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Comments from the Government of the United States (USG) on the Draft Commission Implementing Regulation laying down rules for the application of Regulation (EU) 2023/1542 of the European Parliament and of the Council laying as regards format and harmonised specifications for certain labelling requirements

G/TBT/N/EU/1181

20 February 2026

The United States thanks the European Union for notifying to the WTO Committee on Technical Barriers to Trade its "Draft Commission Implementing Regulation laying down rules for the application of Regulation (EU) 2023/1542 of the European Parliament and of the Council laying as regards format and harmonised specifications for certain labelling requirements" (Implementing Regulation) distributed on 22 December 2025 under the symbol G/TBT/N/EU/1181.

With respect to the draft amendments, the United States provides the following for the EU's consideration and response:

- Industry informs us that this regulation will be extremely burdensome to comply with, making it more difficult to source batteries for certain products. Has the EU considered the effects of this regulation on the availability in the EU market of products containing batteries?

- The draft regulation contains confusing terms regarding what party (the battery producer, product manufacturer, or product importer) is responsible for labeling the battery before putting the product on the market. Could the EU please clarify who is responsible for labeling the battery in the Implementing Regulation?

- Under Article 1.2, the EU states that the information shall be provided on the packages and accompanying documents, and the label will be made available through a QR code, when there is not enough space on the battery to accommodate the label requirements referred to in Annexes I, II, and III. Additionally, Article 1.7 lays out priority order for information, which we understand could imply partial labeling. Could the EU please clarify if producers are still required to present some of the information in Annexes I, II, and III on the battery when there is insufficient space for all information? We have concerns about the feasibility of partially labelling products and respectfully request that the EU clarify that the labeling requirements as set out in Article 1.2 can be entirely provided through a QR code placed on packaging and accompanying documentation. Additionally, we would appreciate the EU clarifying the justification for priority order for labeling in Article 1.7.

- Additionally, we understand that under Article 1.6, products whose batteries are not immediately visible must include a QR code containing the required information on the

battery and in documentation accompanying the product and that may, in addition, be placed on the surface of the product where the battery is incorporated. We have concerns that labeling the battery in these instances is more burdensome than necessary to provide information to users, as information could be more readily available and easier to access through a QR code. As such, we recommend removing the requirement to display the label on the battery itself and requiring the necessary information only in accompanying documents or the surface of the product.

- Our industry has expressed this specifically regarding the mandated labeling of batteries not immediately visible in products purchased and utilized by businesses in manufacturing capacities, as these businesses have greater understanding of the product and battery than the average consumer. In these instances, we understand it would be more burdensome to label the battery itself than to provide the receiving business with the necessary information to satisfy the requirements in accompanying documentation. In these instances, we also recommend battery information be allowed in documentation that accompanies the product or a QR code in such documentation, rather than a QR code placed on the battery itself.

- We respectfully request clarification that digital displays may also be used for certain batteries, and that QR codes be permitted to fully replace printed labels for batteries incorporated in products such as vehicles, rather than being required in addition to them. We also urge confirmation that access to required label information can be provided via a single QR code linking to the battery passport, to avoid duplicative QR codes and unnecessary costs.

- The United States welcomes the proposal to allow labels to be provided in one language, with additional languages accessible via QR code. However, the Regulation should clearly supersede divergent national language requirements to avoid excessive and inconsistent obligations across Member States and should clarify that the same provisions apply where labels appear in accompanying documentation or on packaging.

- We respectfully request design flexibility. While supporting harmonized label content, we urge greater openness regarding font choice, color options, layout, and marking methods, provided the information remains clear and legible. Monochrome and inverted color options should be permitted, open-source fonts should not be mandatory, and rigid design prescriptions should be avoided to ensure global compatibility and practical implementation, including for engraved markings.

- With respect to label scope and application, the Regulation should prioritize standardizing label content rather than prescribing specific design elements. Information already displayed elsewhere on the battery should not need to be duplicated, and required markings (e.g., QR code, CE marking, symbols) should be allowed on the label itself.

Clarification is also needed so that certain format and accessibility requirements apply only to digital labels.

- In addition, we would like to receive clarification regarding certain specific technical elements, including flexibility in referencing manufacturing location, optional use of unspecified icons, appropriate fire safety symbols, and simplified electrochemical composition categories. Maximum size provisions should also be revised to prevent disproportionate label dimensions for large batteries, ensuring that labels remain practical while meeting visibility and durability requirements.

- Finally, Article 8 states that the Implementing Regulation will enter into force on the twentieth day following its publication in the *Official Journal of the European Union*. Can the EU please confirm that the labeling requirements will not apply until 18 months after the entry into force date, consistent with Article 13 of EU 2023/1542? If not, we kindly request that the EU provide an 18-month transition before implementation to allow industry additional time to comply with the Implementing Regulation.

The United States again thanks the EU for notifying the draft Implementing Regulation to the WTO Committee on Technical Barriers to Trade for consideration and input. In addition to these comments, the United States urges the EU to consider any comments submitted by U.S. industry on the draft Implementing Regulation.