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EUROBAT feedback to 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

EUROBAT, the Association of European Automotive and Industrial Battery Manufacturers, welcomes the European Commission's draft implementing regulation 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 (Implementing Regulation).

EUROBAT notes, however, that the draft Implementing Regulation introduces a **major substantive change** compared to previous versions, in particular with respect to the labelling of hazardous substances. The new approach requires the disclosure of the **names and concentrations of all hazardous substances, without any threshold, meaning also trace concentrations**, which constitutes a significant expansion of scope. This change has **far-reaching technical, compliance and supply-chain implications** and therefore requires careful assessment and coordination by industry.

EUROBAT nonetheless thanks the Commission for the revised draft, which shows improvements compared to the previous version and addresses several earlier concerns. However, **two critical issues remain unresolved and require correction**, namely the scope of hazardous substances subject to labelling and the capacity labelling of SLI batteries

Please find below EUROBAT's initial considerations for the European Commission's consideration.

Draft Implementing Regulation

i. Marking and labelling of restricted and hazardous substances – Article 4 and Annexes I, II and III

EUROBAT warns that **Article 4(2) represents a major concern for battery manufacturers** compared to earlier drafts. The provision requires the labelling of all hazardous substances as defined in Article 3(1)(52) of EU Batteries Regulation (Regulation (EU) 2023/1542), which refers to Article 3 of the CLP Regulation. As a result, **all substances with a CLP hazard classification would be subject to labelling**, amounting to **more than 4,000 substances**.

EUROBAT considers this approach to be:

I. misleading,
II. operationally unmanageable,

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III. adding red tape while the drive is for simplification,
IV. disproportionate, and
V. inconsistent with the logic of existing EU chemicals legislation.

EUROBAT therefore considers that this requirement should **be removed or fundamentally revised**. A **wording change in Article 4(2)** is needed to follow the same legal requirements as under the REACH Regulation in order to limit hazardous substance labelling exclusively to **REACH Substances of Very High Concern (SVHCs)** identified on the Candidate List pursuant to Article 59 of Regulation (EC) No 1907/2006 and **present above 0.1% w/w**, and **not to any broader SVHC definition**.

REACH Article 33(1) (SVHC information duty): "Any supplier of an article containing a substance meeting the criteria in Article 57 and identified in accordance with Article 59(1) in a concentration above 0.1 % weight by weight (w/w) shall provide the recipient of the article with sufficient information…"

In addition, for reasons of consistency and legal clarity, **the 0.1% w/w threshold** for both SVHCs and Critical Raw Materials should be understood as referring to the **total weight of the battery.**

Furthermore, in parallel with the public consultation on this Implementing Regulation, on **10 December**, the European Commission adopted a set of proposals under the so-called **Environmental Omnibus**, proposing simplification measures under the Batteries Regulation. The Environmental Omnibus explicitly proposes that hazardous substances to be labelled should be **SVHCs present above 0.1% w/w**. This approach is welcomed, as it is aligned with the logic of **discontinuing the SCIP database** and facilitates compliance with existing **REACH information obligations**. EUROBAT therefore **strongly calls for the Implementing Regulation to be aligned with the Environmental Omnibus proposal**, with the SVHC definition limited to the REACH definition.

In addition, **Annexes II and III** of the Implementing Regulation replicate the same problematic hazardous substances requirement. EUROBAT therefore calls for **the same correction to be applied in Annexes II and III as for Article 4(2)**.

Therefore, EUROBAT proposes formulation for the point VIII of **Annexes II and III** of the Implementing Regulation to be changed to: the names and concentrations of restricted substances referred to in **Article 4(1)** and of **Substances of Very High Concern (SVHCs)** included on the Candidate List pursuant to Article 59 of Regulation (EC) No 1907/2006 **and present above 0.1% weight by weight of the battery**, as referred to in **Article 4(2)**.

ii. Article 6- Languages and accessibility

Article 6 introduces some flexibility regarding language requirements, which is welcomed. However, EUROBAT warns that this requirement should be analysed in more detail, as local language requirements may prevail.

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iii. Determination of battery capacity (Annex II)

The version of Annex II that had been commented in June 2025 included a Part C describing the method to determine the capacity of SLI batteries. The current version of the drafted implementing act has been removed.

Anyhow, the requirement to label the cranking in Amperes (A) is now described in Annex II Part A VI. This now reads as:

VI. the capacity expressed in “milliampere-hour(s) or ampere-hour(s) using the abbreviations mAh or Ah respectively. For SLI batteries, the cranking current shall also be displayed, expressed in Amperes (A), unless the battery is not specifically designed for starting purposes;

The way it is formulated is critical:

- With “For SLI batteries, the cranking current shall also be displayed, expressed in Amperes (A), unless the battery is not specifically designed for starting purposes;” a kind of subcategory to SLI batteries is created.

- Cranking current is a parameter that impacts consumer decisions. Asking for a cranking current without specifiying the methodology to measure and without specifying the range of accuracy is not acceptable; a standard is required to guarantee a level playing field among economic operators and appropriate information for producers.

- Labelling the cranking current goes beyond the mandate of the Battery Regulation, an extension of the mandate via the Annex to an implementing act is not advisable.

- Standardisation of a method to determine the cranking current is not part of the current Standardisation request M/579 Amendment 1 although other parameters requiring measurement according to a defined methodology form part of it.

Nevertheless, if cranking current shall find its way onto the Article 13.1 label, the definition of a harmonised standard, defining methodology to measure and the accuracy to display is indispensable.

iv. Format of carbon footprint label (Annex V)

Annex V allows the carbon footprint label to be displayed in black and white when printed or engraved directly on the battery. EUROBAT, however, calls **for free choice between black & white and colour**, rather than a conditional limitation, as long as it is clearly readable.

Annex II & III - Place of manufacturing

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While Annex VI Part A number 3 of the EUBR is asking to inform about the place of manufacturing and specifies this as “geographical location of a battery manufacturing plant”, the Annexes I, II and III to the implementing act, add additional requirements to identify the place of manufacture by “town; region; country/jurisdiction”.

We disagree adding additional requirements that are not mandated by the EU Battery Regulation via an Annex to an implanting act, especially when there is no benefit.

The place of manufacturing information should benefit from the well-populated and well-understood “Made in COUNTRY” description of origin.

v. Timing of QR code obligation

Article 13(1) of the Batteries Regulation provides that, in this case, 18 months after the entry into force of the Implementing Regulation (i.e. approximately end of the year), batteries shall bear a label containing the general information set out in Part A of Annex VI. Given the current process, this is now expected being in late 2027 or even early 2028.

By contrast, the obligation to mark all batteries with a QR code will apply from 18 February 2027 under Article 13(6). This results in non-aligned application dates for closely linked labelling obligations and bears the risk of having to scrap a significant number of premanufactured labels.

EUROBAT calls for a coherent application of the labelling requirements and considers that a postponement of the QR code obligation should be envisaged in order to align the application of both obligations to a single common date, meaning 18 months after the entry into force of the Implementing Regulation.

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About EUROBAT

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EUROBAT is the leading association for European automotive and industrial battery manufacturers, covering all battery technologies, and has more than 40 members. The members and staff work with all policymakers, industry stakeholders, NGOs and media to highlight the important role batteries play for decarbonised mobility and energy systems as well as numerous other applications.