
27 May 2026

EUROBAT feedback on the draft Implementing Act on Article 77(9) of Regulation (EU) 2023/1542

EUROBAT supports the objective of the Commission's draft implementing act under Article 77(9) of Regulation (EU) 2023/1542, but the access framework must remain proportionate, purpose-limited and protective of commercially sensitive information. Access should be based on a clear and verified need, without turning restricted data into de facto public information, and any access by public authorities should be limited to what is necessary for enforcement and subject to strict confidentiality safeguards.

1. Access for battery purchasers

EUROBAT supports Option 1 in Article 2(1) of the working document, as it better preserves a clear distinction between professional users with a demonstrated need for access and purchasers of batteries more generally. Granting access to detailed composition and dismantling information on the basis of mere purchase status, as foreseen in Option 2 of Article 2(1), would create an overly broad access route and risk exposing commercially sensitive information to actors without a verified technical need. If the European Commission nevertheless retains Option 2, access should in any event be strictly limited to information necessary for safe use and basic end-of-life handling, and should not extend to sensitive fields such as detailed composition under point 2(a) or unit- and dynamic-battery information under point 4 of Annex XIII of Regulation (EU) 2023/1542.

A proof of purchase alone is not a sufficient basis for access to confidential information. EUROBAT therefore recommends that any access by purchasers under Article 2 be limited to the minimum information required for use, maintenance and safe disposal, while access to sensitive data remains restricted to actors whose role and purpose have been verified.

2. Verification of legitimate interest

EUROBAT recommends that the implementing act introduce an explicit verification step before access is granted to persons with legitimate interest under Article 77(9). The act should require applicants to demonstrate, through documentary evidence, that they act in one of the functions expressly identified by the Regulation, namely repair, repurposing, remanufacturing, treatment or recycling of the specific battery model concerned.

That verification could be carried out through a decentralised but harmonised access request procedure, for example via the central registry or another designated access

interface, using a standardised application form, role-based credentials and ex ante approval by the passport holder or another designated verification body. Access should be granted only where the applicant shows a specific technical need for the requested data and agrees to the purpose limitation in Article 3 of the draft.

EUROBAT also recommends that Article 2 and Article 3 expressly state that access is limited to the minimum information necessary for the stated purpose, and that the data may only be used for the circularity-related purposes listed in Article 3(1), namely assessing residual value, preparing for re-use, repurposing, remanufacturing or recycling, or making the battery available to independent aggregators or market participants.

3. Market surveillance authorities

EUROBAT understands that market surveillance authorities require broad access for enforcement purposes, as reflected in Article 2(6) and Article 3(4) of the draft. However, the wording “access, use and share” should be tightened so that it is explicitly linked to enforcement activities under Regulation (EU) 2023/1542 and to the principles of confidentiality and professional secrecy under Regulation (EU) 2019/1020.

EUROBAT therefore recommends specifying in recitals and Article 3 that market surveillance authorities may access and use passport data only to the extent necessary to perform market surveillance, conformity assessment follow-up and enforcement actions under the Batteries Regulation. Sharing should be limited to other competent authorities, courts or prosecution authorities where this is necessary for enforcement or judicial proceedings, and should remain subject to confidentiality and data protection safeguards.

4. Sharing and publication

EUROBAT supports the general rule that passport information should not be published, except where expressly authorised by the information owner or where publication is otherwise permitted by law. The act should however clarify that sharing with third parties is prohibited unless it is necessary for the specific purpose for which access was granted, or unless the recipient is acting on behalf of the authorised user under a confidentiality obligation.

In addition, the act should expressly allow sharing with emergency services where needed, but should not permit broader onward disclosure by public authorities or access-seeking operators. This would protect commercially sensitive information while preserving operational safety.

5. Scope of sensitive fields

EUROBAT further considers that the scope of highly sensitive fields in point 2(a) and point 4 of Annex XIII should be kept narrow. Detailed composition, dismantling information and spare-part sourcing details may in many cases reveal trade secrets, and access to such information should therefore be limited to actors with a verified technical role and a clearly documented need.

Detailed composition information under point 2(a) of Annex XIII under Regulation (EU) 2023/1542 may in some cases be commercially sensitive, while also being relevant for repair, repurposing, remanufacturing, treatment and recycling. At the same time, EUROBAT notes that many recycling operators handle batteries from multiple producers, meaning that broad access to detailed composition data could expose proprietary production information of competitors.

EUROBAT therefore recommends that access to detailed composition be limited to the minimum level necessary for the specific authorised use case, and that the European Commission consider whether particularly sensitive sub-elements should be further restricted or standardised through the implementing framework for labelling and related technical specifications under Article 13 of the Regulation (EU) 2023/1542. Such an approach would help protect trade secrets while preserving access to information needed for safe and effective circularity operations.

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.