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Recommendations on Battery-related provisions in the Omnibus Simplification Package

Executive Summary

EUROBAT, the Association of European Automotive and Industrial Battery Manufacturers, strongly supports the European Commission's Omnibus Simplification initiatives to reduce administrative burdens, cut red tape, boost competitiveness and unlock additional investment capacity for the green transition, while maintaining high environmental and sustainability standards. As a strategic enabler of the EU's decarbonisation, electrification and energy transition objectives, the battery industry urgently requires a coherent, proportionate and implementable regulatory framework that delivers legal certainty, avoids regulatory overlap and safeguards Europe's industrial competitiveness and resilience

To ensure coherent and effective implementation, EUROBAT made recommendations for the European Commission regarding these topics:

Waste Classification and Circularity

- Establish a dedicated simplified regulatory framework ("green channel") for the intra-EU transport and handling of manufacturing battery waste (including black mass) essential to net-zero industries.
- Introduce differentiated treatment between production scrap and post-consumer battery waste, reflecting differences in risk profile and management conditions.
- Preserve closed-loop recycling models for industrial battery producers, avoiding unnecessary disruption and extra costs
- Simplify transport and storage requirements under the Waste Shipment Regulation for battery manufacturing waste generated within controlled industrial environments.
- Introduce a harmonised EU-wide definition of end-of-life cycle management for batteries, preventing divergent national interpretations that create barriers to cross-border circularity.

Alignment of ELV and Batteries Regulation

- Consolidate battery-related requirements currently proposed under the End-of-Life Vehicles Regulation into the EU Batteries Regulation to ensure regulatory coherence.
- Remove or revise non-technology-neutral requirements related to removability and replaceability that risk discouraging innovation.
- Clarify the definition of “non-destructive removal” to allow flexibility for emerging battery designs while maintaining safety and recyclability objectives.

Battery Passport Implementation

- As of today, the framework (e.g. Digital Product Passport or definition of the access levels to Annex XIII point 2, 3 & 4 information,...) is not completely set up and entered into force. Industry is asking for an appropriate timeframe of 18 month to implement once the standards, tools and requirements are set in place and entered into force.
- Adopt a phased implementation approach for the Battery Passport, starting with well-defined and non-sensitive data before expanding to more complex requirements.
- Focus the first phase on battery categories and use cases where traceability and circularity benefits are clearest, while allowing more time to develop tailored standards for industrial batteries.
- Limit disclosure of commercially sensitive and technically disproportionate data.

Labelling Requirements

- Align hazardous substance labelling with REACH SVHCs (>0.1% w/w), limiting the SVHC definition to the REACH definition, and Environmental Omnibus to avoid disproportionate disclosure of thousands of trace substances.
- Harmonise SLI cranking current methodology via European standard; maintain format flexibility and "Made in [Country]" simplicity.
- Align QR code and general label timelines (18 months post-implementing act) to prevent pre-printed label scrappage.

Battery Due Diligence Requirements

- Maintain the postponement of due diligence obligations until guidelines and verification frameworks are operational.

- Align sector-specific due diligence obligations with horizontal EU legislation, notably CS3D and CSRD.
- Allow group-level due diligence implementation and consolidated reporting within CSRD frameworks.
- Ensure early publication of Commission guidance and establishment of notified verification bodies.

Recycling and Producer Responsibility

- Streamline Extended Producer Responsibility (EPR) through a centralized EU-wide registration system (or authoritative portal as pragmatic alternative) to replace fragmented national schemes.
- Reduce ambiguity in the producer definitions to facilitate allocation of responsibilities and End-of-Life management

I. Waste Classification: Balancing Environmental Protection and Circularity

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.

EUROBAT supports these environmental objectives, in particular the alignment with the Waste Shipment Regulation and Basel Convention rules on hazardous waste exports, but notes that the domestic consequences within the EU may inadvertently hinder circularity and recycling efficiency.

Implementation Challenges

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 frequently managed within closed-loop recycling systems and often present significantly lower risk profiles than post-consumer waste. Treating them under identical hazardous waste regimes introduces disproportionate administrative and logistical burdens, potentially restricting material flows essential to circular economy

objectives. Administrative barriers to intra-EU transport of black mass may delay recycling operations and negatively impact compliance with recycled content targets.

For certain industrial battery chemistries, particularly lead- and nickel-based batteries, these closed-loop systems are long-established, achieve very high collection and recycling rates, and operate within fully traceable EU-based value chains. Disproportionate administrative constraints on intra-EU transport of manufacturing scrap risk unintentionally disrupting one of the most mature circular economy models currently functioning in the Union.

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.

II. End-of-Life Vehicles Regulation: Ensuring Coherence with the Batteries Regulation

The revision of the End-of-Life Vehicles (ELV) framework introduces additional requirements on battery removability, replaceability and hazardous substances in vehicles placed on the EU market, in parallel to the horizontal obligations laid down in Regulation (EU) 2023/1542 on batteries and waste batteries.

These objectives support sustainability and recycling goals but overlapping provisions risk duplication and regulatory inconsistencies between the ELV proposal, the Batteries Regulation, and existing chemicals and product legislation.

Implementation Challenges

Battery manufacturers would be required to comply simultaneously with separate regulatory frameworks addressing battery performance, safety, and recyclability. This dual regulatory structure creates legal uncertainty and compliance complexity.

Furthermore, mandatory non-destructive removability requirements risk discouraging innovative battery integration technologies such as Cell-to-Chassis (CtC) and Cell-to-Body (CtB) designs. These integration concepts can enhance crash safety, reduce vehicle mass, improve energy efficiency and lower overall material use, thereby contributing to the sustainability and climate objectives that both the ELV and Batteries Regulation seek to achieve.

If interpreted too rigidly, disassembly and removability provisions may unintentionally penalise these advanced solutions by effectively requiring design reversals towards more traditional, less efficient pack architectures.

EUROBAT Recommendations

- Consolidate battery specific design, performance and removability requirements primarily within Regulation (EU) 2023/1542 on batteries and waste batteries and ensure that the ELV Regulation cross references to these provisions instead of

creating parallel or divergent battery specific obligations. Any additional vehicle specific requirements in the ELV instrument should be limited to aspects that are strictly necessary for vehicle dismantling and end of life treatment and should not override or duplicate horizontal battery rules.

- Introduce a clear, technology neutral definition of “non-destructive removal of traction batteries” which:
 - Focuses on avoiding destruction of cells and modules and on enabling safe removal at authorised treatment facilities;
 - Explicitly recognises that removal may require specialised tools and trained personnel for integrated CtC/CtB designs;
 - Allows compliance to be demonstrated via manufacturer provided instructions, diagnostics and dismantling procedures, rather than mandating a specific physical architecture.

III. Battery Passport: Ensuring Feasible and Proportionate Implementation

The Battery Passport, scheduled for enforcement in February 2027, represents a major digital transparency instrument within the Batteries Regulation. EUROBAT supports the long-term objectives of enhanced traceability and sustainability reporting and support for circular value chains, as further detailed in its dedicated position paper “[Proposal to reassess the timeline and scope of the Battery Passport under Regulation \(EU\) 2023/1542](#)”.

However, significant technical, regulatory and practical uncertainties remain regarding the feasibility and proportionality of implementation with the current timeline.

Implementation Challenges

Several foundational elements required for the Battery Passport, including carbon footprint methodologies, due diligence frameworks, technical data standards relevant to Articles 75–79 of the Batteries Regulation, as well as Articles 10 (Performance and durability requirements) and 13 (Labelling and marking of batteries) of the Batteries Regulation, are still under development. A step-by-step approach focusing first on well-defined and non-sensitive data would therefore better support implementation, reduce compliance risks and allow the system to mature on a stable basis.

Industrial batteries present additional implementation challenges because of their diversity, customised design characteristics and limited second-life applicability. In many cases, they are replaced according to equipment lifecycles (UPS/telecom: 3-10 years)

rather than battery degradation, which limits the value of highly granular passport data in the first phase. A pragmatic rollout should therefore prioritise battery categories and data fields where traceability and circularity benefits are clearest, while allowing more time for tailored standards to be developed for industrial batteries.

The disclosure of highly detailed technical parameters and composition data raises significant concerns regarding commercial confidentiality, intellectual property protection, and cybersecurity. Such information could inadvertently reveal cell-level “recipes” or enable reverse engineering of battery designs, posing substantial risks to proprietary technologies and competitive advantage.

Article 13(6) of the Batteries Regulation mandates a QR code on all batteries from 18 February 2027, providing access to key information like the EU Declaration of Conformity and due diligence statements. However, Article 13(1) general labelling requirements apply, in this case, 18 months after the implementing act's entry into force. Given the current process, this is now expected being in late 2027 or even early 2028. This misalignment creates operational risks, such as producing non-compliant labels or scrapping pre-manufactured stocks. [EUROBAT's recent 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](#) highlighted these issues, urging alignment to a single date (18 months post-act) for coherence and to avoid unnecessary burdens.

EUROBAT Recommendations

- Implement the Battery Passport in phases and start implementation 18 month after the regulatory framework (especially on the access levels of Annex XIII) entered into force.
 - The first phase should focus on well-defined, non-sensitive and operationally feasible data fields, allowing the system to build on mature and consistent reporting structures.
- Prioritise battery categories and use cases where the benefits are clearest.
 - Given the diversity, customisation and limited second life applicability of many industrial batteries, EUROBAT recommends focusing the first phase of the Battery Passport on those categories where traceability and second life use bring the greatest benefits, including ESS, while allowing more time to develop tailored standards for the wide range of industrial batteries.
- Prioritise implementation sequencing:

- Labelling, marking and information requirements
 - Performance and durability requirements
 - Carbon footprint requirements
 - Due diligence obligations
 - Recycled content obligations
 - Battery Passport implementation
- Limit disclosure of commercially sensitive and technically disproportionate data.
 - EUROBAT calls for a narrowly defined, purpose driven set of mandatory data fields, avoiding public disclosure of highly granular design parameters, proprietary material compositions and extensive dynamic performance data that do not provide clear added value for safety or circularity but could expose trade secrets or raise cybersecurity risks.
- Align Battery Passport implementation with broader Digital Product Passport standardisation efforts.
 - The Battery Passport should be designed in coherence with horizontal Digital Product Passport standards and dataspace initiatives, ensuring interoperability, minimising duplication and providing a stable technical framework for long-term deployment.
 - Certain mission-critical applications, such as ports, nuclear facilities, airports, and other secure environments, face major barriers to disclosing dynamic performance data due to proprietary information protection, technical feasibility constraints, and stringent security restrictions. Tailored exemptions are essential to safeguard these vital systems.

IV. Labelling: Ensuring Proportionate, Harmonised and Implementable Rules

EUROBAT welcomes the Commission's efforts to harmonise battery labelling requirements through the draft implementing regulation laying down rules for the application of Regulation (EU) 2023/1542 as regards format and specifications for certain labelling obligations. Clear, harmonised labelling is essential for transparency, safety and enforcement.

However, some elements of the current draft risk introducing disproportionate complexity, inconsistencies with existing chemicals legislation and practical implementation challenges for manufacturers and downstream users. The detailed position on the Labelling requirements proposal is available in the paper "[EUROBAT feedback to laying down rules for the application of Regulation \(EU\) 2023/1542](#)", published on the EUROBAT website.

Implementation Challenges

The draft implementing regulation significantly expands the scope of hazardous substance labelling by requiring the disclosure, on the battery label, of the names and concentrations of *all* hazardous substances as defined under the CLP Regulation, with no minimum concentration threshold. This would capture thousands of substances, including those present only in trace amounts, and goes far beyond established EU practice under REACH Article 33, which focuses on Substances of Very High Concern (SVHCs) above 0.1% w/w. Such an approach would be misleading for users, operationally unmanageable for manufacturers, and at odds with the Commission's own simplification objectives under the Environmental Omnibus package.

Moreover, it is important to recall that batteries are defined as “articles” under REACH regulation and that the CLP labelling of “hazardous substances” only applies to substances and mixtures, not at all to articles.

In addition, the draft provisions introduce new requirements on Starting, Lighting, and Ignition (SLI) battery capacity and cranking current without defining harmonised test methods or accuracy tolerances. This risks creating an uneven playing field and confusion for consumers, while going beyond the original mandate of the Batteries Regulation. Other elements, such as additional granularity on “place of manufacturing” and non-aligned application dates between general labels and QR codes, would add administrative burden without clear added value.

EUROBAT Recommendations

- Align hazardous substance labelling with the Environmental Omnibus proposal and REACH Article 33 (SVHC definition limited to the REACH definition) 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.
- Apply the same correction consistently in Article 4(2) and in Annexes II and III of the implementing regulation so that point VIII refers only to restricted substances and SVHCs above 0.1% w/w of the battery.

- Avoid introducing new, non-mandated parameters for SLI batteries without an agreed methodology. If cranking current is to be displayed, mandate the development of a harmonised European standard defining the measurement procedure and accuracy range before the requirement becomes applicable.
- Maintain flexibility regarding the format of the carbon footprint label by allowing manufacturers to choose between black-and-white and colour versions, provided legibility is ensured.
- Refrain from adding additional “place of manufacturing” descriptors (town, region, country/jurisdiction) beyond what is required in Annex VI of the Batteries Regulation; the widely understood “Made in [Country]” indication should remain the main reference.
- Align the timing of the QR code obligation with the application date for the general labelling requirements under Article 13(1) by postponing the QR code deadline so that both sets of obligations take effect on a single common date (18 months after entry into force of the implementing regulation). This will avoid the need to scrap pre-printed labels and reduce unnecessary administrative and financial burdens.

V. Battery Due Diligence: Ensuring Regulatory Alignment and Practical Implementation

EUROBAT supports the European Commission’s proposal to postpone battery due diligence obligations to ensure adequate preparation time for industry and regulators. The detailed position on the Due Diligence proposal is available in the paper [“Battery value chain industry associations support the 'stop-the-clock' battery due diligence proposal”](#), published on the EUROBAT website.

Implementation Challenges

The battery sector currently faces overlapping obligations under the Batteries Regulation, Corporate Sustainability Due Diligence Directive (CS3D), and Corporate Sustainability Reporting Directive (CSRD). For example:

- **Due diligence reporting:** Batteries Regulation Annex X mandates annual statements on cobalt/graphite/lithium supply-chain risks (Art. 49); CSRD ESRS E5-4 requires the same cobalt/lithium risks disclosed as material value-chain risks – making companies prepare two separate reports with identical supply-chain data.

- **Grievance mechanisms:** Batteries Regulation requires operator-specific complaint procedures for supply-chain issues, while CS3D mandates group-level notification systems – unclear which applies or if both are needed.
- **Verification:** Batteries Regulation foresees national verification bodies for due diligence statements, while CSRD uses assurance providers – different compliance paths for overlapping data.

Without alignment, companies risk facing duplicative or conflicting compliance requirements.

EUROBAT Recommendations

- Maintain postponement of battery due diligence obligations until guidance and verification frameworks are operational.
- Align Batteries Regulation due diligence obligations with CS3D and CSRD frameworks.
- Permit group-level implementation of due diligence obligations.
- Consolidate reporting requirements within CSRD disclosures where applicable.
- Clarify terminology and procedural alignment across legislative frameworks.
- Ensure early publication of Commission guidelines and designation of national verification bodies.

VI. End-of-Life Management and Producer Responsibility: A Fragmented System in Need of Unity

The Extended Producer Responsibility (EPR) framework under Regulation (EU) 2023/1542 requires battery producers to register and report individually in each EU Member State, supporting collection, treatment and recycling objectives. While these aims align with circular economy goals, the current fragmented implementation across 27 national schemes creates disproportionate administrative for the industry.

Implementation Challenges

One of the significant administrative burdens facing battery producers is the requirement to register under EPR schemes in each EU Member State. The lack of harmonisation means

companies must navigate a patchwork of national rules with no common platform, standardised forms, or shared data infrastructure.

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.

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 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.

- **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;*

Conclusion

EUROBAT remains fully committed to supporting the European Union's sustainability and circular economy objectives. However, achieving these goals requires regulatory frameworks that are technically feasible, proportionate, and coherent across legislative instruments.

Adopting the recommendations outlined in this paper would strengthen implementation efficiency, safeguard industrial competitiveness, and enhance the EU's leadership in sustainable battery manufacturing.

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

Contact:

Patrick Clerens, Executive Director

p.clerens@eurobat.org +32 2 743 29 87

Mariia Baryshpol, Policy Assistant

policy@eurobat.org +32 2 743 29 87

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.