over time and upon usage in the amount of charge that a battery can deliver at the rated voltage, with respect to the original rated capacity. |

**Amendment 444**

**Proposal for a regulation**

**Annex IV — Part A — paragraph 4**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 'Power' means the amount of energy that a battery is capable to provide over a given period of time. | 'Power' means the amount of energy that a battery is capable to provide over a given period of time ***under reference conditions.*** |

**Thursday 10 March 2022**

**Amendment 445**

**Proposal for a regulation**

**Annex IV — Part A — paragraph 6**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 'Internal resistance' means the opposition to the flow of current within a cell or a battery, that is, the sum of electronic resistance and ionic resistance to the contribution to total effective resistance including inductive/capacitive properties. | 'Internal resistance' means the opposition to the flow of current within a cell or a battery ***under reference conditions***, that is, the sum of electronic resistance and ionic resistance to the contribution to total effective resistance including inductive/capacitive properties. |

**Amendment 446**

**Proposal for a regulation**

**Annex IV — Part A — paragraph 7 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***'Self discharge' means the reduction of the stored electric charge when the battery's electrodes are not connected, for example when the battery is stored or not used for an extended period of time, for example 48 h, 168 h,720 h, with the effect that the battery's charge gradually reduces overtime.*** |

**Amendment 447**

**Proposal for a regulation**

**Annex V — point 6 — introductory part**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 6. Thermal propagation | 6. Thermal propagation ***protection*** |

**Amendment 448**

**Proposal for a regulation**

**Annex V — point 7 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 7. Mechanical damage ***by external forces (drop and impact)*** | 7. Mechanical damage ***protection*** |
| These tests shall simulate one or more situations in which a battery accidentally ***drops or is impacted by a heavy load*** and remains operational for the purpose for which it was designed. The criteria to simulate these situations should reflect real life uses. | These tests shall simulate one or more situations in which a battery ***is*** accidentally ***exposed to mechanical stresses*** and remains operational for the purpose for which it was designed. The criteria to simulate these situations should reflect real life uses. |

**Thursday 10 March 2022**

**Amendment 449**

**Proposal for a regulation**

**Annex V — point 9 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***9a. Fire test*** |
| | ***The objective of the fire test is to expose the battery to a fire and assess the risk of explosion. The measure of the energy released is an important safety indicator.*** |

**Amendment 450**

**Proposal for a regulation**

**Annex V — point 9 b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***9b. Gas emission — hazardous substances measurements*** |
| | ***Batteries could contain significant amounts of potentially hazardous materials, for example highly flammable electrolytes, corrosive and toxic components. If exposed to certain conditions, the integrity of the battery could be compromised, with release of hazardous gases. Therefore, it is important to identify and quantify substances being released from the battery during tests representing misuse and abuse.*** |

**Amendment 451**

**Proposal for a regulation**

**Annex VI — Part A — paragraph 1 — point 5**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| ***5. date of placing on the market;*** | ***deleted*** |

**Amendment 452**

**Proposal for a regulation**

**Annex VI — Part A — paragraph 1 — point 5 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***5a. the weight of the battery*** |

**Thursday 10 March 2022**

**Amendment 453**

**Proposal for a regulation**

**Annex VI — Part A — paragraph 1 — point 7**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 7. hazardous substances contained in the battery other than mercury, cadmium or lead; | 7. hazardous substances contained in the battery ***above a concentration of 0,1 % weight by weight*** other than mercury, cadmium or lead; |

**Amendment 454**

**Proposal for a regulation**

**Annex VI — Part A — paragraph 1 — point 8**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| ***8. critical raw materials contained in the battery.*** | ***deleted*** |

**Amendment 455**

**Proposal for a regulation**

**Annex VI — Part A a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***Aa. Additional information about batteries accessed through the QR code*** |
| | ***1. Date of placing on the market.*** |
| | ***2. Critical raw materials contained in the battery above a concentration of 0,1 % weight by weight.*** |
| | ***3. Information relating to the consumption of electric energy, other forms of energy and where relevant other essential resources during use.*** |

**Amendment 456**

**Proposal for a regulation**

**Annex VI — Part C — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| The QR code shall be ***100 % black*** and of a size that is easily readable by a commonly available QR reader, such as those integrated in hand-held communication devices. | The QR code shall be ***in a colour with a high contrast compared to its background*** and of a size that is easily readable by a commonly available QR reader, such as those integrated in hand-held communication devices |

**Thursday 10 March 2022**

**Amendment 457**

**Proposal for a regulation**

**Annex VIII — Part A — point 1 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 4, and ensures and declares that the battery satisfies the requirements set out in Articles 6, 9, ***10,*** 11***, 12***, 13 and 14 that apply to them. | Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 4, and ensures and declares that the battery satisfies the requirements set out in Articles 6, 9, 11, 13 and 14 that apply to them. |

**Amendment 458**

**Proposal for a regulation**

**Annex VIII — Part B — point 1 — paragraph 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| Internal production control plus supervised verification is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3, 4, and 5, and ensures and declares that the battery satisfy the requirements set out in Articles 7, 8 and 39 that are applicable. | Internal production control plus supervised verification is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3, 4, and 5, and ensures and declares that the battery satisfy the requirements set out in Articles 7, 8***, 10, 12*** and 39 that are applicable. |

**Amendment 507**

**Proposal for a regulation**

**Annex IX — point 4**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 4. Object of the declaration (identification of the battery allowing traceability): description of the battery. | 4. Object of the declaration (identification of the battery allowing traceability***, and which may, where appropriate, include an image of the battery***): description of the battery. |

**Amendment 459**

**Proposal for a regulation**

**Annex X — point 1 — point a a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(aa) iron;*** |

**Thursday 10 March 2022**

**Amendment 460**

**Proposal for a regulation**

**Annex X — point 1 — point a b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(ab) copper;*** |

**Amendment 461**

**Proposal for a regulation**

**Annex X — point 1 — point a c (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(ac) bauxite;*** |

**Amendment 462**

**Proposal for a regulation**

**Annex X — point 2 — point a**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (a) air; | (a) air***, including air pollution***; |

**Amendment 463**

**Proposal for a regulation**

**Annex X — point 2 — point b**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (b) water; | (b) water***, including access to water, pollution and depletion of freshwater, drinking water, oceans and seas***; |

**Amendment 464**

**Proposal for a regulation**

**Annex X — point 2 — point c**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (c) soil; | (c) soil***, including soil contamination from waste disposal and treatment***; |

**Thursday 10 March 2022**

**Amendment 465**

**Proposal for a regulation**

**Annex X — point 2 — point d**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (d) biodiversity; | (d) biodiversity***, including damage to wildlife, flora, natural habitats and ecosystems***; |

**Amendment 466**

**Proposal for a regulation**

**Annex X — point 2 — point d a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(da) climate, including greenhouse gas emissions;*** |

**Amendment 467**

**Proposal for a regulation**

**Annex X — point 2 — point d b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(db) waste management, including damage caused by mine tailing practices*** |

**Amendment 468**

**Proposal for a regulation**

**Annex X — point 2 — point i**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (i) community life. | (i) community life***, including that of indigenous peoples;*** |

**Amendment 469**

**Proposal for a regulation**

**Annex X — point 2 — point i a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(ia) access to information, public participation in decision-making and access to justice in environmental matters.*** |

**Thursday 10 March 2022**

**Amendment 470**

**Proposal for a regulation**

**Annex X — point 3 — point c**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (c) Convention on Biological Diversity Decision COP VIII/28- Voluntary guidelines on Biodiversity-Inclusive impact assessment; | (c) Convention on Biological Diversity, ***including*** Decision COP VIII/28- Voluntary guidelines on Biodiversity-Inclusive impact assessment; |

**Amendment 471**

**Proposal for a regulation**

**Annex X — point 3 — point c a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(ca) UN Paris Agreement;*** |

**Amendment 472**

**Proposal for a regulation**

**Annex X — point 3 — point c b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(cb) Eight fundamental ILO Conventions as defined under the ILO Declaration on Fundamental Principles and Rights at work;*** |

**Amendment 473**

**Proposal for a regulation**

**Annex X — point 3 — point c c (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(cc) any other international environmental conventions that are binding upon the Union or its Member States,*** |

**Amendment 474**

**Proposal for a regulation**

**Annex X — point 3 — point d**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| ***(d) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;*** | ***deleted*** |

**Thursday 10 March 2022**

**Amendment 475**

**Proposal for a regulation**

**Annex X — point 3 — point e**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| ***(e) OECD Due Diligence Guidance for Responsible Business Conduct; and*** | ***deleted*** |

**Amendment 476**

**Proposal for a regulation**

**Annex X — point 3 — point f**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| ***(f) OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.*** | ***deleted*** |

**Amendment 477**

**Proposal for a regulation**

**Annex X — point 3 — point f a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(fa) any other international human rights conventions that are binding upon the Union or its Member States.*** |

**Amendment 478**

**Proposal for a regulation**

**Annex X — point 3 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***3a. The internationally recognized due diligence principles applicable to the due diligence requirements laid down in Article 39 of this Regulation:*** |
| | ***(a) UN Guiding Principles for Businesses and Human Rights;*** |
| | ***(b) OECD Guidelines for Multinational Enterprises;*** |
| | ***(c) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;*** |
| | ***(d) OECD Due Diligence Guidance for Responsible Business Conduct;*** |
| | ***(e) OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.*** |

**Thursday 10 March 2022**

**Amendment 479**

**Proposal for a regulation**

**Annex XI — point 1**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 1. Producers or, where appointed in accordance with Article 47 (2), producer responsibility organisations acting on their behalf, and Member States shall calculate the collection rate as the percentage obtained by dividing the weight of waste portable batteries ***excluding waste batteries from light means of transport,*** collected in accordance with Article 48 and Article 55, respectively, in a given calendar year in a Member State by the average weight of such batteries that producers either sell directly to end-users or deliver to third parties in order to sell them to end-users in that Member State during that year and the preceding two calendar years. | 1. Producers or, where appointed in accordance with Article47 (2), producer responsibility organisations acting on their behalf, and Member States shall calculate the collection rate as the percentage obtained by dividing the weight of waste portable batteries collected in accordance with Article 48 and Article 55, respectively, in a given calendar year in a Member State by the average weight of such batteries that producers either sell directly to end-users or deliver to third parties in order to sell them to end-users in that Member State during that year and the preceding two calendar years. |

**Amendment 480**

**Proposal for a regulation**

**Annex XI — point 1 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***1a. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, and Member States shall calculate the collection rate as the percentage obtained by dividing the weight of waste portable batteries of general use, collected in accordance with Articles 48 and 55, respectively, in a given calendar year in a Member State by the average weight of such batteries that producers either sell directly to end-users or deliver to third parties in order to sell them to end-users in that Member State during that year and the preceding two calendar years.*** |

**Thursday 10 March 2022**

**Amendment 481**

**Proposal for a regulation**

**Annex XI — point 2**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 2. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, and Member States shall calculate the annual sales of portable batteries, ***excluding batteries from light means of transport,*** to end-users in a given year, as the weight of such batteries made available on the market for the first time within the territory of the Member State in the year concerned, excluding any portable batteries that have left the territory of that Member State in that year before being sold to the end users. | 2. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, and Member States shall calculate the annual sales of portable batteries, to end-users in a given year, as the weight of such batteries made available on the market for the first time within the territory of the Member State in the year concerned, excluding any portable batteries that have left the territory of that Member State in that year before being sold to the end users. |

**Amendment 482**

**Proposal for a regulation**

**Annex XI — point 2 a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***2a. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, and Member States shall calculate the annual sales of portable batteries of general use to end-users in a given year, as the weight of such batteries made available on the market for the first time within the territory of the Member State in the year concerned, excluding any portable batteries of general use that have left the territory of that Member State in that year before being sold to the end users.*** |

**Thursday 10 March 2022**

**Amendment 483**

**Proposal for a regulation**

**Annex XII — Part A — point 4**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| 4. Special precautions and safety measures shall be in place for the treatment of waste lithium based batteries that shall be protected from exposure to excessive heat, water, or any crushing or physical damage during handling, sorting ***and*** storage. | 4. Special precautions and safety measures shall be in place for the treatment of waste lithium based batteries that shall be protected from exposure to excessive heat, water, or any crushing or physical damage during handling, sorting***. They shall be stored in a dry place, not exposed to high temperatures, fire or direct sunlight, and in their normally installed orientation, in well-ventilated areas, sheltered from water and rain. Waste lithium-based batteries shall also be covered with a high voltage rubber insulation mat. The*** storage ***of waste lithium-based batteries shall be marked with a warning sign and only those batteries which are sufficiently insulated against short circuiting shall be stored***. |

**Amendment 484**

**Proposal for a regulation**

**Annex XII — Part B — point 1 — point b a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(ba) recycling of 85 % by average weight of nickel-cadmium batteries;*** |

**Amendment 485**

**Proposal for a regulation**

**Annex XII — Part B — point 2 — point b a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(ba) recycling of + 85 % by average weight of nickel-cadmium batteries;*** |

**Thursday 10 March 2022**

**Amendment 486**

**Proposal for a regulation**

**Annex XII — Part B — point 2 — point b b (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(bb) recycling of 70 % by average weight of other waste batteries.*** |

**Amendment 487**

**Proposal for a regulation**

**Annex XII — Part C — point 1 — point d**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (d) ***35*** % for lithium; | (d) ***70*** % for lithium; |

**Amendment 488**

**Proposal for a regulation**

**Annex XII — Part C — point 2 — point d**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| (d) ***70*** % for lithium; | (d) ***90*** % for lithium; |

**Amendment 489**

**Proposal for a regulation**

**Annex XIII — point 1 — point r a (new)**

| *Text proposed by the Commission* | *Amendment* |
|---|---|
| | ***(ra) Status of the battery (first life, waste, repaired, repurposed, recycled).*** |