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EUROBAT Feedback to the Public Consultation on the Draft Implementing Act on Access Rights to Restricted Battery Passport Data (Regulation (EU) 2023/1542)

EUROBAT welcomes the opportunity to comment on the draft implementing act on access rights to restricted Battery Passport data to be adopted pursuant to Article 77(9) of Regulation (EU) 2023/1542. We appreciate the Commission's work and would like to begin by expressing our appreciation for the improvements made in the latest draft. These changes demonstrate that the Commission has taken industry feedback seriously, and we sincerely appreciate this constructive engagement.

However, despite these improvements, we continue to have serious concerns regarding several aspects of the draft. Our detailed comments are set out below.

Summary of EUROBAT's requests

Issue	Draft provision	EUROBAT's request
Scope of data accessible to repairers, remanufacturers and repurposers	Article 1(1) (a), (b), (c)	Remove cathode, anode and electrolyte composition data from the scope of access: these actors operate at module and pack level only; limit access to what is necessary for the activity (no proprietary formulations or know-how)
Independent access rights for training centres	Article 1(1) (f)	No independent access; any engagement to take place through the credentials of the authorised entity; if maintained, limit to centres with a genuine need
Undefined "purchaser of the battery"	Article 1(2) (d)	Define the term in line with Article 77(2)(b); end consumers should not have access to component numbers and spare-part sources
Third parties acting on behalf of the purchaser	Article 1(4) (a), (b)	Limit access strictly to the owner of the battery with defined sub-categories; remove de facto public disclosure; limit to the purpose set out in Article 77(2)(b); clear mandate and change-of-ownership rules
Identity verification and access management	Articles 1 and 2	Establish a Commission web-portal for registration and verification of roles, with a public list of verified entities; grant access only against proportionate and auditable verification criteria; publish a clear access-rights matrix; clarify mandate rules for third parties
Battery status changes and PRO access	Recital 2	Clarify who changes the status from "original" to "waste"; confirm PROs' "full content" access does not override Article 77(2) and Annex XIII restrictions
Download rights	Article 2(3)	Remove download rights: retention limits are unenforceable post-download

Issue	Draft provision	EUROBAT's request
Emergency services and customs authorities	Article 2(4) (a), (d)	Grant direct access rights instead of forwarding: emergency services only during emergencies; customs only at clearance; no download
Publication of data authorised by economic operators	Article 2(4) (c), (e)	Remove the publication right; narrow the concept of "prospective purchasers"
Data operations under safety measures	Article 2(5)	Limit operations to use, download and share; no publish or reuse; allow safety information as a standalone set of instructions
Implementation timeline	General	Grant a transition period of at least six to twelve months after the implementing act is published

1. Scope of data accessible is not fully aligned with operational needs — Article 1(1) (a), (b) and (c)

The draft grants repairers, remanufacturers and repurposers access to information on the composition of the battery, including cathode, anode and electrolyte composition. EUROBAT considers this disproportionate to the operational needs of these actors.

Repair, remanufacturing and repurposing operations focus on interventions at module and pack level; they do not involve material-level repairs inside cells. Information on cell-internal composition is therefore not necessary for these actors to carry out their activities, while its disclosure exposes highly sensitive manufacturing know-how. EUROBAT asks the Commission to remove information on cathode, anode and electrolyte composition from the scope of data accessible to repairers, remanufacturers and repurposers.

More generally, in line with the purposes set out in Article 77(2) of the Batteries Regulation, access to detailed composition and dismantling information should be limited to what is necessary for the activity concerned. The European Commission should confirm that access does not extend to proprietary formulations, manufacturing processes, tolerances, trade secrets or other technical know-how beyond what is expressly required by Annex XIII.

2. Training centres should not have independent access rights — Article 1(1) (f)

We understand that vocational training centres can provide valuable support for used battery treatments. However, if repairers or other authorised entities engage training centres to guide their work, such access should be exercised through the repairer's own credentials, not by granting training centres an independent access right.

EUROBAT recommends removing the independent access right for training centres. Any access in support of an authorised entity's operations should take place under that entity's credentials and within its own access permissions

Should the European Commission nevertheless maintain a dedicated access for training centres, it should be limited to centres that can demonstrate a genuine need, and to the information they actually need for the training provided. The allocation should also be clarified: training centres currently receive composition and dismantling information, but no spare-parts information.

3. The definition of "purchaser of the battery" should be defined — Article 1(2)(d)

The draft does not define "purchaser of the battery". Under Article 77(2)(b) of the Batteries Regulation, access to information on individual batteries is limited to what is essential for the purchaser, or parties acting on its behalf, to make the battery available to independent energy aggregators or energy market participants.

EUROBAT asks the European Commission to:

- **define "purchaser of the battery"** in the implementing act, in line with Article 77(2)(b).
- **exclude end consumers** from access to component numbers and spare-part sources, as component replacement requires professional skills;
- **confirm that business users** carrying out repair, remanufacturing or repurposing are covered by the categories in Article 1(1), and not as "purchasers".

4. Third parties acting on behalf of the purchaser create de facto public disclosure — Article 1(4) (a) and (b)

Article 1(4)(a) and (b) grants access to performance, durability, state of health and usage data to 'any third party acting on behalf of the purchaser'. As drafted, this formulation effectively renders such data semi-public. These data categories constitute dynamic operational information which can reveal commercially sensitive insight into the deployment, utilisation patterns and business strategy of the operator of the battery. Nothing in the provision would prevent a competitor from acquiring batteries for the principal purpose of monitoring a rival's operational data — a practice fundamentally contradicting legitimate business conduct and fair competition.

EUROBAT therefore recommends that access to these data categories be limited strictly to the owner of the battery, complemented by a clearly circumscribed set of sub-categories, including the original cell manufacturer, the original vehicle manufacturer, repairers, remanufacturers and repurposers.

This would also be consistent with Article 77(2)(b) of the Batteries Regulation, under which access to information on individual batteries by the purchaser, or by parties acting on the purchaser's behalf, must be essential for making the battery available to independent energy aggregators or energy market

participants. Any access under Article 1(4) should therefore be limited to this purpose. Should access for third parties nevertheless be maintained, the following safeguards are needed.

Clear rules are also needed for third parties acting on behalf of the purchaser: the mandates under which they act — including their scope, duration, validity, expiry and withdrawal — and the evidence of entitlement they must provide should be specified. The draft should also clarify how access rights apply when batteries are sold through OEMs or distributors, incorporated into machinery or vehicles, or supplied under leasing arrangements, where legal ownership and operational control may be held by different persons. On resale or another transfer of ownership or of the relevant contractual rights, access rights should be reviewed and transferred or withdrawn as appropriate: a previous purchase should not give a former owner permanent access to subsequent operating data.

5. Need for a unified registry for identity verification and access management — Articles 1 & 2

The draft lacks any mechanism for verifying the identity of roles or their claimed purpose of use. Purpose limitation, while well-intentioned, is even more difficult to enforce than identity verification without a supporting infrastructure.

Access to restricted data should be granted only against proportionate evidence of entitlement: an applicant's stated role should not, on its own, be sufficient to obtain access to commercially sensitive information. Verification should cover, as relevant, identity, professional status or activity, purpose and the connection to the relevant battery model or individual battery. Economic operators cannot grant access in writing to third parties without proper auditable criteria on which such grants can be based.

We propose that the European Commission establish a web-portal where:

- roles are registered and verified (e.g., certified repairers, remanufacturers, recyclers);
- a publicly accessible list of verified entities is maintained;
- economic operator systems can interface with this list to verify identities and assign permissions.

Without such a web-portal, every aftermarket entity would need to register separately with dozens of economic operators to prove its identity and purpose, creating an unsustainable administrative burden.

Furthermore, economic operators and their authorised third parties should have the explicit right to deny access where they reasonably believe the stated purpose is not genuine.

To support consistent implementation, the European Commission should also publish a clear matrix setting out, for each actor, the information it can access, the permitted purpose and the actions allowed, and expressly state that use, download, share, publish and reuse rights under Article 2 remain within the access rights granted to each person under Article 1.

6. The role of producer responsibility organisations and battery status changes needs clarification — Recital 2

Recital 2 states that producer responsibility organisations (PROs) can modify the information contained in the battery passport as necessary and have access to its full content. It remains unclear how the battery status will be changed from "original" to "waste" in practice, and which actor is entitled to make that change under which auditable process. The European Commission should clarify who changes the battery status and the verification requirements that apply to such a change.

PROs' access to the "full content" of the battery passport should also be clarified, including confirmation that it does not override the access restrictions established under Article 77(2) and Annex XIII, in particular the restricted access applicable to test reports. Rights to read or download information should be clearly distinguished from rights to introduce, modify or update it.

7. Download rights should be reconsidered or preferably eliminated — Article 2(3)

The provision allowing downloaded data to be retained "no longer than is necessary" for the purposes concerned is unenforceable in practice, as there is no technical means to monitor compliance post-download. Once downloaded, data can be disseminated without traceability.

EUROBAT recommends removing the download rights.

Should the European Commission nevertheless decide to retain download rights, EUROBAT recommends, as a minimum, that authorised users be subject to appropriate confidentiality and security obligations, together with logging of access and downloads, deletion of downloaded data once it is no longer necessary, the possibility to revoke access rights where appropriate, and an explicit prohibition on using commercially sensitive information for purposes other than those that justified access, including competitive purposes. In addition, the provision should clarify how statutory retention requirements can be accommodated, as repair, warranty, compliance and waste-treatment records may need to be retained after the immediate activity has ended, while ensuring that downloaded information is deleted when there is no longer a valid reason to keep it.

8. Emergency services and customs should have direct access instead of being forwarded — Article 2(4) (a) and (d)

Rather than allowing authorised entities to forward data to emergency services and customs authorities, these bodies should have direct access rights, limited strictly to:

- Emergency services: access only during actual emergencies, without download.
- Customs: access only at the point of customs clearance, without download.

9. Strong opposition to economic operator-authorised publication of data — Article 2(4)(e)

EUROBAT strongly opposes the provision allowing economic operators to authorise persons with a legitimate interest to share or publish data. In many cases, the economic operators are not the battery manufacturers (especially not the cell manufacturers) but merely the entities placing the complete battery system on the EU market. Allowing such economic operators to authorise the publication of sensitive data on behalf of manufacturers is ignoring fundamental business conduct.

Additionally, the concept of sharing data with "prospective purchasers" (Article 2(4)(c)) is overly broad and functionally equivalent to public disclosure. EUROBAT asks the Commission to remove Article 2(4)(e) and to narrow Article 2(4)(c) accordingly.

Should any sharing with prospective purchasers be maintained, recipients must be bound by restrictions on use, retention and further sharing equivalent to those applicable to the purchaser, including confidentiality, security and a prohibition of publication and reuse. Information shared for a potential sale should be limited to what is needed to assess the battery, including its condition, residual value and suitability for further use.

More generally, the draft should clarify who can authorise access, further sharing and updates after responsibility transfers under Article 77(7) of the Batteries Regulation. Article 2(4)(e) still refers to the operator originally placing the battery on the market, which leaves uncertainty after such a transfer; it should refer to "the economic operator responsible under Article 77(4) or Article 77(7), as applicable".

10. Restrictions on data operations under safety measures — Article 2(5)

We understand that safety measures are important for ensuring battery safety and that the data concerned is less sensitive. We therefore acknowledge that a special provision for safety measures is correct in principle.

However, the data operations should be limited to "use, download and share" only, while "publish and reuse" (especially potential editing of the documentation) should not be allowed.

Safety information should also be provided as a clearly defined, standalone set of instructions, so that essential safety information can circulate freely without unintentionally releasing entire confidential technical documents that contain both safety instructions and proprietary design information.

11. Timeline: a realistic transition period is indispensable

Last, and most importantly, EUROBAT wishes to address the question of the implementation timeline. The deadline of February 2027 is approaching rapidly. In practical terms, it will not be possible for industry to design, build and validate the necessary access rights management infrastructure — including the central registry and the associated system integrations proposed in point 5 of this document — within that timeframe.

EUROBAT therefore strongly urges the Commission to provide for a transition period of no less than six to twelve months following the publication of the implementing act and the establishment of the registry, during which access control would not yet need to be operational. Such a transition period is reasonable and proportionate: a battery will typically not require data access by secondary market actors until well after it has been placed on the market, meaning that a limited delay in the operational readiness of access management has no adverse effect on the interests which the framework is intended to protect. Conversely, proceeding with implementation before the supporting infrastructure is in place would generate considerable confusion and legal uncertainty for all stakeholders — economic operators and aftermarket actors alike.

Conclusion

EUROBAT supports the objectives of the Battery Regulation and of the Battery Passport as a tool for transparency, safety and circularity. An access rights framework that protects commercially sensitive and proprietary data while enabling legitimate aftermarket activities is essential to the credibility of the Battery Passport system.

We ask the Commission to address the concerns set out above, in particular as regards the scope of accessible data, the identity verification infrastructure, the allocation of responsibilities over the battery life cycle, download and publication rights, and the implementation timeline. EUROBAT and its members remain available to support the Commission with technical input as the implementing act is finalised.

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About EUROBAT:

EUROBAT is the leading association for European automotive and industrial battery manufacturers, covering all battery technologies, and has 36 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.