

Product Risk Radar

EU Sustainable Batteries Regulation

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On 17 August 2023, Regulation (EU) 2023/1542 concerning batteries and waste batteries (the “**Batteries Regulation**”) entered into force. The new Regulation repeals and replaces the existing Batteries Directive (2006/66/EC) and seeks to make all batteries placed on the EU market more durable, safe, sustainable, and efficient by introducing new mandatory design, content, and conformity assessment requirements.

The new legislation is a key initiative of the European Green Deal and is the first circular economy legislation covering the entire lifecycle of a product to be adopted.

Scope

Under the new Regulation, all categories of batteries that are placed on the EU market, or which are put into service within the EU, will be regulated, irrespective of where they are manufactured. This includes the types of batteries found in ordinary consumer goods (i.e., “portable” batteries), electric vehicle (**EV**) batteries, industrial batteries, starting, lighting and ignition (**SLI**), and batteries for electric bikes, mopeds and e-scooters (i.e., light means of transport or **LMT batteries**)

Key features of the regulation

1. **Due diligence obligations:** Companies placing batteries on the EU market will need to put in place battery due diligence policies and have them verified by a notified body and periodically audited.
2. **Removability and replaceability:** Batteries used in consumer goods will need to be designed in such a way that they can be easily removed and replaced by consumers.
3. **New labelling requirements:** Batteries will need to be CE marked and labelled with a QR code linking to mandatory information.
4. **Recycled content:** Industrial, EV and certain automotive batteries will be subject to minimum recycled content requirements for cobalt, lead, lithium, and nickel from August 2031.
5. **Digital passports and carbon footprint declarations:** These will be required for certain rechargeable industrial batteries, EV and LMT batteries.

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6. **(More) harmonised EPR framework:** The extended producer responsibility (EPR) framework under the existing Directive should become more harmonised allowing for more consistent implementation across the EU.
7. **Targets:** Stricter targets apply for waste collection, recycling efficiency, and material recovery

Why does this matter?

The Batteries Regulation introduces significant new requirements covering manufacturing, design, labelling, collection and recycling throughout the entire life cycle of batteries with the provisions becoming applicable over the course of many years. Notably, certain provisions had relatively short implementation deadlines with, for example, CE marking required from August 2024. Batteries that do not meet the requirements that applied from August 2024 can no longer be imported or distributed in the EU. Upcoming deadlines include supply chain due diligence, which will be mandatory from August 2025, and battery passports for electric vehicles which will be mandatory from February 2027.

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