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REPLY FROM THE EUROPEAN UNION TO THE COMMENTS RECEIVED FROM UNITED STATES REGARDING NOTIFICATION

G/TBT/N/EU/1181

(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)

The European Union (EU) would like to thank the United States for its comments 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".*

The EU would like to provide the following reply to these comments.

- *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 is simply setting out harmonised specifications for the battery labelling requirements that were established in the Batteries Regulation (EU) 2023/1542 adopted in July 2023. The purpose of harmonising specifications is to facilitate comparability across battery manufacturers for consumers and end-users, as well as to inform recyclers. The draft regulation makes extensive use of digital means, such as QR codes and digital labels to alleviate the regulatory burden on economic operators placing batteries in the EU internal market.

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

The terms producer and importer are not mentioned in the draft regulation, only the term manufacturer is. All these terms are defined in Article 3 of the Batteries Regulation (EU) 2023/1542. The legal obligations on labelling are part of a wider set of obligations which are applicable when batteries are being placed or put into service in the Union market. This is governed by Article 1 of the Batteries Regulation (see also Recital 11) and not by the draft implementing regulation. The labelling obligations rely on the economic operator placing the battery on the market or putting it into service. The concept of placing on the market may consist of numerous possible scenarios and involve battery and product manufacturers, importers or distributors. For a discussion of the concept of placing on the market, the best source is the Blue Guide on the implementation of the product rules (*)
(*) https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:2022:247:TOC

- *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 labelling. 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 labelling 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 labelling in Article 1.7*.

When the available space on the surface of the battery is not sufficient to accommodate the label format set out in Annexes I to III, the information items to be included in the label may be split across the surface of the battery, the packaging and accompanying documents, at the discretion of the manufacturer, but following the order of the items set out in the Annexes. In any of those scenarios, the label shall also be made available in digital format through a QR code marked on the battery. This is the meaning of Articles 1.2 and 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 labelling 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 labelling 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*.

The lack of immediate visibility of a battery when being placed in the Union market incorporated into a product cannot be exempted from bearing appropriate labelling information, as opposed to other situations explained in Articles 1.3 or 1.4, where appropriate concessions are being made. If labelling information were to be made available exclusively through documentation accompanying the battery, the link

between the battery and the information could be easily broken once the original battery has been replaced and its accompanying documentation possibly misplaced.

- *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 use of digital labels accessible through QR codes is allowed in the cases foreseen in Articles 1.2 to 1.6. Article 1.6 mentions batteries incorporated into vehicles explicitly. The QR code providing access to the digital label should be the same providing access to the battery passport, as per Article 13(6) of the Batteries Regulation. The battery passport in only applicable to LMT and EV batteries and to large industrial batteries above 2 KWh of capacity.

- *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*.

The draft regulation is respectful of the linguistic diversity in the European Union and of the language regime in its different Member States. Article 6.2 foresees that when the labelling information needs to be displayed in more than one language, the physical label may be written only in one of them and the other language versions can be provided digitally through a QR code.

- *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 colour 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*.

The draft regulation offers a degree of flexibility to the design and display of the label. Article 2.1 stipulates that the label design should be readable, and that the text and graphic icons should be displayed in high contrast to the background. No colour restrictions are being imposed, other than those in Annex V for the carbon footprint labelling. The only restriction being imposed on the font choice is that this should be an open-source font that is fully compatible with all Union official languages. There are numerous fonts that fulfil this criterion. The draft regulation does not mention the

CE marking, which is governed by Articles 19 and 20 of the Batteries Regulation (EU) 2023/1542.

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

Articles 1.2 to 1.6 explain the situations in which partial or no physical labelling is allowed and where the label can be displayed digitally through the use of QR codes. A case in point is button cell batteries, where it is understood that physical labelling would impair conductivity and therefore Article 1.4 allows for the display of a QR code in the packaging to provide access to the digital label.

- *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.*

Annex VI of the Batteries Regulation requires the labelling of the place of manufacture (geographical location of a battery manufacturing plant). The requirement in the implementing act is adding further precision to the granularity of the geographical location to be at the level of the town, region and country/jurisdiction. With respect to the icons to flag the presence of hazardous substances and the usable extinguish agent, following feedback from our public consultation, the Commission services are considering to allow the use of pictograms in standard ISO 7010 or a symbol that is specific to the extinguishing agent which is the most appropriate for a certain battery chemistry. Also following feedback from our public consultation, the size of the label is going to be capped to a maximum dimension in Article 2.2, for instance to the size of an A4 document, in the final version of the regulation.

- *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*.

It is standard practice for Commission implementing regulation to enter into force twenty days after their publication in the OJEU. However, it is clear from Article 13(1) that the labelling obligations will only become applicable 18 months after the entry into force of the draft implementing regulation.

The EU would like to thank the United States authorities once again for providing comments on the notified draft and hopes that the responses conveyed sufficiently clarify the issues raised.

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Electronically signed on 03/07/2026 17:04 (UTC+02) in accordance with Article 11 of Commission Decision (EU) 2021/2121