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EUROBAT Feedback on the Environmental Omnibus Simplification Package

EUROBAT welcomes the European Commission's Environmental Omnibus initiative as an important step toward simplifying environmental legislation, reducing unnecessary administrative burden and improving legal clarity, while maintaining a high level of environmental protection and supporting Europe's industrial competitiveness. For the battery sector, simplification is particularly important because the regulatory framework is increasingly complex and overlapping, with obligations arising under the Batteries Regulation, waste law, industrial emissions rules and related implementing measures.

At the same time, simplification should go beyond endorsing existing proposals and ensure that the resulting rules are technically feasible, proportionate and coherent across instruments. EUROBAT therefore supports the Omnibus package, but considers that several battery-specific points should be clarified or strengthened to make the package genuinely effective for the sector.

1. Batteries Regulation

EUROBAT supports the proposed clarification of the producer definition, so that all cross-border sellers are clearly covered as producers irrespective of the selling technique used. This is an important step to close loopholes, improve legal certainty and ensure a level playing field for battery producers active in the internal market.

Producer definition

The definition of "producer" in Article 3(47) contains several ambiguities that require clarification to ensure consistent interpretation and implementation. Article 3.47 (b) allocates the producer role to the economic operator that "...resells within the territory of that Member State, under its own name or trademark, batteries, including those incorporated in appliances, light means of transport or other vehicles, manufactured by others, on which the name or trademark of those other manufacturers does not appear;...". As indicating name and contact details of the manufacturer on a battery is mandatory (Art. 13 & Art. 38.7), resellers often are of the wrong opinion that they never obtain the producer role. This is misleading, as these resellers are placing the products on the markets of the member states using their sales organisation and logistics.

EUROBAT's recommendation is therefore to clarify the producer definition by deleting the reference to the manufacturer in Art. 3.47 (b). Art. 3.47 (b) shall read as: *(b) is established in a Member State and resells within the territory of that Member State, under its own*

name or trademark, batteries, including those incorporated in appliances, light means of transport or other vehicles, manufactured by others;

EUROBAT also recommends that the Commission reference the [Guidance on the identification of the Producer in several representative scenarios](#) developed in 2024 by EUROBAT, RECHARGE and EPBA. This guidance forms part of a broader series of joint industry papers, including the guidance on [Joint Industry Guidance on “What is a Battery”](#) (September 2024), and [Joint Industry Guidance on the “Definition of the Battery Manufacturer”](#) (May 2025). Given that these documents are already widely used by industry, an explicit reference would help reduce uncertainty, improve consistency of interpretation and provide greater legal clarity.

Labelling Requirements

EUROBAT also supports a more proportionate approach to hazardous-substance labelling. Labelling requirements should remain workable and aligned with REACH Art. 33, in particular by limiting mandatory labelling to:

- SVHCs included on the Candidate List under Article 59 of Regulation (EC) No 1907/2006 and present above 0.1% w/w, and
- restricted substances already identified in Article 4(1) of the Batteries Regulation, using the total battery weight as the reference for the 0.1% threshold.

EUROBAT believes this is necessary to avoid an unmanageable and misleading obligation that would otherwise cover too many substances and create unnecessary cost without improving environmental outcomes.

Article 6 coherence / industrial data alignment

EUROBAT also considers that the ongoing Article 6 work on substance inventories and emission factors should be better aligned with the PBG BREF project. At present, the Art. 6 initiative appear to rely on partly assumed emission factors while parallel industry surveys will be made as part of the PBG BREF process. Aligning the methodologies and data collection processes would improve data quality and reduce the administrative burden on industry, competent authorities and the Commission.

End-of-Life Vehicles Regulation

The ELV revision should not create parallel or divergent battery-specific obligations where the Batteries Regulation already provides a horizontal framework. EUROBAT therefore recommends that battery-related design, performance and removability rules remain primarily under Regulation (EU) 2023/1542, with the ELV text cross-referring to those provisions instead of duplicating them. EUROBAT also supports a clear, technology-

neutral definition of “non-destructive removal of traction batteries” that allows for safe removal at authorised treatment facilities and accommodates integrated Cell-to-Chassis and Cell-to-Body designs.

Battery Passport

EUROBAT supports the objective of the Battery Passport but considers that implementation should be phased and proportionate. A step-by-step approach should start with well-defined, non-sensitive and operationally feasible data fields, while allowing more time for technical standards, data access levels and confidentiality safeguards to mature. EUROBAT also calls for alignment between the Battery Passport timeline, labelling requirements and broader Digital Product Passport standardisation efforts to avoid operational inconsistencies and unnecessary compliance burdens.

Battery Due Diligence

EUROBAT supports postponing battery due diligence obligations until the necessary guidance and verification frameworks are in place. This is particularly important given the current overlap with CS3D and CSRD, which risks duplicative reporting, inconsistent grievance mechanisms and divergent verification approaches. The Environmental Omnibus should therefore ensure regulatory alignment, permit group-level implementation where appropriate and ensure early publication of guidelines and designation of national verification bodies.

2. Extended producer responsibility

EUROBAT welcomes simplification of EPR requirements. In the current fragmented system, producers active in several Member States face duplicated registration and reporting obligations, which creates a disproportionate burden and offers little environmental benefit.

When the Batteries Regulation was negotiated, it was agreed to use two legal bases: one for the end-of-life management of batteries and another for the rest of the regulation. This allows Member States to develop their own battery take-back systems, but it also complicates matters for companies, as they need to navigate different systems depending on in which Member States batteries reach end of life. An EU-wide EPR registration system (or a centralized EU EPR registration portal) could significantly reduce administrative burden, as a single entry point would streamline data submission, reporting cycles, and compliance obligations across Member States. However, this would not change the underlying data that producers are required to provide under Extended Producer Responsibility schemes.

In addition, EUROBAT considers that the Environmental Omnibus should support a greater degree of harmonisation of producer responsibility organisation (PRO) frameworks under Regulation (EU) 2023/1542, in particular as regards eco-modulation, fee calculation methods and the scope of PRO responsibilities under Article 56 and related provisions. At present, registration formats, fee structures, calculation methodologies and operational responsibilities differ significantly between Member States, creating unnecessary complexity for producers placing batteries on several national markets. While full harmonisation may not be achievable in the short term, common principles for fee calculation and a minimum alignment of PRO responsibilities would improve transparency, reduce fragmentation and facilitate compliance for cross-border operators.

EUROBAT Recommendations

- **Establish a centralized, EU-wide EPR registration system** to streamline compliance and improve transparency across Member States. This would enable a single point of entry, harmonise data formats, reporting cycles, and compliance obligations, automate data flows with the Battery Passport, and support collective compliance through industry consortia.
- **Launch a centralized EU EPR Registration Portal** (pragmatic alternative if full harmonisation is not immediately feasible). This authoritative directory would list all national EPR portals with their official websites, registration procedures, reporting frequency, required data fields, and contact points, while promoting alignment through standardised data fields (e.g., producer name, product type, quantity) and common submission templates to reduce duplication and improve data quality.

Comparable EU-level digital simplification models already exist, such as the Single Digital Gateway and its public-facing portal [Your Europe](#). These systems provide a single point of access to national procedures and services while allowing information to be exchanged between authorities through the Once-Only Technical System. In a similar way, the [Public Procurement Data Space](#) illustrates how data from multiple national systems can be connected and made accessible through a common EU framework, without necessarily replacing national databases. These initiatives show that an interoperable EU platform can reduce duplication, improve consistency, and ease administrative burdens while still respecting Member State responsibilities.

3. Waste classification and circularity

EUROBAT welcomes efforts to simplify waste-related rules, but considers that the Omnibus should go further in addressing the specific needs of battery manufacturing

waste, black mass and closed-loop recycling systems. Battery waste generated in controlled industrial environments is not the same as heterogeneous post-consumer waste, and the regulatory framework should reflect that difference.

The classification of waste batteries and black mass as hazardous waste under the Waste Framework Directive aims to prevent exports to non-OECD countries and strengthen environmental protection.

Once classified as hazardous, waste batteries and black mass must comply with stringent regulatory frameworks including the Waste Shipment Regulation, ADR, CLP, and REACH. These obligations extend beyond post-consumer waste and affect manufacturing scrap, defective cells, and process residues generated within controlled industrial environments.

Such materials are often managed within closed-loop recycling systems and typically present much lower risk profiles than post-consumer waste. Treating them under the same regime creates disproportionate administrative and logistical burdens and may slow down recycling flows that are essential for circularity and recycled content targets. This is particularly relevant for lead- and nickel-based batteries, where closed-loop systems are long-established, highly traceable and already deliver very high collection and recycling rates.

EUROBAT Recommendations

- Establish a dedicated simplified regulatory regime (“green channel”) for intra-EU transport and handling of manufacturing battery waste and intermediate recycling fractions (incl. black mass) that remain within integrated, traceable industrial and recycling chains, including simplified notification procedures, accelerated consent timelines and proportionate documentation requirements under the Waste Shipment Regulation.
- Differentiate regulatory treatment between production scrap and post-consumer waste batteries, reflecting their different risk profiles, management contexts and traceability conditions as recognised by the new EU List of Waste entries (Commission Delegated Decision (EU) 2025/934) distinguishing manufacturing waste (16 06 24*/25) from post-consumer batteries.
- Simplify transport and storage requirements under the Waste Shipment Regulation for factory generated battery waste and black mass that are critical to net zero and strategic value chains and to the achievement of recycled content obligations under Regulation (EU) 2023/1542.

- Clarify and proportionally adjust temporary storage requirements for hazardous manufacturing battery waste generated within certified industrial facilities operating under recognised environmental management systems, in order to reflect the controlled and traceable nature of such waste streams.
- Utilise the harmonised waste codes introduced by Commission Delegated Decision (EU) 2025/934 to enable standardised, traceable and proportionate waste management practices across Member States, and to operationalise a risk-based differentiation between closed loop manufacturing waste and heterogeneous post-consumer waste streams.
- Clarify the interface between hazardous waste classification of manufacturing battery waste and Extended Producer Responsibility (EPR) obligations under Regulation (EU) 2023/1542, in order to prevent duplicative reporting systems, parallel documentation requirements and double administrative burden for industrial battery producers operating closed-loop recycling models.

Conclusion

EUROBAT supports the Environmental Omnibus as a useful simplification initiative, but believes that the package should be sharpened to deliver real simplification for batteries. In particular, EUROBAT asks for clearer producer responsibility rules, proportionate hazardous-substance labelling, more workable EPR reporting, differentiated waste treatment for industrial battery waste, and simpler permitting and EMS requirements for manufacturing sites.

EUROBAT stands ready to support the European Commission and co-legislators in developing practical and future-proof regulatory solutions for the European battery ecosystem.

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ASSOCIATION OF EUROPEAN AUTOMOTIVE AND INDUSTRIAL BATTERY MANUFACTURERS

About EUROBAT:

EUROBAT is the leading association for European automotive and industrial battery manufacturers, covering all battery technologies, and has 34 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 all other numerous applications.