



EUROPEAN
COMMISSION

Brussels, XXX
[...] (2024) XXX

COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

supplementing Regulation (EU) 2023/1542 of the European Parliament and of the Council by establishing the methodology for calculation and verification of rates for recycling efficiency and recovery of materials from waste batteries, and the format for the documentation.

(Text with EEA relevance)

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Batteries are an important tool for achieving sustainable development, green mobility, clean energy and climate neutrality. The Regulation on Batteries and Waste Batteries¹ ('the Regulation') introduces a harmonised regulatory framework covering the entire life cycle of batteries that are placed on the market in the Union. It also includes requirements for recycling efficiency and recovery of materials from waste batteries.

The Commission needs to draw up the methodology for calculating and verifying rates of recycling efficiency and recovery of materials, as set out in Annex XII, and the format for documentation. Annex XII to the Regulation covers requirements for storage and treatment of waste batteries and targets for recycling efficiency and recovery of materials.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

As this is a technical act, it did not require an impact assessment or open public consultation.

The delegated act draws on a draft report by the Commission's Joint Research Centre (JRC) entitled 'JRC technical suggestions for the rules for calculation and verification of rates for recycling efficiency and recovery of materials of waste batteries'. Stakeholders contributed to this report, including through four workshops. The expert group on waste, consisting of experts designated by each Member State and other selected experts representing business organisations and civil society, was consulted on the draft delegated act on 21 March 2024.

The draft delegated act was published for public feedback on the Better Regulation Portal from [...] to [...] 2024. The draft delegated act was submitted to WTO/TBT for feedback from [...] to [...] 2024.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The delegated act is adopted pursuant to paragraph four of Article 71 of the Regulation, which empowers the Commission to adopt a delegated act establishing the methodology for calculating and verifying rates of recycling efficiency and recovery of materials, as set out in Part A of Annex XII, and the format for documentation.

¹ Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ L 191, 28.7.2023, p. 1.).

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC², and in particular Article 71(4) thereof,

Whereas:

- (1) Regulation (EU) 2023/1542 lays out requirements for recyclers to ensure that they reach targets for recycling efficiency and recovery of materials from waste batteries. The Commission is required to draw up the methodology for calculating and verifying rates of recycling efficiency and recovery of materials from waste batteries, and the format for documentation, in line with those requirements. This is necessary to create a harmonised regulatory framework covering the entire life cycle of batteries that are placed on the market in the Union, including the management of waste batteries.
- (2) The methodology should ensure a high quality of recovery of materials for the battery industry. At the same time, it should not distort competition or otherwise impede the smooth functioning of the internal market for secondary raw materials from waste batteries, while promoting research and innovation in that fast-expanding and developing market. It is necessary to consider and build on the methodology established under Directive 2006/66/EC of the European Parliament and of the Council³ to properly reflect technological developments and changes in battery recycling and recovery processes, extending their scope to cover existing and new battery chemistries.
- (3) The methodology for calculating and verifying rates of recycling efficiency should detail the input and output fractions that can affect recycling efficiency targets in order to ensure a harmonised calculation of the achieved recycling efficiency.
- (4) The methodology for calculating and verifying rates of recovery of materials should detail the input and output fractions that can affect recovery of materials targets and

² OJ L 191, 28.7.2023, p. 1, ELI: <http://data.europa.eu/eli/reg/2023/1542/oj>.

³ Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ L 266, 26.9.2006, p. 1, ELI: <http://data.europa.eu/eli/dir/2006/66/oj>).

any further requirements on the quality of the recovered materials in order to ensure a harmonised calculation of the achieved recovery of materials.

- (5) In order to ensure traceability, ensure fair application of the calculation rules and minimise adverse effects on human health or the environment, the format of the documentation regarding substances listed under point (5) and point (6) of Part A of Annex XII of Regulation (EU) 2023/1542 should include detailed requirements on how to document the treatment of substances into an identifiable stream within the battery recycling process.
- (6) The method to be used when filling in documentation for calculating rates of recycling efficiency and recovery of materials from waste batteries should be specified to ensure that data are consistent and uniform.
- (7) The formats for documentation for rates of recycling efficiency and recovery of materials should be drawn up separately for lead-acid waste batteries, lithium-based batteries, nickel-cadmium batteries and other batteries to ensure that data are relevant and specific to the different battery chemistries.
- (8) In order to ensure consistent and harmonised application, the methodology for verifying rates of recycling efficiency and recovery of materials should set out, as a minimum, what the verification is to cover, and which verification techniques are to be applied.

HAS ADOPTED THIS REGULATION:

Article 1

The methodology for calculation and verification of rates for recycling efficiency and recovery of materials from waste batteries, and the format for the documentation on recycling efficiency and material recovery for waste batteries and on the destination and yield of the final output fractions, are laid down in the Annex.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President