EUROPEAN
COMMISSION

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COMMISSION IMPLEMENTING REGULATION (EU) …/...

of XXX

laying down rules for the application of Regulation (EU) 2023/1542 of the European Parliament and of the Council as regards format and harmonised specifications for certain labelling requirements

(Text with EEA relevance)

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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.

COMMISSION IMPLEMENTING REGULATION (EU) …/...

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laying down rules for the application of Regulation (EU) 2023/1542 of the European Parliament and of the Council as regards format and harmonised specifications for certain labelling requirements

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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 10 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC, and, in particular, Articles 7(2) and 13(10) thereof,

Whereas:

(1) Pursuant to Article 7 of Regulation (EU) 2023/1542, electric vehicle batteries, rechargeable industrial batteries with a capacity greater than 2 kWh and LMT batteries are to bear a conspicuous, clearly legible and indelible label indicating the carbon footprint performance class to which the relevant battery model per manufacturing plant corresponds. Paragraph 2, third subparagraph, of that Article specifies the dates of application of the carbon footprint performance class requirements for different battery categories.

(2) Pursuant to Article 13 of Regulation (EU) 2023/1542, all batteries are to bear a label containing the general information set out in Part A of Annex VI to that Regulation. In addition, certain battery categories are to contain a label containing certain specific information with regard to capacity, minimum average duration and a label with the indication 'non- rechargeable'. Pursuant to Article 13(1), the date of application of those labelling requirements is *[OP: please insert the date = 18 months after the date of entry into force of this Regulation].*

(3) It follows from Article 1(3) of Regulation (EU) 2023/1542 that where batteries placed on the market can be considered to fall under more than one category, they are to be deemed to fall under the category to which the strictest labelling requirements apply.

(4) Pursuant to point 8 of Annex VI to Regulation (EU) 2023/1542, any hazardous substances present in the battery, other than mercury, cadmium and lead, are to be indicated in the label for all batteries.

(5) Products placed on the market as battery packs, which are batteries or groups of cells that are connected or encapsulated within an outer casing to form a complete unit ready for use by end-users or in applications that the end-user is not intended to split up or open are covered by the definition of a battery and are therefore subject to the labelling requirements applicable to batteries.

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(6) Pursuant to Article 13(7) of Regulation (EU) 2023/1542, the label referred to in paragraphs 1, 2 and 3 of that Article are to be printed or engraved on the battery, unless it is not possible or not warranted due to the nature and size of the battery, in which case the label is to be affixed to the packaging or to the documents accompanying the battery. The decision to display part of the required information on the packaging, instead of on the battery itself, should be motivated by a physical limitation on the surface of the battery, taking into account branding and other labelling and marking requirements stemming from Union legislation, but without counting the surface that may be occupied by non-essential marketing information. Manufacturers should be required to reconcile all the regulatory requirements stemming from Regulation (EU) 2023/1542 and other applicable Union legislation with their own commercial information.

(7) The date of manufacture of batteries, in particular portable batteries, is a dynamic parameter that changes frequently. In some cases, the constant updating of the date of manufacture of batteries indicated on the label may result in disproportionate costs. Manufacturers should therefore be allowed flexibility in the marking of such information by placing it elsewhere on the battery than on the label.

(8) In general, in order to avoid the overcrowding of information on the battery labels when it needs to be displayed in multiple languages, it is necessary to provide flexibility and resort to the use of digital solutions, such as the QR code. However, where national legislation requires explicitly that labelling information is displayed in more than one language, manufacturers should be allowed to use several physical labels to display the same information in different languages.

(9) To ensure uniform conditions in the implementation of the carbon footprint label and to provide legal certainty, the format of that label should be the same for all categories of batteries referred to in Article 7 of Regulation (EU) 2023/1542. That Article requires the label to be placed on the batteries concerned and it follows from Annex XIII to Regulation (EU) 2023/154 that the carbon footprint label is also to be included in the publicly accessible part of the battery passport.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 39 of Directive 2008/98/EC of the European Parliament and of the Council[1],

HAS ADOPTED THIS REGULATION:

Article 1

Harmonised specifications for labelling requirements

(1) The label referred to in Article 13(1), (2) and (3) of Regulation (EU) 2023/1542 shall contain the information listed in Annexes I, II and III to this Regulation for the relevant battery category and follow the specifications set out in those Annexes. The information may be split into multiple labels in any of the following cases:

[1] Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3, ELI: http://data.europa.eu/eli/dir/2008/98/oj).

(a) the physical space on the battery is limited;

(b) a single label may compromise readability and durability;

(c) a single label is not appropriate for safety reasons.

(2) Where, on account of the nature or size of the battery, it is not possible to display a label that includes, for the battery category concerned, all the information referred to in Annexes I, II and III, that information shall be provided on the packaging and the documents accompanying the battery, following the specifications set out in those Annexes. In that case, the label shall also be made available through a QR code.

(3) By way of derogation from paragraph 2, where the surface of the packaging is not large enough to display a label that includes all the information referred to in Annexes I, II and III, for the battery category concerned, that information shall be printed on a separate document accompanying the battery, following the specifications set out in those Annexes. In that case, the label shall also be made available through a QR code.

(4) In the specific case of button cell batteries, the information listed in Annex I concerning non-rechargeable batteries, or in Annex II concerning rechargeable batteries, shall be printed on the packaging or in a document accompanying the battery. In the latter case, the label shall also be made available through a QR code on the packaging.

(5) For portable batteries incorporated into products which may be designed in such a way as to make the battery removable and replaceable only by independent professionals, as referred to in Article 11(2) of Regulation (EU) 2023/1542, or into products which are meant to remain sterile until their first use, the information referred to in Annexes I or II to this Regulation, as applicable, shall be provided through a QR code. In that case, the QR code shall be visible in documentation accompanying the product, such as instructions for use or other commercial documentation and may, in addition, be displayed on the surface of the battery itself or on the surface of the product where it is incorporated. In case the QR code is displayed on the surface of the product, an icon depicting a battery shall be displayed side by side with that QR code.

(6) Where products or vehicles incorporate batteries which are not immediately visible, the information referred to in Annexes I, II or III to this Regulation, as applicable, shall be provided through a QR code. In those cases, the QR code shall be visible on the surface of the battery and in documentation accompanying the product, such as instructions for use or other commercial documentation, and may in addition be displayed on the surface of the product or vehicle where it is incorporated. In case the QR code is displayed on the surface of the product or vehicle, an icon depicting a battery shall be displayed side by side with that QR code.

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(7) For the application of paragraphs 2 to 6, where necessary, the repartition of the information between the label, the packaging, the accompanying document, or the QR code shall be done, for the relevant battery category, following the priority order, from number I to number XI, in Part A of Annex I, from number I to number X in Part A of Annex II and from number I to number X in Part A of Annex III. Notwithstanding that, wherever possible, the chemical composition as indicated in Annexes I, II and III shall be displayed on the surface of the battery following the specifications laid down in Annex IV.

(8) Where the inclusion of the date of manufacture on the label results in disproportionate costs, that information can be printed or engraved visibly, legibly and indelibly elsewhere on the surface of the battery, including in the batch or serial number if it is clearly identifiable therein. In those cases, the label shall indicate the place in the battery where the date of manufacture can be found.

Article 2

Label design, size and position

(1) Where physically possible, the label referred to in Article 13(1), (2) and (3) of Regulation (EU) 2023/1542 shall be provided in the format set out for the battery category concerned in Part B of Annexes I, II and III to this Regulation. The label design shall be readable. The text and the graphic icons shall be displayed in high contrast to the background.

(2) The label shall cover at least 5 % of the largest printable or engravable 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.

(3) The size of the label shall be flexible to allow inclusion of all the information referred to in Annexes I to III for the relevant battery category, while maintaining the minimum font size, spacing and margins specified in those Annexes.

(4) The position of the label on the surface of the battery shall be determined following criteria of visibility and durability. Whenever possible, the label shall be placed on the side of the battery that is most visible during the use of the battery in its intended application. The label shall be designed in such a way as to remain readable until the end of the battery's service life.

(5) The position of the label on the surface of the battery shall also take account of other marking requirements following from national or Union law, in particular requirements related to safety.

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(6) In cases where battery packs consist of more than one module, the label shall be placed on the external housing of the assembly. In those cases, each of the modules may be individually marked with the QR code providing access to the label.

Article 3

Non-rechargeable label

(1) The non-rechargeable label referred to in Article 13(3) of Regulation (EU) 2023/1542 shall consist of a Do Not Charge symbol in accordance with standard IEC 60086-4:2019 Table D.1, IEC 60085-5 or IEC 60086-4, or similar, with a minimum size of 5 mm x 5 mm.

(2) Where the surface of the battery is not large enough to display the non-rechargeable symbol referred to in paragraph 1, the symbol shall be displayed on the packaging of the battery or in an accompanying document. In that case, the symbol may, in addition, be made available through a QR code on the surface of the battery.

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.

Article 5

Prioritisation of the different marking and labelling requirements

Without prejudice to Article 20 of Regulation (EU) 2023/1542, when the surface of a battery is not large enough to accommodate all the marking and labelling requirements set out in Regulation (EU) 2023/1542 and this Regulation, the following priority order shall apply:

(1) QR code referred to in Article 13(6) of Regulation (EU) 2023/1542

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(2) Separate collection symbol referred to in Article 13(4) of Regulation (EU) 2023/1542

(3) Heavy metal symbols referred to in Article 13(5) of Regulation (EU) 2023/1542

(4) Non-rechargeable label referred to in Article 13(3) of Regulation (EU) 2023/1542 and in Article 3 of this Regulation

(5) Physical label with general information referred to in Article 13(1) of Regulation (EU) 2023/1542 and in Article 1 of this Regulation.

Article 6

Languages and accessibility

(1) The labelling information required by this Regulation shall be written in a language or languages which can be easily understood by end-users, as determined by the Member State in which the battery is to be placed on the market or put into service.

(2) In those cases where the labelling information needs to be displayed in more than one language, the physical label may be written only in one of them, unless otherwise stated in national legislation and provided that a digital version of the label in the other language(s) is made accessible through a QR code.

(3) The labelling information addressed to consumers shall be accessible for persons with disabilities, in line with the accessibility requirements set out in Annex I to Directive 2019/882 of the European Parliament and of the Council[2].

Article 7

Carbon footprint label

(1) The format to be used for the carbon footprint label for batteries referred to in Article 7(2), first subparagraph, of Regulation (EU) 2023/1542 shall be as set out in Annex V to this Regulation.

Article 8

Entry into force

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

[2] Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (Text with EEA relevance) – ELI http://data.europa.eu/eli/dir/2019/882/oj

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

Done at Brussels, For the Commission

The President
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