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Comments from P. R. China on Notification G/TBT/N/EU/1181

Comments:

1 .Original articles：Annex III,Part A, III

1）Original text：

The following information shall be included on the label:
III. the place of manufacture (town; region; country/jurisdiction);

2）Analysis of Issues：

Regarding the requirement in Part A of Annex III of the draft for battery labels to disclose the place of manufacture, specifically "(town; region; country/jurisdiction)", we note that this three-level disclosure framework may have room for optimization in practical implementation. We suggest focusing the disclosure scope at the "country/jurisdiction" level, based on the following considerations:

1.Harmonization with International Standards: Widely adopted international standard systems (e.g., the ISO 37000 series) stipulate disclosure of origin information at the national level. Excessively detailed geographical information requirements may diverge from current international practices, potentially hindering the coordinated development of global battery industry standards.

2.Reasonableness of Business Practices: Overly granular disclosure of manufacturing addresses may involve operational details such as enterprise supply chain layout and capacity allocation. Such information is typically considered a reasonable part of commercial confidentiality in international business practice. We suggest allowing enterprises necessary autonomy over such information under the premise of fulfilling regulatory objectives.

3.Balance of Regulatory Efficacy: The depth of information disclosed on battery labels should be appropriately balanced with regulatory goals. Origin information at the national level is sufficient to meet core regulatory needs such as product traceability and quality supervision, while avoiding potential unintended consequences from excessive information disclosure.

3）Suggestions：

It is recommended to amend the requirement so that the battery place of manufacture is disclosed only at the level of "country of origin," without specifying precision to the town. This would satisfy the basic need of EU regulators for "traceability of origin" while preventing potential misuse of information.

2 .Original articles：Article 4 (1) (2)

1）Original text：

Article 4

Marking and labelling of restricted and hazardous substances

(1) All batteries containing substances other than mercury, lead or cadmium for which a restriction is listed in Annex I to Regulation (EU) 2023/1542, in a concentration, weight on weight, lower than the restricted limit therein, shall be marked with their chemical name in accordance with Article 18 of Regulation (EC) 1272/2008 and with the specifications set out in Annexes I, II and III to this Regulation.

(2) All batteries containing substances classified as hazardous in the meaning of Article 3(1), point (52), of Regulation EU 2023/1542 shall be labelled with the chemical name of those substances in accordance with Article 18 of Regulation (EC) No. 1272/2008 and with the specifications set out in Annexes I, II and III to this Regulation.

2）Problem analysis：

1.Regarding the scope of restricted substances in Article 4(1), Annex I to Regulation (EU) 2023/1542 (see images below) does not list the scope or concentration limits for substances other than lead, cadmium, or mercury. The wording of this requirement is unclear. It is recommended to further clarify the scope of restricted substances required by Article 4(1).

ANNEX I

RESTRICTION ON SUBSTANCES

Column 1 Designation of the substance or group of substances	Column 2 Conditions of restriction
1. Mercury CAS No 7439-97-6 EC No 231-106-7 and its compounds	Batteries, whether or not incorporated into appliances, light means of transport or other vehicles, shall not contain more than 0,0005 % of mercury (expressed as mercury metal) by weight.
2. Cadmium CAS No 7440-43-9 EC No 231-152-8 and its compounds	Portable batteries, whether or not incorporated into appliances, light means of transport or other vehicles, shall not contain more than 0,002 % of cadmium (expressed as cadmium metal) by weight.
3. Lead CAS No 7439-92-1 EC No 231-100-4 and its compounds	1. From 18 August 2024, portable batteries, whether or not incorporated into appliances, shall not contain more than 0,01 % of lead (expressed as lead metal) by weight. 2. The restriction set out in point 1 shall not apply to portable zinc-air button cells until 18 August 2028.

2.Regarding the scope of hazardous substances in Article 4(2):

a. The EU has concurrently published proposal 2025/0397(COD). This proposal amends point 8 of Part A of Annex VI (labeling requirements) of Regulation (EU) 2023/1542, changing "All batteries containing substances other than mercury, lead or cadmium" to "substances of very high concern present in batteries other than mercury, cadmium and lead in a concentration equal to or above 0.1 % in the meaning of Article 3(1), point (69)."

Article 1

Amendments to Regulation (EU) 2023/1542

Regulation (EU) 2023/1542 is amended as follows:

(1) Article 3(1) is amended as follows:

(a) in point (47), point (d) is replaced by the following:

'(d) sells batteries, including those incorporated in appliances, light means of transport or other vehicles, directly to end-users, whether or not they are private households, in a Member State, and is established in another Member State or in a third country;'(b) the following point (69) is added: 'substance of very high concern' means any substance which fulfils the criteria laid down in Article 57 of Regulation (EC) No 1907/2006 and is identified in accordance with Article 59(1) of that Regulation, or any substance which fulfils the criteria laid down in Article 57 of Regulation (EC) No 1907/2006 and listed in Annex VI of Regulation (EC) 1272/2008.'

(2) in Article 11, paragraph 5 is replaced by the following:

'5. Any natural or legal person that places on the market products incorporating LMT batteries shall ensure that those batteries, as well as individual battery modules included in the battery pack, are readily removable and replaceable by an independent professional at any time during the lifetime of the product;'

(3) in Article 76(4), the second, third and fourth sentences are deleted.

(4) in Annex VI Point 8 in Part A is replaced by the following:

'8. the substances of very high concern in the meaning of Article 3 (1) (69) which are present in the battery, other than mercury, cadmium and lead, with a concentration equal or above 0,1%, weight on weight.'

b. This draft still requires the presence of hazardous substances to be indicated on the battery label. The correspondence with the aforementioned proposal is unclear. Clarification is needed on whether battery labels still need to indicate hazardous substances as defined in Article 3(1), point (52) of Regulation (EU) 2023/1542.

(52) 'hazardous substance' means a substance classified as hazardous pursuant to Article 3 of Regulation (EC) No 1272/2008;

c. The requirement to label batteries with substances of very high concern from Regulation (EC) No 1907/2006 duplicates the disclosure requirements for chemical substances under that regulation. Currently, whole vehicle products already disclose the presence of substances of very high concern, making it unnecessary to indicate them again on the battery.

3）Suggestions：

a. It is recommended to further clarify the scope of restricted substances required by Article 4(1), i.e., explicitly define the scope and concentration limit requirements for restricted substances other than mercury, lead, and cadmium.

b. It is recommended to further clarify whether battery labels still need to indicate hazardous substances as defined in Article 3(1), point (52) of Regulation (EU) 2023/1542.

c. It is recommended to delete the part that duplicates the chemical substance disclosure requirements of Regulation (EC) No 1907/2006.

3. Original articles：Annex III, Part A, V

1）Original text：

The following information shall be included on the label:
V. the mass of the battery at the time of manufacturing (in grams or kilograms);

2）Problem analysis：

This clause requires labeling the "mass of the battery at the time of manufacturing" but does not specify the measurement standard or allowable tolerance range. Without defined allowable error margins, batteries of the same model from different factories or production batches may show label discrepancies due to different measurement methods, potentially leading to compliance disputes.

3）Suggestions：

It is suggested that the battery weight disclosure requirement be specified as either "the average weight of a specific battery model" or "the battery weight at the time of manufacturing (with a tolerance of ±5% permitted)." This range could be set with reference to measurement conventions for similar industrial products to accommodate unavoidable normal fluctuations in the production process.

4. Original articles：Article 2(2)

1）Original text：

The label shall cover at least 5 % of the largest printable or engraveable surface area of the battery or packaging, up to a maximum size of 2,5 cm x 2,5 cm for icons and a maximum font size of 25 points. The typeface shall be Noto Sans or any other open-source font that is fully compatible with all Union official languages.

2）Problem analysis：

The requirement for the label to cover at least 5% of the largest printable or engraveable surface area may lead to excessively large label designs for EV batteries if the definition of "printable or engraveable surface area" is unclear.

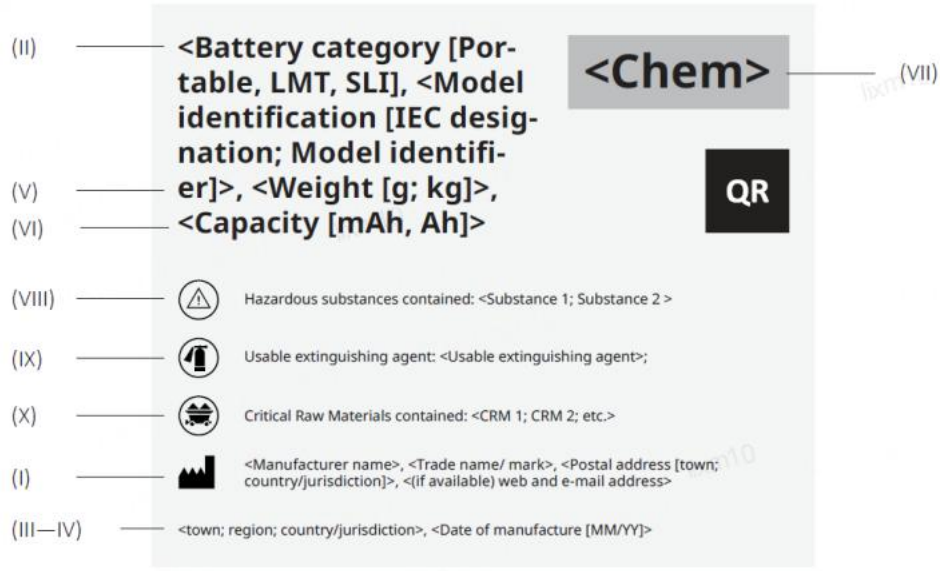
3）Suggestions：

It is recommended to clarify the definition related to the "largest printable

or engraveable surface area" to support label size design.

5. Original articles：Annex II Part B label design

1）Original text：



Whereby:

1. The information required under I, III, IV, VIII, IX and X shall be indicated using main text, regular, with a minimum font size of 5,7 points.
2. The information required under VII shall be indicated using Heading I, bold, with a minimum font size of 18 points.
3. The information required under II, V and VI shall be indicated using Heading II, bold, with a minimum font size of 12 points.
4. The information required under XI shall be indicated using Heading III, bold, with a minimum font size of 8,5 points.
5. The typeface shall be Noto Sans or any other open-source font that is fully compatible with all Union official languages.
6. The margin border shall be 3 mm.
7. The QR code may be included on the label, instead of elsewhere on the surface of the battery.

2）Problem analysis：

The label schematic in Part B does not show Part XI. It is inappropriate for item 4 to specify formatting requirements for a "Part XI."

3）Suggestions：

It is recommended that the EU authorities clarify or remove the reference to "Part XI."

6. Original Clause Number: ANNEX V, III

1) Original Text:

Declared life-cycle carbon footprint expressed in a resolution of two significant figures in accordance with the methodology set out in the delegated acts adopted pursuant to Article 7(1), fourth subparagraph, point(a), of Regulation (EU) 2023/1542.

2) Problem analysis：

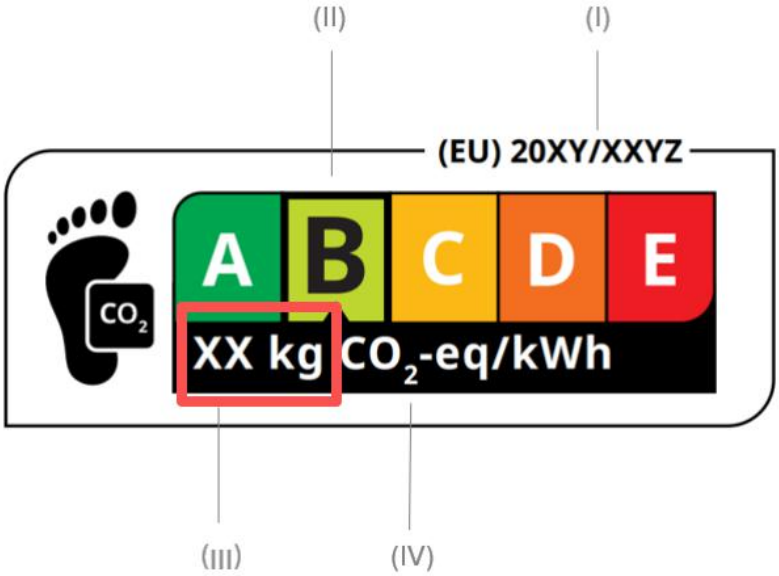
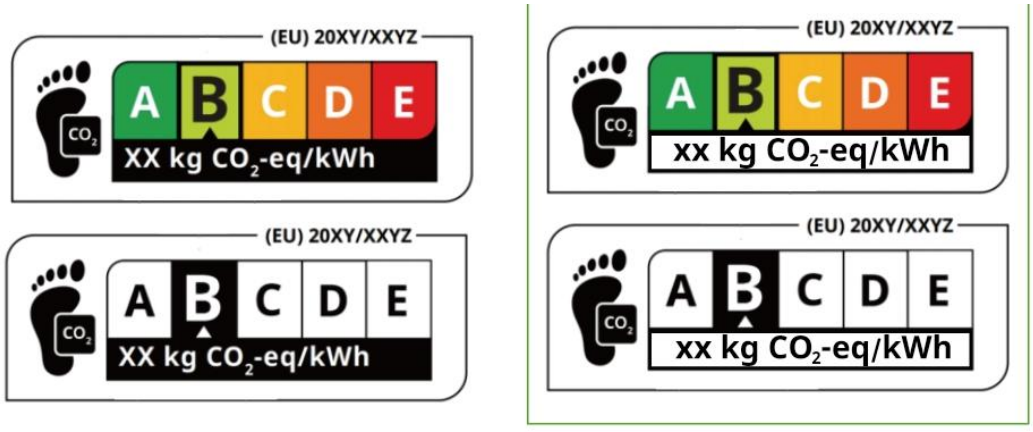
1.Since the functional unit for the carbon footprint is the total energy supplied over the expected service life, the discharge capacity is substantial. Expressing the result with only two significant figures may not meet precision requirements (e.g., for two traction battery packs each with 60 kWh of usable energy and an 8-year warranty, the lifecycle discharge is 28,800 kWh. Assuming absolute carbon footprints of 5645 and 5889 kgCO2-eq, rounding to two significant figures yields 0.20 kgCO2-eq/kWh for both. With three significant figures, they are 0.196 and 0.204 kgCO2-eq/kWh respectively, representing an error exceeding 4%).

2.Considering that the carbon footprint varies between products and is

variable, adding a white background option to the label would facilitate on-site printing operations.

3）Suggestions：

1.It is recommended to change the requirement from "two significant figures" to "three significant figures" and modify the label schematic accordingly.



2.It is recommended to add a white-background label schematic as an option, as shown in the image below.