



21/10/2021

**AMENDMENTS: 162**

**Simona Bonafè**

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

**Proposal for a regulation** COM(2020)0798 - C9-0400/2020 – 2020/0353(COD)

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*AM 136, 143*

**Amendment 1**  
**Sven Giegold**

**Proposal for a regulation**  
**Citation 1**

*Text proposed by the Commission*

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

*Amendment*

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof, **and Article 192(1) thereof in relation to Chapter VII of this Regulation,**

Or. en

*Justification*

*The current batteries directive has a double legal basis (Art. 175(1), with some provisions based on Art. 95 TFEU). This proposal pursues the twofold purpose of improving the functioning of the internal market and protecting the environment without one being subordinate or ancillary to the other. Article 114 TFEU is the appropriate legal basis for the adoption of the proposal, except for Chapter VII, which should be based on Article 192(1). Chapter VII deals with end-of-life management of batteries. Member States should be allowed to go beyond those requirements (e.g. on collection).*

**Amendment 2**  
**Sven Giegold**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

(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

*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.

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 ***to 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.

Or. en

### **Amendment 3** **Sven Giegold**

#### **Proposal for a regulation** **Recital 13**

##### *Text proposed by the Commission*

(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.

##### *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 as such batteries represent the market segment which is expected to increase most in the coming years.

Or. en

### **Amendment 4** **Sven Giegold**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(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<sup>29</sup>, 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<sup>30</sup> should be excluded from the prohibition to contain cadmium.

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<sup>29</sup> 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)

*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<sup>29</sup>, 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<sup>30</sup> 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 evaluate high quantity battery chemistries, evolving and emerging chemistries and the availability of suitable alternatives to lead-acid industrial and automotive batteries and to nickel-cadmium industrial batteries.***

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<sup>29</sup> 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)

<sup>30</sup> 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).

<sup>30</sup> 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).

Or. en

### *Justification*

*The use of lead should also be restricted. A systemic review of hazardous substances in batteries should be undertaken.*

## **Amendment 5** **Sven Giegold**

### **Proposal for a regulation** **Recital 17**

#### *Text proposed by the Commission*

(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.

#### *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, ***there should be good cooperation, coordination and information between the Member States, the European Chemicals Agency set up under Regulation (EC) No 1907/2006 ('the Agency'), other bodies of the Community, the Commission and the 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.

Or. en

*Justification*

*The Commission calls for "full" streamlining with the provisions for REACH for adopting and amending restrictions. Pursuant to Article 69(4) of REACH, Member States can also submit a proposal for a restriction. The same should be possible in the context of this Regulation.*

**Amendment 6**  
**Sven Giegold**

**Proposal for a regulation**  
**Recital 17 a (new)**

*Text proposed by the Commission*

*Amendment*

***(17 a) The Chemical Strategy for Sustainability states that REACH will be revised. In order to ensure that this Regulation is coherent with the provisions of REACH as revised, 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 procedure for adopting restrictions on hazardous substances in batteries.***

Or. en

*Justification*

*It is important to foresee a mechanism to adapt the procedures for the adaption of restrictions to the revisions to be adopted under REACH.*

**Amendment 7**  
**Sven Giegold**

**Proposal for a regulation**  
**Recital 18**

(18) The expected massive deployment of batteries in sectors like mobility and energy storage should reduce carbon 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<sup>31</sup>, 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<sup>32</sup>. Therefore, maximum carbon thresholds

(18) The expected massive deployment of batteries in sectors like mobility and energy storage should reduce carbon 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<sup>31</sup>, ***greenhouse gas emissions exacerbating*** climate change is the second highest related impact category for batteries after ***mining and*** the use of minerals and metals. The technical documentation for rechargeable 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, 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, ***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<sup>32</sup>.



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 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.

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<sup>31</sup> Product Environmental Footprint - Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications  
[https://ec.europa.eu/environment/eussd/sm\\_gp/pdf/PEFCR\\_Batteries.pdf](https://ec.europa.eu/environment/eussd/sm_gp/pdf/PEFCR_Batteries.pdf)

<sup>32</sup> 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/convang.pdf>

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 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.

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<sup>31</sup> Product Environmental Footprint - Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications  
[https://ec.europa.eu/environment/eussd/sm\\_gp/pdf/PEFCR\\_Batteries.pdf](https://ec.europa.eu/environment/eussd/sm_gp/pdf/PEFCR_Batteries.pdf)

<sup>32</sup> 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/convang.pdf>

**Amendment 8**  
**Sven Giegold**

**Proposal for a regulation**  
**Recital 21**

*Text proposed by the Commission*

(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.

*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 **increasing** the targets for the minimum share of recycled cobalt, lead, lithium or nickel present in active materials in batteries.

Or. en

**Amendment 9**  
**Sven Giegold**

**Proposal for a regulation**  
**Recital 24**

*Text proposed by the Commission*

(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.

*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, **light means of transport batteries** and for rechargeable industrial batteries.

Or. en

**Amendment 10**  
**Sven Giegold**

**Proposal for a regulation**  
**Recital 26 a (new)**

*Text proposed by the Commission*

*Amendment*

***(26 a) The right to repair is essential to prolong the life of batteries. Batteries can be repaired by professional repairers. Repaired batteries need standardised non-destructive performance and safety testing, separate from the tests required for new batteries. Professional repairers should be able to open battery packs, exchange defective modules, connectors or fuses. To ensure the safety of repaired batteries, professional repairers need access to data from the battery management system. Professional repairers should be defined as distributors, with the associated obligations.***

Or. en

**Amendment 11**  
**Sven Giegold**

**Proposal for a regulation**  
**Recital 26 b (new)**

*Text proposed by the Commission*

*Amendment*

***(26 b) 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 product policy. For light means of transport batteries, the adoption of a common charger solution should be considered.***

Or. en

**Amendment 12**  
**Sven Giegold**

**Proposal for a regulation**  
**Recital 26 c (new)**

*Text proposed by the Commission*

*Amendment*

*(26 c) Electric vehicle batteries and industrial batteries should be repairable and replaceable by professional repairers. In order to ensure that electric vehicle batteries and industrial batteries are subject to proper treatment and high quality recycling once they have become waste, provisions to ensure their disassembly are necessary. Fastening techniques should not impair access to valuable raw materials in individual cells.*

Or. en

**Amendment 13**  
**Sven Giegold**

**Proposal for a regulation**  
**Recital 26 d (new)**

*Text proposed by the Commission*

*Amendment*

*(26 d) In order to adapt to developments in recycling technologies and to technical and scientific progress in batteries and battery chemistries, while ensuring innovation in battery technologies is not harmed, 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 updating disassembly requirements for electric vehicle batteries and industrial batteries.*

Or. en

**Amendment 14**  
**Sven Giegold**

**Proposal for a regulation**  
**Recital 28**

*Text proposed by the Commission*

(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.

*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. ***The QR code printed or engraved on all batteries should give access the battery's unique product passport.***

Or. en

**Amendment 15**  
**Sven Giegold**

**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

(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

*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, ***light means of transport batteries***, and automotive batteries should be marked with a label

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.

containing the information on their minimum average duration when used in specific applications ***and their expected life-time. In order to allow consumers to differentiate between batteries of different qualities, portable batteries of general use should be marked with a colour-coded label containing information on their performance and durability.*** Additionally, it is important to guide the end-user to discard waste batteries in an appropriate way.

Or. en

**Amendment 16**  
**Sven Giegold**

**Proposal for a regulation**  
**Recital 43**

*Text proposed by the Commission*

(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.

*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. ***To ensure the proper application of this regulation, the Commission should designate a Union Testing Facility in accordance with Regulation (EU) 2019/1020.*** 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.

Or. en

**Amendment 17**  
**Sven Giegold**

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

(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.

*Amendment*

(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 Union environment and social legislation**, 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. ***Special attention should be given to the robustness and independence of the third party auditing of requirements of this regulation.***

Or. en

**Amendment 18**  
**Sven Giegold**

**Proposal for a regulation**  
**Recital 59**

*Text proposed by the Commission*

(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

*Amendment*

(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

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.

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.

Or. en

#### *Justification*

*To be coherent with the amendments 209 - 211 of the rapporteur and similar amendments by the author of this amendment.*

### **Amendment 19** **Sven Giegold**

#### **Proposal for a regulation** **Recital 63**

##### *Text proposed by the Commission*

(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

##### *Amendment*

(63) ***The corporate responsibility to respect human rights, social rights, human health and the environment should apply to all operations throughout the entire value chain.*** Therefore, in view of the expected exponential growth in battery demand in the EU ***and the fact that certain raw materials used in battery manufacturing carry particular risks,***



certain raw materials for battery manufacturing purposes.

*certain requirements for the* due diligence *process* should be laid down, with the objective to address the social, **human rights** and environmental risks inherent in the extraction, processing and trading of certain raw materials for battery manufacturing purposes, *the manufacturing process itself as well as all relevant downstream operations*.

Or. en

#### *Justification*

*Amendment identical to AM 19 by the rapporteur, with the addition of a reference to the manufacturing process and all relevant downstream operations at the end. To be consistent with UN Guiding Principles on Business and Human Rights and OECD Due Diligence Guidance for Responsible Business Conduct, due diligence is not only about the supply chain, but also about own operations and other business relationships.*

### **Amendment 20** **Sven Giegold**

#### **Proposal for a regulation** **Recital 65**

##### *Text proposed by the Commission*

(65) According to *the OECD Due Diligence Guidance*<sup>45</sup>, 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.<sup>46</sup> 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 risk mitigating measures in line with relevant standards provided under national and international law, recommendations on responsible business conduct by international organisations, government-

##### *Amendment*

(65) According to *these standards*, due diligence is an on-going, proactive and reactive process through which companies can ensure that they respect human rights and *the environment and* do not contribute to conflict. Risk-based due diligence refers to the steps companies should take to identify and address actual or potential risks in order to 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 actually and potentially affected rights-holders*. A company can assess risk posed by its activities and relationships and adopt risk mitigating measures in line with relevant

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.

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.

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<sup>45</sup> Page 15 of the OECD Due Diligence Guidance.

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<sup>45</sup> Page 15 of the OECD Due Diligence Guidance.

<sup>46</sup> 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 Representative 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).

<sup>46</sup> 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 Representative 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).

Or. en

## **Amendment 21** **Sven Giegold**

### **Proposal for a regulation** **Recital 66**

#### *Text proposed by the Commission*

(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,

#### *Amendment*

(66) Mandatory *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 and biodiversity, including community life.

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.

Or. en

**Amendment 22**  
**Sven Giegold**

**Proposal for a regulation**  
**Recital 69 a (new)**

*Text proposed by the Commission*

*Amendment*

***(69 a) Even when due diligence has been carried out, harm might occur. Economic operators should actively engage in remediation for such harm, by itself or in cooperation with other actors. They should be liable for adverse impact they or the entities they control or are able to control caused or contributed to. Those adversely impacted should be entitled to remediation and should be provided access to justice.***

Or. en

**Amendment 23**  
**Sven Giegold**

**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

(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.***

2006/66/EC should continue to apply and should be gradually increased. ***In order to maximise collection and reduce safety risks, Union-wide deposit return systems for certain battery types and chemistries should be considered. National deposit return systems should not prevent the introduction of a consumer-friendly harmonised Union-wide system.***

Or. en

#### **Amendment 24** **Sven Giegold**

#### **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<sup>58</sup> and Commission Regulation (EC) No 1418/2007<sup>59</sup> 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.<sup>60</sup> That Decision, as amended, should be revised to reflect all battery chemistries. Where such treatment or recycling takes places outside the Union, in

##### *Amendment*

(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<sup>58</sup> and Commission Regulation (EC) No 1418/2007<sup>59</sup> 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.<sup>60</sup> 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.

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<sup>58</sup> 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).

<sup>59</sup> 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).

<sup>60</sup> 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.

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 *via independent verification* 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.

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<sup>58</sup> 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).

<sup>59</sup> 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).

<sup>60</sup> 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.

Or. en

## Justification

*It is important that the requirement of equivalence is verified by an independent verifier.*

### Amendment 25

Sven Giegold

#### Proposal for a regulation

##### Recital 88

###### *Text proposed by the Commission*

(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.

###### *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. ***Batteries that are found to be suitable for use other than its original purpose should 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.

Or. en

### Amendment 26

Sven Giegold

#### Proposal for a regulation

##### Recital 89

*Text proposed by the Commission*

(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.

*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 by classical means, such as outdoors, posters and social media campaigns, *and* by more innovative means, such as electronic access to websites provided by QR codes affixed to the battery.

Or. en

**Amendment 27**

**Sven Giegold**

**Proposal for a regulation**

**Recital 100**

*Text proposed by the Commission*

(100) ***In order to establish the equivalence of due diligence schemes that have been developed by governments, industry associations and groupings of interested organisation, implementing powers should be conferred on the Commission.*** In order to ensure that the list of raw materials and the associated social and environmental risks are kept up-to-date, as well the consistency with the Conflict Minerals Regulation and the OECD Due Diligence in terms of obligations for economic operators, implementing powers should be conferred on the Commission.

*Amendment*

(100) In order to ensure that the list of raw materials and the associated social and environmental risks are kept up-to-date, as well the consistency with the Conflict Minerals Regulation and the OECD Due Diligence in terms of obligations for economic operators, implementing powers should be conferred on the Commission.

*Justification*

*The rapporteur rightly proposes in amendment 117 to delete the possibility to meet certain requirements of due diligence through participation in industry-led systems. If that is adopted, there is no longer any need to recognise such schemes by the Commission, as foreseen under Art. 72, and therefore also no need to grant the Commission any implementing powers in that regard.*

**Amendment 28**  
**Sven Giegold**

**Proposal for a regulation**  
**Recital 101**

*Text proposed by the Commission*

*Amendment*

**(101) In order to ensure uniform conditions for the implementation of the Commission's recognition of supply chain due diligence schemes, implementing powers should be conferred on the Commission.**

**deleted**

Or. en

*Justification*

*The rapporteur rightly proposes in amendment 117 to delete the possibility to meet certain requirements of due diligence through participation in industry-led systems. If that is adopted, there is no longer any need to recognise such schemes by the Commission, as foreseen under Art. 72, and therefore also no need to grant the Commission any implementing powers in that regard.*

**Amendment 29**  
**Sven Giegold**

**Proposal for a regulation**  
**Recital 106**

*Text proposed by the Commission*

*Amendment*

**(106) Member States should lay down rules on penalties applicable to**

**(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.

infringements of this Regulation and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive. ***The Commission should develop harmonised criteria in this regard to facilitate harmonised enforcement across the Union.***

Or. en

### **Amendment 30** **Sven Giegold**

#### **Proposal for a regulation** **Recital 110**

##### *Text proposed by the Commission*

(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,

##### *Amendment*

(110) Since the objective of this Regulation, namely to ***ensure*** that batteries placed on the market ***as well as the operations linked to waste batteries*** providing for a high level of protection of human health, safety and the environment, cannot be sufficiently achieved by the Member States but can ***therefore*** 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,

Or. en

##### *Justification*

*Alignment of the Recital to the wording in Article 1.*

**Amendment 31**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 36**

*Text proposed by the Commission*

(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;

*Amendment*

(36) ‘*value* chain due diligence’ means the obligations of the economic operator which places a 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, ***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 (= *supply chain*), ***linked to its manufacturing operations and linked to all business relationships***;

*(Horizontal amendment that applies throughout the text.)*

Or. en

*Justification*

*To be consistent with UN Guiding Principles on Business and Human Rights and OECD Due Diligence Guidance for Responsible Business Conduct, due diligence is not only about the supply chain, but also about own operations and other business relationships.*

**Amendment 32**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 41 – introductory part**

*Text proposed by the Commission*

(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

*Amendment*

(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

(EC) No 1272/2008 of the European Parliament and of the Council<sup>67</sup> :

1272/2008 of the European Parliament and of the Council<sup>67</sup> :

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<sup>67</sup> 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)

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<sup>67</sup> 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)

Or. en

### *Justification*

*It is unacceptable to limit the notion of hazard only to certain hazards of EU legislation on the classification, labelling and packaging of substances and mixtures. To make the battery legislation future-proof, it is important to be able to consider all hazards pursuant to EU legislation.*

### **Amendment 33** **Sven Giegold**

#### **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*

Or. en

### **Amendment 34** **Sven Giegold**

#### **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*

*deleted*

*adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;*

Or. en

**Amendment 35**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 41 – point c**

*Text proposed by the Commission*

*Amendment*

(c) *hazard class 4.1;*

*deleted*

Or. en

**Amendment 36**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 41 – point d**

*Text proposed by the Commission*

*Amendment*

(d) *hazard class 5.1;*

*deleted*

Or. en

**Amendment 37**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 6 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**5 a. 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 delegated acts referred to in the second paragraph.*

Or. en

*Justification*

*Restriction of substances should be aligned with Chemicals Strategy, in particular concept of essential use*

**Amendment 38**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 7 – title**

*Text proposed by the Commission*

Carbon footprint of electric vehicle batteries and rechargeable industrial batteries

*Amendment*

Carbon footprint of **light means of transport batteries**, electric vehicle batteries and rechargeable industrial batteries

*(Horizontal amendment: the extension of the scope of carbon footprint requirements should apply throughout the text.)*

Or. en

*Justification*

*Exempting batteries below 2kWh would exclude nearly all light means of transport from the scope of this article as well as batteries in hybrid cars. In order to avoid market segmentation and to create a level playing field, the carbon footprint requirements should apply to all batteries in the mentioned categories. Creating this exemption would set a dangerous precedent for all coming files on sustainable product policy, reducing considerably the effect of a carbon footprinting.*

**Amendment 39**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 7 – paragraph 1 – introductory part**

*Text proposed by the Commission*

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:

*Amendment*

1. Electric vehicle **batteries, light means of transport** batteries and rechargeable industrial batteries 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:

Or. en

**Amendment 40**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 7 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

**(d a) the carbon footprint of the battery, expressed as kg of carbon dioxide equivalent per one kWh (kilowatt-hour) of the total energy provided over the service life by the battery system, measured in kWh**

Or. en

*Justification*

*To allow the comparison of batteries, the total carbon footprint should be available (point d) as well as the carbon footprint per kWh provided*

**Amendment 41**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 7 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

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.

*Amendment*

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 rechargeable industrial batteries.

Or. en

**Amendment 42**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 7 – paragraph 1 – subparagraph 2 – point a**

*Text proposed by the Commission*

(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;

*Amendment*

(a) a delegated act in accordance with Article 73 to supplement this Regulation by establishing the methodology to calculate the carbon footprint of the battery referred to in ***points (d) and (da)***, in accordance with the essential elements set out in Annex II, ***and its verification***;

Or. en

**Amendment 43**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 7 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. 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

*Amendment*

2. Electric vehicle ***batteries, light means of transport*** batteries and rechargeable industrial batteries shall bear a conspicuous, clearly legible and indelible label indicating the carbon footprint ***of the battery referred to in points (d) and (da)***

individual battery corresponds to.

*of paragraph 1 and the carbon footprint performance class that the individual battery corresponds to. **In addition, this information shall be made available at the point of sale in a visible manner and online.***

Or. en

**Amendment 44**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 7 – paragraph 2 – subparagraph 2**

*Text proposed by the Commission*

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.

*Amendment*

The carbon footprint performance class requirements in the first subparagraph shall apply as of 1 January 2026 for electric vehicle batteries, ***light means of transport batteries*** and for rechargeable industrial batteries.

Or. en

**Amendment 45**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 7 – paragraph 2 – subparagraph 3 – point b**

*Text proposed by the Commission*

(b) an implementing act establishing the formats for the labelling referred to in the first subparagraph and the format for the declaration on the carbon footprint performance class referred to in the second subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).

*Amendment*

(b) an implementing act establishing the formats for the labelling referred to in the first subparagraph and the format for the declaration on the carbon footprint performance class referred to in the second subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3), ***following consultation with consumer organisations and other interested parties.***

Or. en



**Amendment 46**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 7 – paragraph 2 – subparagraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*The labelling referred to in the first subparagraph shall be part of the review of Directive 1999/94/EC as referred to in Article 15(6) of Regulation 2019/631.*

Or. en

**Amendment 47**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 7 – paragraph 3 – introductory part**

*Text proposed by the Commission*

*Amendment*

3. 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.

3. Electric vehicle *batteries, light means of transport* batteries and rechargeable industrial batteries 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.

Or. en

**Amendment 48**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 7 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

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.

*Amendment*

The requirement for a maximum life cycle carbon footprint threshold in the first subparagraph shall apply as of 1 July **2026** for electric vehicle **batteries, light means of transport** batteries and for rechargeable industrial batteries.

Or. en

**Amendment 49**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 7 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

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.

*Amendment*

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.

Or. en

*Justification*

*There is no need to delay the development of maximum life cycle carbon footprint thresholds. As soon as data is reported and available as part of the carbon footprint declarations, the Commission can already begin the work needed to establish the maximum thresholds.*

**Amendment 50**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 7 – paragraph 3 – subparagraph 3**

*Text proposed by the Commission*

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.

*Amendment*

**The Commission shall be empowered to adopt delegated acts in accordance with Article 73 and the third subparagraph 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 and until the threshold reaches 0g CO<sub>2</sub>e/kWh by 2050 at the latest. The amendment of the** 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. **In preparing these delegated acts, the Commission shall take into account the relevant essential elements set out in Annex II.**

Or. en

*Justification*

*The carbon footprint thresholds should be amended over time in line with the Union's climate targets.*

**Amendment 51**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. 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

*Amendment*

1. From 1 January **2024**, 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 and batch per manufacturing plant.

waste present in active materials in each battery model and batch per manufacturing plant.

Or. en

### *Justification*

*All batteries should indicate the amount of metals recovered. The Rapporteur proposes to bring forward the delegated act laying down the methodology and the implementing act on the format for this by three years to end of December 2022 (AM 75). As such, it is appropriate to similarly advance the timeline for the first provision of technical documentation with regard to recycled content (without any targets) by three years.*

## **Amendment 52** **Sven Giegold**

### **Proposal for a regulation** **Article 8 – paragraph 1 – subparagraph 1**

#### *Text proposed by the Commission*

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).

#### *Amendment*

By 31 December **2022** 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 ***post-consumption*** 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).

Or. en

*Justification*

*As amended by the Rapporteur, with the addition of "post consumption".*

**Amendment 53**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 8 – paragraph 2 – introductory part**

*Text proposed by the Commission*

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:

*Amendment*

2. From 1 January 2030, 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 ***post-consumption*** waste present in active materials in each battery model per manufacturing plant:

Or. en

**Amendment 54**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 8 – paragraph 3 – introductory part**

*Text proposed by the Commission*

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

*Amendment*

3. From 1 January 2035, 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

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:

minimum share of cobalt, lead, lithium or nickel recovered from **post-consumption** waste present in active materials in each battery model per manufacturing plant:

Or. en

## **Amendment 55** **Sven Giegold**

### **Proposal for a regulation** **Article 8 – paragraph 4**

#### *Text proposed by the Commission*

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.

#### *Amendment*

4. Where justified and appropriate due to the availability of cobalt, lead, lithium or nickel recovered from **post-consumption** waste, the Commission shall be empowered to adopt, by 31 December 2027, a delegated act in accordance with Article 73, to **increase** the targets laid down in paragraphs 2 and 3.

Or. en

#### *Justification*

*It should be specified that the empowerment for the Commission to modify the targets with regard to recycled content should only be with regard to increasing them.*

## **Amendment 56** **Sven Giegold**

### **Proposal for a regulation** **Article 8 – paragraph 4 a (new)**

#### *Text proposed by the Commission*

#### *Amendment*

**4 a. By 31 December 2030, the Commission shall assess whether, due to changes in battery technologies and in view of technical and scientific progress,**

*it is appropriate to insert further raw materials and targets in the list laid down in paragraphs 2 and 3, and, where appropriate, submit a legislative proposal for that purpose.*

Or. en

*Justification*

*New battery chemistries might require additional raw materials to be added to Article 8. This should be done in co-decision.*

**Amendment 57**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 9 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. From 1 January 2027 portable batteries shall be accompanied by technical documentation containing information about the electrochemical performance and durability parameters laid down in Annex III.***

Or. en

*Justification*

*In analogy to all other design requirements in this Regulation, technical documentation should be provided about the performance and durability parameters.*

**Amendment 58**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 9 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

The Commission is empowered to adopt delegated acts in accordance with Article

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.

73 to **add further** the electrochemical performance and durability parameters laid down in Annex III in view of technical and scientific progress.

Or. en

*Justification*

*Criteria listed in Annex III should be viewed as minimum criteria.*

**Amendment 59**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 10 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. By 1 January 2026, the real-life performance and durability of rechargeable industrial batteries and electric vehicle batteries shall be available via the publicly available part of the electronic exchange system as set out in Article 64 and Annex XIII.***

Or. en

**Amendment 60**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 11 – title**

*Text proposed by the Commission*

*Amendment*

Removability **and** replaceability of portable batteries

Removability, replaceability **and repairability** of portable batteries **and light means of transport batteries**

Or. en

**Amendment 61**  
**Sven Giegold**



## Proposal for a regulation

### Article 11 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. 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.

*Amendment*

1. Portable batteries incorporated in appliances **and light means of transport batteries** shall be readily removable and replaceable by the end-user **and** 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.

Or. en

*Justification*

*Following the approach taken in the draft Ecodesign measures for smartphones and tablets, all portable batteries and light means of transport batteries should be removable by layman end-users and independent professional repairers.*

## Amendment 62

Sven Giegold

## Proposal for a regulation

### Article 11 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

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.

*Amendment*

A battery is readily replaceable where, after its removal from an appliance, it can be substituted by a **compatible spare battery by end users and independent operators**, without affecting the functioning or the performance of that appliance. **The replacement shall be possible using basic tools, as defined in standard EN 45554:2020.**

Or. en

## Amendment 63

Sven Giegold

**Proposal for a regulation**  
**Article 11 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Portable batteries and light means of transport batteries shall be available as spare part 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.***

Or. en

**Amendment 64**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 11 – paragraph 1 – subparagraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***Detailed instructions for end users to safely remove and replace portable batteries and light means of transport batteries shall be made available by the manufacturer, on paper with the new equipment, and permanently online on their website.***

Or. en

**Amendment 65**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 11 – paragraph 1 – subparagraph 1 c (new)**

*Text proposed by the Commission*

*Amendment*

***Software shall not be used to impinge the replacement of portable batteries or light means of transport batteries or of their key components with another compatible***

*battery or key components.*

Or. en

**Amendment 66**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 11 – paragraph 1 – subparagraph 1 d (new)**

*Text proposed by the Commission*

*Amendment*

*Batteries powering light means of transport shall be designed so that the replacement of modules or other key components of the battery can be done by independent operators without destroying the battery.*

Or. en

**Amendment 67**  
**Sven Giegold**

**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.*

*deleted*

Or. en

*Justification*

*This derogation risks undermining the removability and replaceability requirements of this Article.*

**Amendment 68**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 11 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a.** *For products falling under the exemption in paragraph 2, it shall be clearly indicated at the point of sale that the device contains a non-replaceable battery.*

Or. en

**Amendment 69**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 11 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2 b.** *The location of a battery in an appliance or light means of transport shall be indicated by a mark or label.*

Or. en

**Amendment 70**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 11 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 11 a**

***Removability, replaceability, repairability and disassembly of electric vehicle batteries and industrial batteries***

***1. Electric vehicle batteries and industrial batteries shall be designed so that independent operators can discharge the battery safely and without prior disassembly of the battery pack.***

***2. Electric vehicle batteries and industrial batteries shall be designed so that the control electronics, battery modules, cells***

*and other key components like connectors or fuses can be easily removed and replaced by independent operators without destroying the battery.*

*3. Electric vehicle batteries and industrial batteries shall be designed so that joining, fastening or sealing techniques do not prevent the disassembly of control electronics, battery modules, cells and other key components using commercially available tools.*

*4. Software shall not be used to impinge the replacement of rechargeable electric vehicle batteries or industrial battery or their key components with another compatible battery or key components.*

*5. The Commission shall be empowered to adopt delegated acts in accordance with Article 73 laying down detailed rules supplementing those in Article, by laying down the criteria for the removability, replaceability, repairability and disassembly of electric vehicle batteries and industrial batteries, taking into account scientific and technical progress.*

Or. en

#### *Justification*

*Electric vehicle batteries should be repairable and replaceable by professional repairers. They should also be designed to allow easy disassembly at the end of life to allow recyclers access to valuable raw materials in individual cells. The Commission should update these requirements in light of technical progress while ensuring innovation in battery technologies is not harmed.*

**Amendment 71**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 11 b (new)**

*Text proposed by the Commission*

*Amendment*

**Article 11 b**

*Safety of repaired batteries*

*1. The safety of repaired 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 the safety of repaired batteries.*

*3. Professional repairers carrying out repair 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.*

Or. en

**Amendment 72**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 11 c (new)**

*Text proposed by the Commission*

*Amendment*

*Article 11 c*

*Common chargers*

*By 31 December 2025, the Commission shall assess a common charger for light means of transport batteries, including interoperability of the charging port and fast charging technology and unbundling the sale of a charger from the sale of the means of transport. 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.*

Or. en

## *Justification*

*The recent proposal for a revised Radio Equipment Directive provides a common charger for some portable batteries. Interoperability of electric vehicle chargers is covered by the proposal for a regulation on alternative fuels infrastructure. Light means of transport are covered by neither of these proposals.*

### **Amendment 73**

**Sven Giegold**

#### **Proposal for a regulation**

##### **Article 13 – paragraph 1**

###### *Text proposed by the Commission*

1. From 1 January **2027**, batteries shall be marked with a label containing the information laid down in Part A of Annex VI.

###### *Amendment*

1. From 1 January **2024**, batteries shall be marked with a label containing the information laid down in Part A of Annex VI.

Or. en

### **Amendment 74**

**Sven Giegold**

#### **Proposal for a regulation**

##### **Article 13 – paragraph 2**

###### *Text proposed by the Commission*

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.

###### *Amendment*

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 **real-life** capacity and portable **batteries and light means of transport** batteries shall be marked with a label containing information on their minimum average duration when used in specific applications **and the expected life-time (in number of cycles and calendar years)**.

Or. en

**Amendment 75**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 13 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a. From 1 January 2023 non-rechargeable portable batteries of general use shall be marked with a label indicating ‘non-rechargeable’ and instructions on their most efficient application.**

Or. en

**Amendment 76**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 13 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

**2 b. From 1 January 2027, portable batteries of general use shall be marked with a colour coded label indicating their performance and durability.**

**The Commission shall, by 31 December 2025, adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing a label for the performance and durability of portable batteries of general use, with category A being the best class with the highest performance and durability, and including a clear colour code, to allow for market differentiation. In preparing that delegated act, the Commission shall take into account the electrochemical performance and durability parameters set out in Annex III.**

Or. en



### *Justification*

*Consumers should be enabled to differentiate between batteries of different qualities. Therefore, the performance and durability parameters established in Article 9 should be communicated to consumers.*

#### **Amendment 77** **Sven Giegold**

#### **Proposal for a regulation** **Article 13 – paragraph 3 – subparagraph 3**

*Text proposed by the Commission*

***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.

*Amendment*

***Button cell batteries do*** not need to be marked but a symbol measuring at least 1 × 1 cm shall be printed on the packaging.

Or. en

### *Justification*

*The Commission's proposal would exempt AAA batteries (and smaller) from this label. It is of particular importance that small portable batteries of general use are labelled for separate collection.*

#### **Amendment 78** **Sven Giegold**

#### **Proposal for a regulation** **Article 13 – paragraph 3 – subparagraph 3 a (new)**

*Text proposed by the Commission*

***From 1 July 2023, batteries shall be labelled with a harmonised colour code based on the battery type and its chemical composition.***

*Amendment*

Or. en

**Amendment 79**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 13 – paragraph 5 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(b a) from 1 January 2023, for portable batteries of general use the information referred to in paragraphs 2a;*

Or. en

**Amendment 80**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 13 – paragraph 5 – point b b (new)**

*Text proposed by the Commission*

*Amendment*

*(b b) from 1 January 2027, for portable batteries of general use the information referred to in paragraphs 2b;*

Or. en

**Amendment 81**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 13 – paragraph 5 – point j a (new)**

*Text proposed by the Commission*

*Amendment*

*(j a) from 1 January 2026, for industrial batteries, electric vehicle batteries and light means of transport batteries, access to the battery passport referred to in Article 65.*

Or. en

**Amendment 82**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 13 – paragraph 6**

*Text proposed by the Commission*

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.

*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. ***Batteries of general use except button cells shall always bear the labels referred to in paragraphs 2, 3 and 3a. Battery modules and individual cells in battery packs shall bear the labels and QR code referred to in paragraphs 1, 3a, 4 and 5.***

***When batteries are incorporated in appliances the labels and QR code referred to in paragraphs 1a, 2, 3 and 5 shall be printed or engraved visibly, legibly and indelibly on the appliances.***

Or. en

**Amendment 83**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 13 – paragraph 7**

*Text proposed by the Commission*

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).

*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, **2 and 2a**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).

Or. en

**Amendment 84**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 14 – paragraph 1**

*Text proposed by the Commission*

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.

*Amendment*

1. Batteries **within stationary battery energy storage**, electric vehicle batteries **as well as light means of transport batteries** shall include a battery management system containing data on the parameters for determining the state of health, **safety** and expected lifetime of batteries as laid down in Annex VII.

Or. en

*Justification*

*Light means of transport batteries should also have a battery management system.*

**Amendment 85**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 39 – title**

*Text proposed by the Commission*

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**

*Amendment*

Obligation for economic operators that place batteries on the market to **conduct value** chain due diligence

*(Horizontal amendment: the extension of the scope of due diligence to all economic operators placing batteries on the market should apply throughout the text.)*

Or. en

*Justification*

*The risks related to mineral extraction are the same for all battery types. Due diligence should*

*not be limited to economic operators selling industrial batteries or EV batteries. All economic operators placing batteries on the market should be subject to the due diligence requirements. To be consistent with UN Guiding Principles and OECD guidance, due diligence should not only apply to the supply chain, but to the entire value chain.*

**Amendment 86**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 39 – paragraph 2 – point a**

*Text proposed by the Commission*

(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;

*Amendment*

(a) adopt, and clearly communicate to suppliers and the public, a company policy for the supply chain ***for the manufacturing of batteries and their components, including raw materials and secondary raw materials*** indicated in Annex X, point 1, ***as well as with regard to chemicals that meet the requirements for classification pursuant to Regulation (EC) No 1272/2008;***

Or. en

*Justification*

*Due diligence with regard to the supply chain should not only apply to the sourcing of raw materials, but to the entire supply chain, including chemicals and of secondary raw materials.*

**Amendment 87**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 39 – paragraph 2 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(a a) adopt, and clearly communicate to the public, a company policy for the manufacturing of batteries and all related business operations, including recycling and recovery;***

*Justification*

*There are serious human rights and environmental risks present in the entire value chain, including at the stage of manufacturing, recycling and recovery of minerals. To be consistent with UN Guiding Principles on Business and Human Rights and OECD Due Diligence Guidance for Responsible Business Conduct, due diligence is not only about the supply chain, but also about own operations and other business relationships.*

**Amendment 88**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 39 – paragraph 2 – point b**

*Text proposed by the Commission*

(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**;

*Amendment*

(b) incorporate in its **value** chain **due diligence** policy standards consistent with the standards set out in the **UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises in order to identify, prevent, address and mitigate adverse impacts**;

*(Horizontal amendment that should apply throughout the text)*

*Justification*

*The OECD Due Diligence Guidance referred to here relates to Responsible Supply Chains from Conflict-Affected and High-Risk Areas. Reference to this Guidance is not appropriate, because that Guidance only deals with gross human right violations. Many other violations of labour rights would still be tolerated. Therefore, reference should be made to the more comprehensive UN Guiding Principles on Business and Human Rights and the the OECD Guidelines for Multinational Enterprises, which also include due diligence.*

**Amendment 89**  
**Sven Giegold**

## Proposal for a regulation

### Article 39 – paragraph 2 – point d – introductory part

*Text proposed by the Commission*

(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.

*Amendment*

(d) establish and operate a system of controls and transparency over the **value** chain, including a chain of custody or traceability system, **identifying** upstream **and downstream** actors in the **value** chain.

Or. en

*Justification*

*The identification of the actors in the whole value chain should be provided in any case.*

## Amendment 90

Sven Giegold

## Proposal for a regulation

### Article 39 – paragraph 2 – point d – paragraph 1 – point iv a (new)

*Text proposed by the Commission*

*Amendment*

***(iv a) confirmation that the raw material does not stem from deep-seabed mining.***

***The requirement in point (iv a) shall apply until such time as the effects of deep-sea mining on the marine environment, biodiversity and human activities at sea have been studied and researched sufficiently and deep seabed mining can be managed to ensure no marine biodiversity loss nor degradation of marine ecosystems.***

Or. en

*Justification*

*It is important to state explicitly that the raw materials should not come from deep-seabed mining until the corresponding effects have not been researched to show no harm. This is fully in line with the EP position in its resolution of 16 January 2018 on international ocean governance reconfirmed in the recent EP resolution of 9 June 2021 on the EU Biodiversity Strategy for 2030: Bringing nature back into our lives.*

**Amendment 91**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 39 – paragraph 2 – point d – paragraph 2**

*Text proposed by the Commission*

*Amendment*

*The requirements set out in the current point (d) may be implemented through participation in industry-led schemes.* **deleted**

Or. en

*Justification*

*Whilst industry-led schemes can play a supportive role to economic operators' due diligence processes, membership in them does not automatically ensure compliance and the due diligence responsibility must remain with the economic operator. The special role suggested for industry schemes in this Regulation risks creating the assumption that members of industry schemes are compliant with the requirements of this regulation and therefore need less scrutiny. This assumption should be avoided and therefore, industry schemes should not be provided a special role in the Regulation.*

**Amendment 92**  
**Sven Giegold**

**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 remediation mechanism for harm** 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.

Or. en



*Justification*

*Economic operators should also establish a remediation mechanism of harm they caused or contributed to.*

**Amendment 93**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 39 – paragraph 2 – point f a (new)**

*Text proposed by the Commission*

*Amendment*

*(f a) consult with potentially affected right holders and non-governmental organisations active in the field for the establishment of the grievance mechanism and report about this in a transparent manner;*

Or. en

*Justification*

*It is of crucial importance that civil society is consulted with regard to the establishment of the grievance mechanism.*

**Amendment 94**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 39 – paragraph 3 – 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 *all* adverse impacts associated to the risk categories listed in Annex X, point 2, in its *value* chain, *including related to the use of energy, materials and chemicals, and including emissions, discharges and losses of hazardous substances as well as waste treatment operations*, 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, including potentially affected communities and relevant civil society organisations, against the standards of their value chain policy;*

Or. en

*Justification*

*To be consistent with UN Guiding Principles and OECD guidance, due diligence should not only apply to the supply chain, but also to own operations, business relationships and value chains. All adverse impacts need to be identified and assessed, and the scope of this assessment be clarified. The information from other sources also needs to be considered for the identification and assessment of adverse impacts.*

**Amendment 95**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 39 – paragraph 3 – point b – introductory part**

*Text proposed by the Commission*

(b) implement a strategy to respond to the identified risks designed so as to prevent *or* mitigate adverse impacts by:

*Amendment*

(b) implement a strategy to respond to the identified risks designed so as to prevent, mitigate *and address* adverse impacts by:

Or. en

*Justification*

*It is important to also add the term "address" adverse impacts, as this has an additional dimension in the UNGPs and OECD guidelines which implies also remedy.*

**Amendment 96**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 39 – paragraph 3 – point b – point ii**

*Text proposed by the Commission*

(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;

*Amendment*

(ii) adopting risk management measures consistent with **internationally recognised due diligence standards listed in Annex X, point 3a**, and where necessary take steps to exert pressure on **business relationships** who can most effectively prevent or mitigate the identified risk;

Or. en

*Justification*

*Correction of AM 120 by the rapporteur (Annex X point 3a and not point 4) and broadening of the scope to all business relationships in line with the standards referred to.*

**Amendment 97**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 39 – paragraph 3 – point b – point iii**

*Text proposed by the Commission*

(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;

*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 **business relationship** after failed attempts at mitigation, based on relevant contractual arrangements in line with the second subparagraph to paragraph 2 above;

Or. en

**Amendment 98**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 39 – paragraph 3 – subparagraph 1**

*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.***

It shall consult with suppliers and with the stakeholders concerned, including local and central government authorities, international or civil society organisations and **potentially** affected **communities**, and agree on a strategy for measurable risk mitigation in the risk management plan.

Or. en

*Justification*

*Consultation with relevant stakeholders should take place in any case. It is essential if the company is to have an effective policy that leads to positive impact on the ground.*

**Amendment 99**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 39 – paragraph 3 – subparagraph 2**

*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**

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 **may make use of third-party verification reports for that purpose.**

*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.*

Or. en

*Justification*

*It should be clear that the operator is responsible for the risk assessment. Third-party verification may be relied upon in this context.*

**Amendment 100**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 39 – paragraph 4 – introductory part**

*Text proposed by the Commission*

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”)**.

*Amendment*

4. The economic operator referred to in paragraph 1 shall have their **value** chain due diligence policies **and processes supervised and** verified by **the relevant competent national authority**.

Or. en

*Justification*

*This is in line with the EP legislative initiative report (INL) on corporate due diligence adopted on 12 March 2021 (Wolters report). The INL calls for a national authority to be designated to supervise and enforce the due diligence obligations. That is much more appropriate than having a notified body conducting verification of economic operators’ due diligence policies.*

**Amendment 101**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 39 – paragraph 4 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

The **third-party** verification by **a notified body** shall:

The verification by **the relevant national authority** shall:

Or. en

*Justification*

*Consequential amendment to the amendment by the same author to the introductory part.*

## **Amendment 102**

**Sven Giegold**

### **Proposal for a regulation**

**Article 39 – paragraph 4 – subparagraph 1 – point -a (new)**

*Text proposed by the Commission*

*Amendment*

**(-a) supervise whether economic operators comply with their due diligence requirements as set out in this Regulation;**

Or. en

*Justification*

*This is in line with the EP legislative initiative report (INL) on corporate due diligence adopted on 12 March 2021 (Wolters report).*

## **Amendment 103**

**Sven Giegold**

### **Proposal for a regulation**

**Article 39 – paragraph 4 – subparagraph 1 – 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 **supervision** 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;

*Justification*

*This is in line with the EP legislative initiative report (INL) on corporate due diligence adopted on 12 March 2021 (Wolters report).*

**Amendment 104**

Sven Giegold

**Proposal for a regulation****Article 39 – paragraph 4 – subparagraph 1 – point b***Text proposed by the Commission*

(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;

*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, ***and where relevant, carry out checks and gather information from stakeholders, including potentially affected communities and relevant civil society organisations;***

Or. en

*Justification*

*It is important that notified bodies can carry out checks and gather information from other stakeholders. This is in line with the EP legislative initiative report (INL) on corporate due diligence adopted on 12 March 2021 (Wolters report).*

**Amendment 105**

Sven Giegold

**Proposal for a regulation****Article 39 – paragraph 4 – subparagraph 1 – point d a (new)***Text proposed by the Commission**Amendment*

***(d a) order the temporary suspension of activities or a ban on the operation in the internal market, if the failure to comply with this Regulation could directly lead to***

*irreparable harm.*

*Without prejudice to the general notion of irreparable harm, any form of child labour shall be considered to directly lead to irreparable harm.*

Or. en

*Justification*

*It is important to lay down the possibility of temporary suspension of the activities if the failure to comply with this Regulation could directly lead to irreparable harm. This is in line with the EP legislative initiative report (INL) on corporate due diligence adopted on 12 March 2021 (Wolters report). It is important to state explicitly that irreparable harm includes any form of child labour, without it being limited to that.*

**Amendment 106**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 39 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***7 a. Respecting due diligence obligations shall not absolve economic operators of any liability which it may incur pursuant to national law.***

***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.***

***Member States shall ensure that their liability regime is such that economic operators that prove that they took all due care in line with this Regulation to avoid the harm in question, or that the harm would have occurred even if all due care***



*had been taken, are not held liable for that harm.*

*Member States shall ensure that the limitation period for bringing civil liability claims concerning harm arising out of adverse impacts on human rights and the environment is reasonable.*

Or. en

*Justification*

*It is important to clarify that respecting due diligence does not absolve economic operators of liability for their acts. This is taken directly from the EP resolution on the legislative initiative for corporate due diligence (Article 19 in the Annex). Parliament must ensure consistency in its positions related to due diligence files. While waiting for the horizontal due diligence law, it is key to include these provisions here.*

**Amendment 107**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 39 – paragraph 8 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(a a) Amend the list of international instruments in Annex X in view of international progress*

Or. en

*Justification*

*It should also be possible to amend the list of international instruments by delegated act as these continue to develop.*

**Amendment 108**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 39 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**8 a.** *The Commission shall, no later than [12months after the entry into force of the Regulation], adopt an implementing act establishing the format for the social and environmental risk categories indicated in Annex X, point 2. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).*

Or. en

*Justification*

*It is important to have clarity on the social and environmental risk categories to facilitate a proper assessment of potential adverse effects.*

## **Amendment 109**

**Sven Giegold**

### **Proposal for a regulation**

**Article 48 – paragraph 12 a (new)**

*Text proposed by the Commission*

*Amendment*

**12 a.** *By 31 December 2025, the Commission shall assess EU wide deposit return systems for batteries. 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 a harmonised Union-wide system.*

Or. en

**Amendment 110**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 55 – paragraph 3**

*Text proposed by the Commission*

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.

*Amendment*

3. The Commission shall, by 31 December 2030, review the target laid down in paragraph 1(c) and **2(a)**. 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 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.

Or. en

*Justification*

*Amendment similar to AM 163 of the rapporteur, but setting out an obligation to consider introducing a calculation method based on quantities available for collection.*

**Amendment 111**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 57 – paragraph 2**

*Text proposed by the Commission*

2. Recyclers shall ensure that each recycling process shall achieve the minimum recycling efficiencies and the

*Amendment*

2. Recyclers shall ensure that each recycling process shall achieve the minimum recycling efficiencies and the

levels of recovered materials laid down, respectively, in Parts B and C of Annex XII.

levels of recovered materials laid down, respectively, in Parts B and C of Annex XII. ***Recyclers shall ensure that the minimum levels of recovered materials in Part C of the Annex are battery grade.***

Or. en

*Justification*

*The minimum levels of recovered materials should be battery grade to avoid downcycling.*

**Amendment 112**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 57 – paragraph 4**

*Text proposed by the Commission*

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).***

*Amendment*

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.

Or. en

*Justification*

*The rules for the calculation and verification should be established in a delegated act, analogously to the same approach taken by the Rapporteur in Article 8(1) (AM75)*

**Amendment 113**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 57 – paragraph 5**

*Text proposed by the Commission*

5. The Commission shall be

*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.

empowered to adopt delegated acts, in accordance with Article 73, to **increase** 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.

Or. en

*Justification*

*It should be clarified that the Commission mandate is only to increase the minimum levels.*

**Amendment 114**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 58 – paragraph 2**

*Text proposed by the Commission*

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.

*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 **occupational health, occupational safety and environmental** conditions that are equivalent to the requirements of this Regulation.

Or. en

*Justification*

*It is important to indicate the dimensions of equivalence.*

**Amendment 115**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 58 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2 a.** *Equivalence as referred to in paragraph 2 may only be assumed when it has been certified following a site inspection by an independent verifier with appropriate qualifications. Such verification shall not be older than three years and shall take place no later than three months following significant changes in the operation of the treatment facility.*

Or. en

*Justification*

*It is important to ensure that the requirement of equivalence for counting waste treatment facilities in third countries for the fulfilment of obligations, efficiencies and targets of the Regulation with regard to waste batteries exported to them are verified by an independent verifier with appropriate qualifications.*

**Amendment 116**  
**Sven Giegold**

**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**.

Or. en

*Justification*

*It is important to set a clear deadline for this delegated act to ensure that criteria for equivalence are effectively adopted.*

**Amendment 117**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 59 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1 a. All used rechargeable industrial batteries and electric vehicle batteries with internal storage shall be assessed 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.***

Or. en

*Justification*

*In line with the waste hierarchy, reuse, repurposing and remanufacturing should be given priority over recycling.*

**Amendment 118**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 62 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. 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:

1. 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:

Or. en

*Justification*

*consequential amendment following the rapporteur's introduction of a new category of light means of transport batteries*

**Amendment 119**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 62 – paragraph 1 – point b**

*Text proposed by the Commission*

(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;

*Amendment*

(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 **and XIa**;

Or. en

*Justification*

*Consequential amendment following the rapporteur's introduction of a new category of light means of transport batteries*

**Amendment 120**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 64 – paragraph 2**

*Text proposed by the Commission*

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.

*Amendment*

2. The system shall contain the information and data on rechargeable 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.



**Amendment 121**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 64 – paragraph 5 – introductory part**

*Text proposed by the Commission*

5. The Commission shall, by 31 December 2024, adopt ***implementing acts*** to establish:

*Amendment*

5. The Commission shall, by 31 December 2024, adopt ***a delegated act in accordance with Article 73 to supplement this Regulation by establishing:***

Or. en

*Justification*

*The rules for using the System should be established in a delegated act.*

**Amendment 122**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 64 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).***

*Amendment*

***deleted***

Or. en

**Amendment 123**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 65 – paragraph 1**

*Text proposed by the Commission*

1. By 1 January 2026, each industrial battery ***and*** electric vehicle battery placed

*Amendment*

1. By 1 January 2026, each industrial battery, electric vehicle ***battery and light***

on the market or put into service **and whose capacity is higher than 2 kWh** shall have an electronic record (“battery passport”).

**means of transport** battery placed on the market or put into service shall have an electronic record (“battery passport”).

Or. en

**Amendment 124**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 65 – paragraph 3**

*Text proposed by the Commission*

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.

*Amendment*

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.

Or. en

**Amendment 125**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 65 – paragraph 3 a (new)**

*Text proposed by the Commission*

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

Or. en

**Amendment 126**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 65 – paragraph 4**

*Text proposed by the Commission*

4. The battery passport shall be accessible online, through electronic systems interoperable with the System established pursuant to Article 64.

*Amendment*

4. The battery passport shall be accessible online, through electronic systems interoperable with the System established pursuant to Article 64, **and via the QR code referred to in Article 13(5).**

Or. en

**Amendment 127**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 65 – paragraph 6**

*Text proposed by the Commission*

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.

*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, the electric vehicle **battery or the light means of transport** battery on the market or that puts it into service.

Or. en

**Amendment 128**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 65 – paragraph 7 – introductory part**

*Text proposed by the Commission*

7. The Commission is empowered to adopt **implementing acts** to establish the rules for accessing, sharing, managing,

*Amendment*

7. The Commission is empowered to adopt **delegated acts in accordance with Article 73** to establish the rules for

exploring, publishing and reusing of the information and data accessible through the battery passport.

accessing, sharing, managing, exploring, publishing and reusing of the information and data accessible through the battery passport.

Or. en

**Amendment 129**  
**Sven Giegold**

**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*

Or. en

*Justification*

*Consequential amendment to the change in Article 65(7) to a delegated act.*

**Amendment 130**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 66 – paragraph 1 – introductory part**

*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 the characteristics of 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.*

*Justification*

*In order to ensure a level playing field for EU and non-EU manufacturers, market surveillance, in particular of batteries produced outside the EU and sold online must be strengthened.*

**Amendment 131****Sven Giegold****Proposal for a regulation****Article 66 – paragraph 1 a (new)***Text proposed by the Commission**Amendment*

***1 a. By [two years after the entry into force of this Regulation] the Commission shall adopt implementing acts determining the uniform conditions of checks, criteria for determination of the frequency of checks and 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).***

Or. en

**Amendment 132****Sven Giegold****Proposal for a regulation****Article 66 – paragraph 8 a (new)***Text proposed by the Commission**Amendment*

***8 a. Consumers shall have the possibility to inform the Commission of batteries presenting a risk to consumer health and safety through a separate section of the Safety Gate portal. The Commission shall take in due consideration the information received***

*and ensure follow up, where appropriate.*

*The Commission shall adopt the modalities for the sending of information by consumers as well as for the transmission of such information to the concerned national authorities for possible follow up by means of an implementing act.*

*That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).*

Or. en

**Amendment 133**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 68 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 68 a**

**Union testing facility**

*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.*

*The Union testing facility shall serve as a competence centre for 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).*

Or. en

**Amendment 134**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 69 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 a.** *Member States shall cooperate in an enforcement network supporting each other in the infringement procedure in case of cross-border sales within the European Union.*

Or. en

**Amendment 135**  
**Sven Giegold**

**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, ***shall 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.

Or. en

**Amendment 136**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 71 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 a.** *If a Member State considers that 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 that 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 this dossier demonstrates that action on a Community-wide basis is necessary, beyond any measures already in place, the Member State shall submit it to the Agency in order to initiate the restrictions process.*

Or. en

*Justification*

*The Commission proposes to carry over the restrictions process of REACH into this Regulation and to adapt it so as to also specifically consider the waste phase. This is very welcome, as REACH does not specifically look at the waste phase. However, the Commission did not carry over the right of Member States to initiate a proposal as laid down in REACH Article 69(4). Even though Member States do not have such a right under the current batteries directive, they should be given the same rights as they have under REACH. It would be to the benefit of everyone if Member States could also initiate restrictions.*

**Amendment 137**

**Sven Giegold**

**Proposal for a regulation**

**Article 71 – paragraph 14 a (new)**

*Text proposed by the Commission*

*Amendment*

***14 a. The Commission shall, within six months following the adoption of any revision of Title VIII, Chapter 2 of REACH, adopt a delegated act in accordance with Article 73 of this Regulation to align this Article with the corresponding provisions of REACH.***

Or. en

*Justification*

*In light of the announcement under the Chemicals Strategy for Sustainability to revise the restriction process under REACH, a procedure of alignment needs to be added for this*



*Regulation.*

### **Amendment 138**

**Sven Giegold**

#### **Proposal for a regulation**

##### **Article 72**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

Or. en

*(This is linked to Am 117 of the rapporteur. This amendment should fall if AM 117 is not adopted.)*

#### *Justification*

*The rapporteur rightly proposes in amendment 117 to delete the possibility to meet certain requirements of due diligence through participation in industry-led systems. If that is adopted, there is no longer any need to recognise such schemes by the Commission, as foreseen under Art. 72.*

### **Amendment 139**

**Sven Giegold**

#### **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 for effective, proportionate and dissuasive penalties and for compensation of damages to individuals.***

***The criteria shall be 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.*

Or. en

*Justification*

*It is important to develop harmonised criteria for effective, proportionate and dissuasive penalties. This proposal is merged with amendment 195 of the rapporteur.*

**Amendment 140**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 77 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(d a) measures regarding the identification of economic operators set out in Article 45.*

Or. en

**Amendment 141**  
**Sven Giegold**

**Proposal for a regulation**  
**Article 77 – paragraph 2 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

*(d b) overall compliance as well as penalties and sanctions at national level and their deterrent effect.*

Or. en

**Amendment 142**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex II – point 2 – paragraph 2**

*Text proposed by the Commission*

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<sup>80</sup> (PEF) method and relevant Product Environmental Footprint Category Rules (PEFCRs)<sup>81</sup> and reflect the international agreements and technical/scientific progress in the area of life cycle assessment<sup>82</sup>.

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<sup>80</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013H0179&from=EN>

<sup>81</sup>

[https://ec.europa.eu/environment/eussd/smgp/pdf/PEFCR\\_guidance\\_v6.3.pdf](https://ec.europa.eu/environment/eussd/smgp/pdf/PEFCR_guidance_v6.3.pdf)

<sup>82</sup> See

[https://ec.europa.eu/environment/eussd/smgp/dev\\_methods.htm](https://ec.europa.eu/environment/eussd/smgp/dev_methods.htm)

*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<sup>80</sup> (PEF) method and relevant Product Environmental Footprint Category Rules (PEFCRs)<sup>81</sup> and reflect the international agreements and technical/scientific progress in the area of life cycle assessment<sup>82</sup>. ***The development and update of PEF methods and relevant PEFCRs shall be open and transparent. The Commission shall ensure adequate representation of civil society organisations, academia, and other interested parties.***

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<sup>80</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013H0179&from=EN>

<sup>81</sup>

[https://ec.europa.eu/environment/eussd/smgp/pdf/PEFCR\\_guidance\\_v6.3.pdf](https://ec.europa.eu/environment/eussd/smgp/pdf/PEFCR_guidance_v6.3.pdf)

<sup>82</sup> See

[https://ec.europa.eu/environment/eussd/smgp/dev\\_methods.htm](https://ec.europa.eu/environment/eussd/smgp/dev_methods.htm)

Or. en

**Amendment 143**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex II – point 5 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***Energy use and accounting***

*When calculating the carbon intensity of the energy used across the different battery life cycle stages and processes as listed in paragraph 4, average carbon emissions data of 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 their individual processes or energy supply are less carbon intensive than the country average. This shall be demonstrated via a direct connection to a renewable or lower carbon energy source or a contract demonstrating a temporal (in real time or at least every hour) and geographical link between the energy supply and the use by the economic operator.*

Or. en

#### *Justification*

*Green certificates such as Guarantees or Origin alone should not be accepted as valid evidence for use of clean energy. The carbon footprint label must avoid a situation where battery producers can set up in regions with a high carbon intensive energy grid and buy their way to a low carbon footprint through green certificates. It should instead encourage low carbon manufacturing. Allowing battery producers to buy certificates to lower their carbon footprint, regardless of how carbon intensive the grid energy they are using is, will also penalise front runners who are investing in new renewable capacity and supply. Suggested by 'Transport and Environment'*

#### **Amendment 144** **Sven Giegold**

#### **Proposal for a regulation** **Annex II – point 9 – paragraph 2**

##### *Text proposed by the Commission*

In proposing maximum carbon footprint thresholds, the Commission will 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

##### *Amendment*

In proposing maximum carbon footprint thresholds, the Commission will 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.

placed on the Union market ***including best available upstream and downstream production processes*** and the effective and potential contribution of this measure to the Union's objectives on sustainable mobility and climate neutrality by 2050.

Or. en

## **Amendment 145** **Sven Giegold**

### **Proposal for a regulation** **Annex III – point 1**

*Text proposed by the Commission*

1. Battery capacity, electric ***charge*** which a battery ***can deliver*** under a ***specific set of*** conditions.

*Amendment*

1. ***Real-life*** battery capacity, electric ***energy*** which a battery ***delivers*** under ***real-life*** conditions

Or. en

*Justification*

*It is important that the real-life capacity is indicated rather than a theoretical nominal capacity to avoid misleading claims.*

## **Amendment 146** **Sven Giegold**

### **Proposal for a regulation** **Annex IV – Part A – paragraph 1 – point 5**

*Text proposed by the Commission*

5. ***An indication of their*** expected life-time under the conditions for which they have been designed.

*Amendment*

5. Expected life-time under the conditions for which they have been designed (***in cycles and calendar years***).

Or. en

## **Amendment 147** **Sven Giegold**

**Proposal for a regulation**  
**Annex VI – Part A – paragraph 1 – point 7**

*Text proposed by the Commission*

7. hazardous substances contained in the battery other than mercury, cadmium or lead;

*Amendment*

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

Or. en

**Amendment 148**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex VI – Part A – paragraph 1 – point 8**

*Text proposed by the Commission*

8. critical raw materials contained in the battery.

*Amendment*

8. critical raw materials contained in the battery ***above a concentration of 0,1 % weight by weight.***

Or. en

**Amendment 149**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex VI – Part C – paragraph 1**

*Text proposed by the Commission*

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.

*Amendment*

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.

Or. en

**Amendment 150**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex X – point 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

**(a a) copper**

Or. en

*Justification*

*Copper and cobalt are often mined together. As such, both should be covered under due diligence, not least to avoid that cobalt, when mined as a by-product of copper mining, escapes the due diligence requirements. Moreover, material recovery targets are set for copper, so it should also be considered upstream as part of due diligence.*

**Amendment 151**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex X – point 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

**(d a) iron;**

Or. en

*Justification*

*There are three main types of cathodes in Lithium ion batteries: nickel-cobalt-aluminium (NCA), iron-phosphate (LFP), and nickel-manganese-cobalt (NMC). Significant technical improvements have seen a resurgence in LFP usage and it currently makes up 24% of the market of lithium batteries and is a key part of future plans for Tesla and VW (for entry segment EVs). As iron is a major active substance in battery chemistry, it should be included under the list of raw materials relevant for due diligence.*

**Amendment 152**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex X – point 1 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

**(d b) *bauxite;***

Or. en

*Justification*

*There are three main types of cathodes in Lithium ion batteries: nickel-cobalt-aluminium (NCA), iron-phosphate (LFP), and nickel-manganese-cobalt (NMC). Bauxite is the raw material needed to produce aluminium. Aluminium is an active material in NCA batteries – used by Tesla. Furthermore, aluminium it is a key part of battery casings. It should therefore be considered in the context of due diligence.*

**Amendment 153**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex X – point 3 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(c a) *The eight fundamental ILO Conventions as defined under the ILO Declaration on Fundamental Principles and Rights at Work***

Or. en

*Justification*

*All fundamental ILO Conventions need to be added as reference point for the assessment of risks with regard to workers' rights.*

**Amendment 154**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex X – point 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3 a. *The internationally recognized due diligence principles applicable to the due***



*diligence established under Article 39 of this Regulation:*

*a) UN Guiding Principles for Businesses and Human Rights;*

*b) ILO Tripartite Declaration of Principles concerning Multinational Enterprises;*

*c) OECD Guidelines for Multinational Enterprises;*

*d) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;*

*e) OECD Due Diligence Guidance for Responsible Business Conduct.*

Or. en

*Justification*

*Amendment as amendment 221 by the rapporteur, but without the reference to the OECD Due Diligence Guidance for Responsible Supply Chains from Conflict-Affected and High-Risk Areas. Reference to this Guidance is not appropriate, because that Guidance only deals with gross human right violations. Many other violations of labour rights would still be tolerated. Therefore, reference should be made to other relevant guidelines, including the OECD Guidelines for Multinational Enterprises.*

**Amendment 155**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex XII – Part B – point 1 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

*(a a) recycling of 85 % by average weight of nickel-cadmium batteries;*

Or. en

*Justification*

*According to the current directive, a recycling efficiency of 75% was set for nickel-cadmium batteries, to be reached in 2011. It is important to set a specific target here, as it would otherwise fall only under the general target of 50%. Cadmium is a highly toxic substance. Where its use is still allowed in batteries, a high-level of recycling should be achieved to reduce virgin*

*inputs and waste. The target should be increased by 10% compared to the 2011 target, as also proposed by the Commission for lead-acid batteries.*

**Amendment 156**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex XII – Part B – point 1 – point c**

*Text proposed by the Commission*

(c) recycling of **50** % by average weight of other waste batteries.

*Amendment*

(c) recycling of **60** % by average weight of other waste batteries.

Or. en

*Justification*

*The target of 50% already applies since 2011. It should be increased by 10% as is proposed for lead-acid batteries.*

**Amendment 157**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex XII – Part C – point 1 – point a**

*Text proposed by the Commission*

(a) **90** % for cobalt;

*Amendment*

(a) **95** % for cobalt;

Or. en

*Justification*

*The proposed material recovery targets are below what is technically feasible already today. The new battery regulation should not fall behind standards in other parts of the world. In China, official government guidance applicable since 1 January 2020 sets recovery rates for cobalt at 98%.*

**Amendment 158**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex XII – Part C – point 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) **90** % for lead;

(c) **95** % for lead;

Or. en

*Justification*

*Lead is a highly toxic substance. It is therefore important to achieve maximum recovery of it.*

**Amendment 159**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex XII – Part C – point 1 – point e**

*Text proposed by the Commission*

*Amendment*

(e) **90** % for nickel.

(e) **95** % for nickel.

Or. en

*Justification*

*The proposed material recovery targets are below what is technically feasible already today. The new battery regulation should not fall behind standards in other parts of the world. In China, official government guidance applicable since 1 January 2020 sets recovery rates for nickel at 98%.*

**Amendment 160**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex XIII – point 1 – point r a (new)**

*Text proposed by the Commission*

*Amendment*

**(r a) Status of the battery (first life, waste, repaired, repurposed, recycled)**

Or. en

**Amendment 161**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex XIII – point 2 – introductory part**

*Text proposed by the Commission*

2. REQUIREMENTS FOR THE PART OF THE SYSTEM ACCESSIBLE ONLY TO ACCREDITED ECONOMIC OPERATORS AND THE COMMISSION

*Amendment*

2. REQUIREMENTS FOR THE PART OF THE SYSTEM ACCESSIBLE ONLY TO **INDEPENDENT OPERATORS**, ACCREDITED ECONOMIC OPERATORS AND THE COMMISSION

Or. en

**Amendment 162**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex XIII – point 2 – subheading 1**

*Text proposed by the Commission*

The part of the system that shall be accessible only to accredited remanufacturers, second-life operators and recyclers shall contain:

*Amendment*

The part of the system that shall be accessible only to **independent operators**, accredited remanufacturers, second-life operators and recyclers shall contain:

Or. en

**Amendment 163**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex I – table - point 2 - subpoints 1 and 2**

*Text proposed by the Commission*

Designation of the substance or group of substances

Conditions of restriction

2. Cadmium  
CAS No. 7440-43-9

1. Portable batteries, whether or not incorporated into appliances, shall not contain more than 0,002% of cadmium

EC No. 231-152-8 and its compounds

(expressed as cadmium metal) by weight.

2. The restriction set out in point 1 shall not apply to portable batteries intended for use in:

(a) emergency and alarm systems, including emergency lighting;

(b) medical equipment.

#### *Amendment*

Designation of the substance or group of substances

Conditions of restriction

2. Cadmium

CAS No. 7440-43-9

EC No. 231-152-8 and its compounds

1. Portable batteries ***and light means of transport batteries***, whether or not incorporated into appliances, shall not contain more than 0,002% of cadmium (expressed as cadmium metal) by weight.

2. The restriction set out in point 1 shall not apply for portable batteries intended for use ***as spare parts*** in:

(a) emergency and alarm systems, including emergency lighting ***or***

(b) medical equipment

***placed onto the market before [DATE - OJ insert date of application of the Regulation].***

Or. en

#### Justification

*It should be clear that the existing cadmium ban on portable batteries also applies to light means of transport batteries (they are considered portable batteries under current law, but the rapporteur introduces a separate definition for them). Furthermore, there is no more justification for the exemption for alarm systems and medical equipment, other than for spare parts, as alternatives without cadmium are available.*

**Amendment 164**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex I – table - point 2a (new)**

*Amendment*

Designation of the substance or group of substances

**2a. Lead**  
**CAS No. 7439-92-1**  
**EC No. 231-100-4 and its compounds**

Conditions of restriction

*Portable batteries, whether or not incorporated into appliances, shall not contain more than 0,01% of lead (expressed as lead metal) by weight.*

Or. en

*Justification*

*Lead is still being used in certain portable batteries (e.g. ride-on toys, e-scooters). Collection and separate treatment is not sufficiently achieved, thus creating an environmental problem. Safer substitutes are available. Lead should therefore be phased out in portable batteries.*

**Amendment 165**  
**Sven Giegold**

**Proposal for a regulation**  
**Annex I – table - point 2 - subpoints 1 and 2**

*Text proposed by the Commission*

Life cycle stage

Raw material acquisition and pre-processing

Short description of the processes included

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*

Life cycle stage

Short description of the processes included

Raw material acquisition and pre-processing

Includes mining and 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.

Or. en

Justification

*Transport is a major contributor to carbon emissions and therefore needs to be accounted for.*