

The Proposed EU Batteries Regulation

Portable Battery Supply and Use Requirements

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Agenda

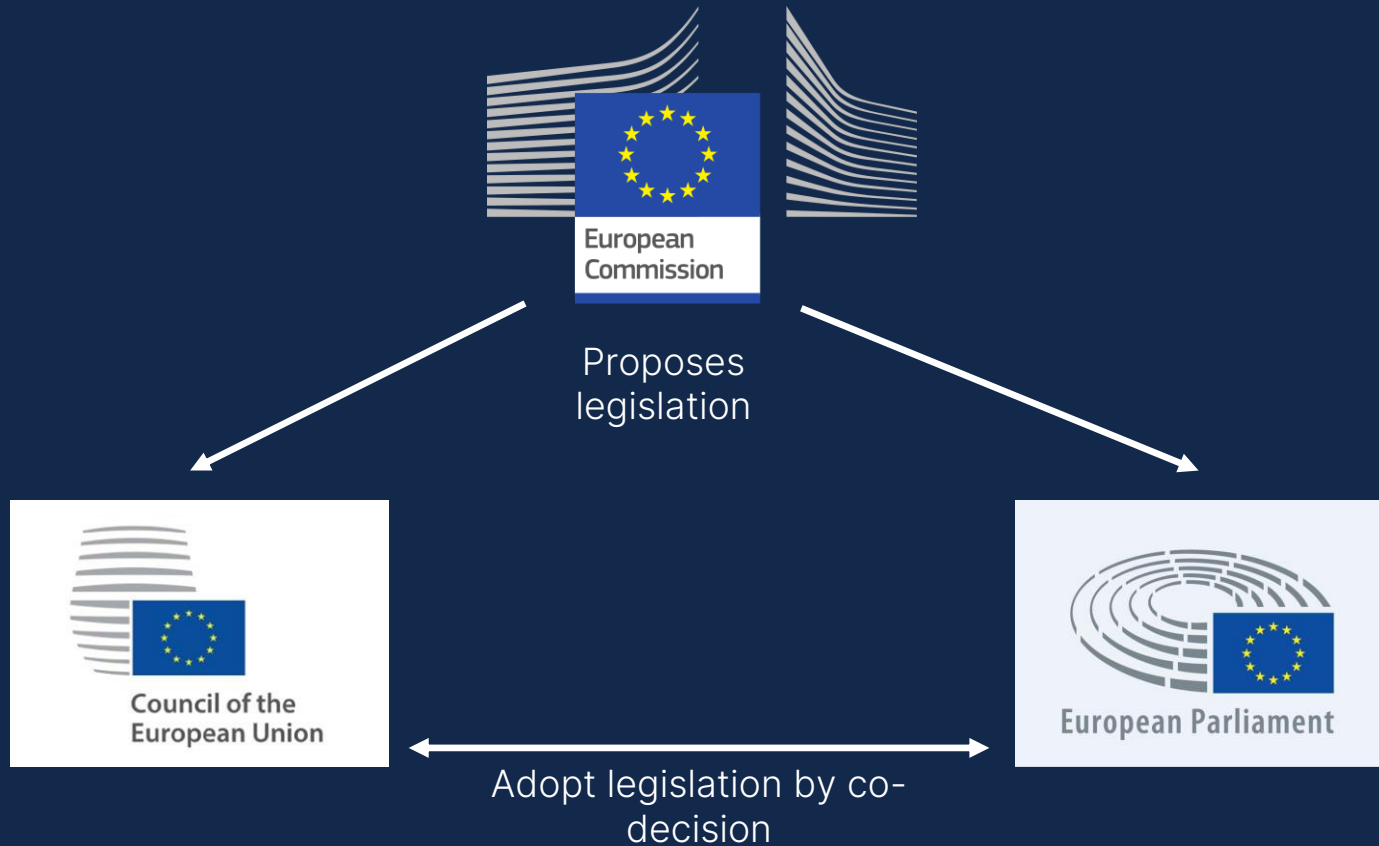
- Why the European Commission proposed introducing a Batteries Regulation.
- What the Commission's proposal covers, in general terms.
- Where the proposed Regulation is at on its journey into EU law.
- How portable batteries get defined in the Commission proposal, also how these batteries are differentiated from electric vehicle and industrial batteries.
- What requirements are in the offing for portable batteries (e.g., substance restrictions, removability and replaceability, labelling).
- What economic operator obligations are stated in the Commission proposal.

Product Regulatory Compliance at RINA

- RINA is an international business active in testing, inspection and certification as well as engineering consultancy.
- RINA's **Product Regulatory Compliance Team** supports manufacturers, importers and distributors of electrical and engineering products to identify, understand and meet technical and environmental legislation.
- We also undertake studies for, and provide advice to, trade associations, national governments, enforcement bodies, and the European Commission.
- We have been a Compliance & Risks Knowledge Partner since 2008.

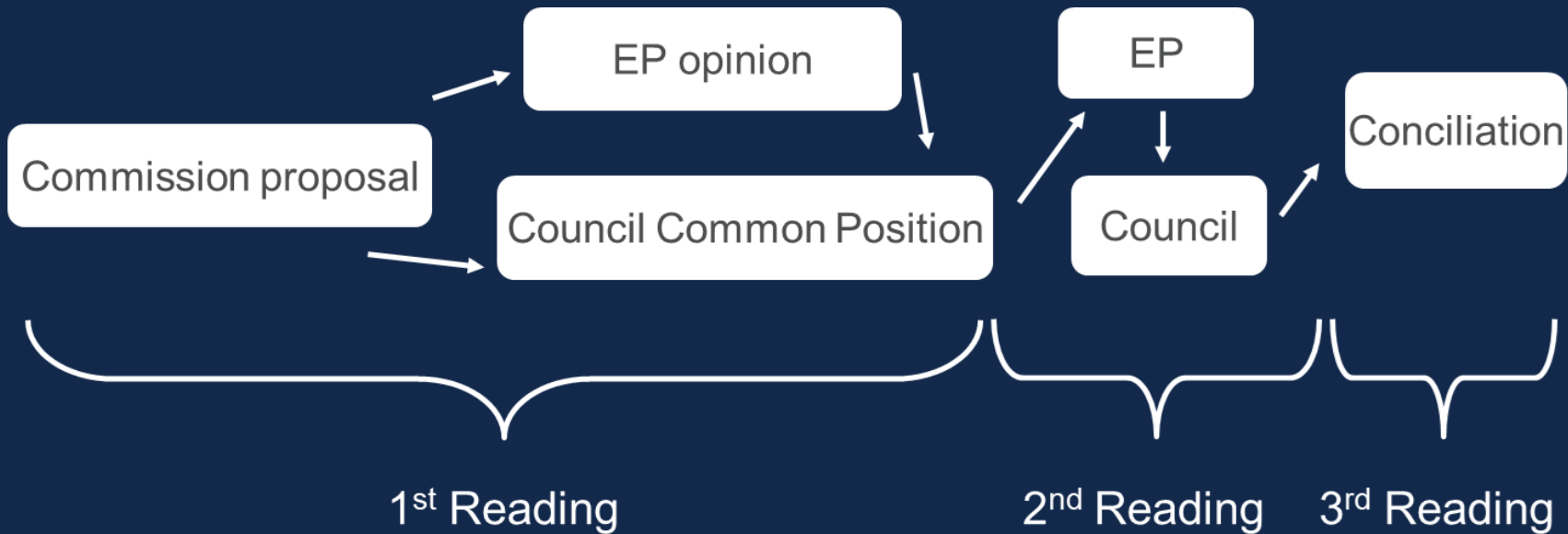
The image features a European Union flag, characterized by its blue field and twelve golden stars, waving on a silver flagpole. The background is a blurred, modern glass and steel building under a clear blue sky. A semi-transparent white horizontal band is centered across the image, containing the title text.

THE PROPOSAL AND ITS JOURNEY INTO LAW



The Proposal in Outline

- The proposal was tabled by DGs ENV and GROW of the European Commission in December 2020. It is 130 pages in length with a separate set of annexes.
- It seeks to overhaul the current, 2006 Batteries Directive.
- A Regulation is proposed, not a recast Directive. It is also proposed that the 2006 Directive's legal basis is changed while its scope is broadened.
- The Commission sees its legislative proposal as a means of addressing:
 - An uneven playing field for batteries placed on the EU market
 - Present barriers to the functioning of recycling markets
 - The uneven national implementation of the current Batteries Directive
 - The perceived lack of economies of scale and insufficient investment needed for market change
 - Current deficiencies in the regulatory framework (arguably, it is not as stable or harmonised as it could be)
 - Environmental problems related to the production, use and end-of-life management of batteries.



The Proposal's Scope and Some Key Terms

- *"This Regulation shall apply to all batteries, namely portable batteries, automotive batteries, electric vehicle batteries and industrial batteries, regardless of their shape, volume, weight, design, material composition, use or purpose. It shall also apply to batteries incorporated in or added to other products."*
- Certain exclusions are noted.
- Not only the "placing on the market" of batteries, but "putting into service".
- Key terms of note include:
 - "Battery"
 - "Portable battery"
 - "Portable batteries of general use"
 - "Industrial batteries"
 - "Economic operator"
 - "Producer".

Requirements
relating to the
supply and use of
batteries

End-of-life
management
requirements

Powers and
responsibilities for
the European
Commission

Responsibilities for
Member States,
Notified Bodies, and
Supply Chain Due
Diligence Scheme
Owners

A close-up photograph of a yellow highlighter pen lying diagonally across an open book. The book's pages are filled with text, and several lines are highlighted in yellow. The background is softly blurred, showing more of the book and the highlighter. A semi-transparent white banner is overlaid across the middle of the image, containing the title text.

SOME SPECIFICS CONCERNING SUPPLY AND USE

Substance Restrictions

- The current legislation prohibits the placing on the market of any battery or accumulator that contains >0.0005% of mercury by weight. In addition, portable batteries or accumulators, including those incorporated into electrical equipment, must not contain >0.002% of cadmium by weight.
- These restrictions are retained in the Commission's proposal (see Annex I).
- In addition, the Commission would now like powers to adopt delegated acts to “amend” Annex I.
- A procedure is laid out for making Annex I amendments. It entails the Commission making a request to ECHA to prepare a restriction dossier.

Electrochemical Performance and Durability (*NEW*)

- From 1 January 2027, it is proposed that portable batteries of general use meet certain values for electrochemical performance as well as durability parameters. These cover:
 - Battery capacity, electric charge which a battery can deliver under a specific set of conditions
 - Minimum average duration, minimum average time on discharge when used in specific applications, depending on the type of battery
 - Shelf life (delayed discharge performance), the relative decrease of the minimum average duration after a defined period of time and specific conditions
 - Endurance in cycles (for rechargeable batteries), the capacity of the battery after a pre-established number of charge and discharge cycles
 - Resistance to leakage, i.e., resistance to unplanned escape of electrolyte, gas or other material.
- By the 31 December 2030, the Commission proposes it will assess the feasibility of measures to phase out the use of non-rechargeable portable batteries of general use.

Portable Battery Removability and Replaceability

- The current legislation requires that waste batteries and accumulators can be readily removed.
- The proposed Regulation foresees portable batteries being readily removable and replaceable. End-users or independent operators are to be able to replace batteries during equipment lifetimes, or at least at equipment end-of-life.
- The proposal states that: “a battery is readily replaceable where, after its removal from an appliance, it can be substituted by a similar battery, without affecting the functioning or the performance of that appliance”.
- Certain derogations apply. The proposal states that the Commission will “adopt guidance to facilitate the harmonised application” of these derogations.

Battery Labelling

- As with the current legislation, batteries are to be labelled with the separate collection symbol while batteries containing >0.002% of cadmium or >0.004% of lead are to be marked with the chemical symbol for the metal concerned, i.e., Cd or Pb.
- From 1 January 2027, the Commission wants batteries to be marked with a label that details:
 - The manufacturer's name, registered trade name or trademark
 - The battery type, batch or serial number of the battery
 - A battery model identifier
 - A date of manufacture
 - The date of placing on the market
 - Chemistry
 - Hazardous substances contained in the battery other than mercury, cadmium or lead
 - Critical raw materials used in the battery.

Battery Labelling (cont.)

- Portable batteries are to be marked with a label containing information on their capacity. In addition, portable batteries are to be marked with a label containing information on their minimum average duration when used in specific applications.
- Batteries are to be marked with a QR code to give access to certain information (e.g., an EU Declaration of Conformity, end-of-life management information).

Conformity Assessment and Economic Operator Obligations (*NEW*)

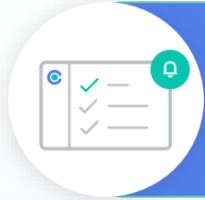
- The proposal foresees that, before a battery is placed on the EU market or else put into service, the manufacturer or its authorised representative shall undertake conformity assessment. For the supply and use requirements discussed in this presentation, the conformity assessment is internal production control. This necessitates:
 - Preparation and retention of technical documentation
 - Monitoring of the manufacturing process
 - CE marking and the preparation and retention of an EU Declaration of Conformity.
- There are economic operator obligations written into the proposal too.
- Essentially, these are the obligations of Decision No 768/2008/EC. They are comparable to what you will find written into the Low Voltage, EMC, Radio Equipment and RoHS Directives.

In Conclusion

- The EU Batteries Directive is on the cusp of being repealed. A Batteries Regulation is set to take its place, with its adoption as an EU law likely in early-to-mid 2023.
- The anticipated Regulation will bring many legislative changes. It is expected that portable batteries (e.g., button, coin, AA and AAA batteries) will be subject to substance restrictions as well as electrochemical performance and durability, removability and replaceability, labelling, and conformity assessment requirements.
- For economic operators, there will be much more to manage in the future. Those affected include both manufacturers of batteries and businesses involved in the EU-wide supply of battery-powered products (e.g., manufacturers and importers of laptops, phones and power tools).

A Smarter Way to Manage Product Compliance

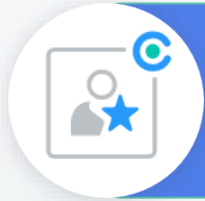
Holistic Market Access Solutions



Powerful Enterprise
Technology



Extensive Global
Regulatory Content



Team of Subject
Matter Experts

Holistic Market
Access
Solutions...



"Can I sell product X in market Y?"

Achieve market access



"Can I continue to sell product X in market Y when there is a change?"

Maintain market access



"What do I need to do to sell product X into a new market?"

Expand market access



Accelerate the ability to

Achieve, Maintain & Expand Market Access for all products in all markets

Unlock Market Access, by ...



Demonstrating Compliance



For what is required

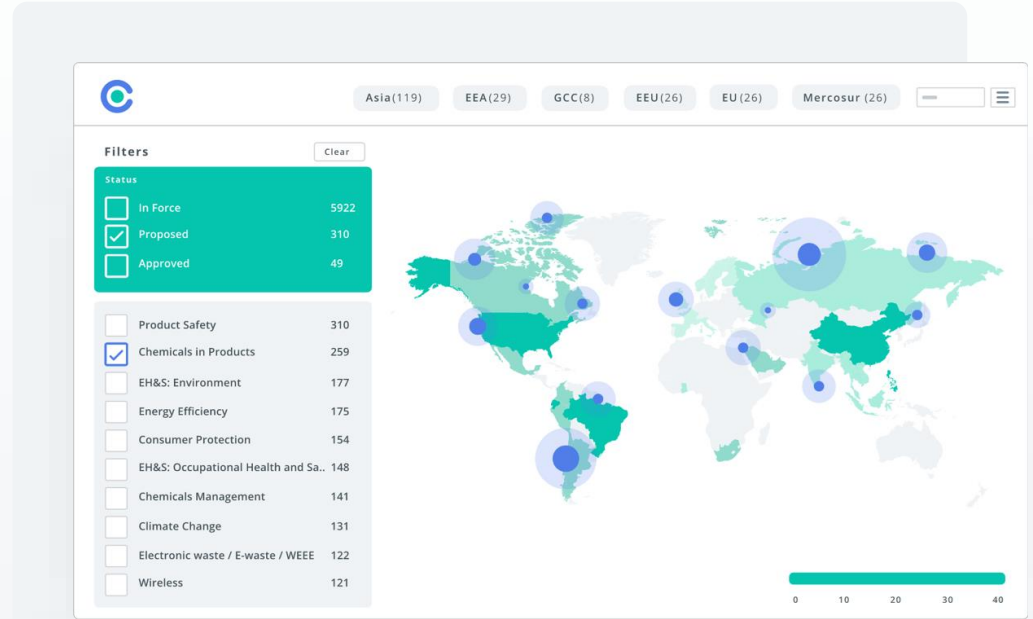


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Regulations & Standards

TECHNOLOGY - C2P

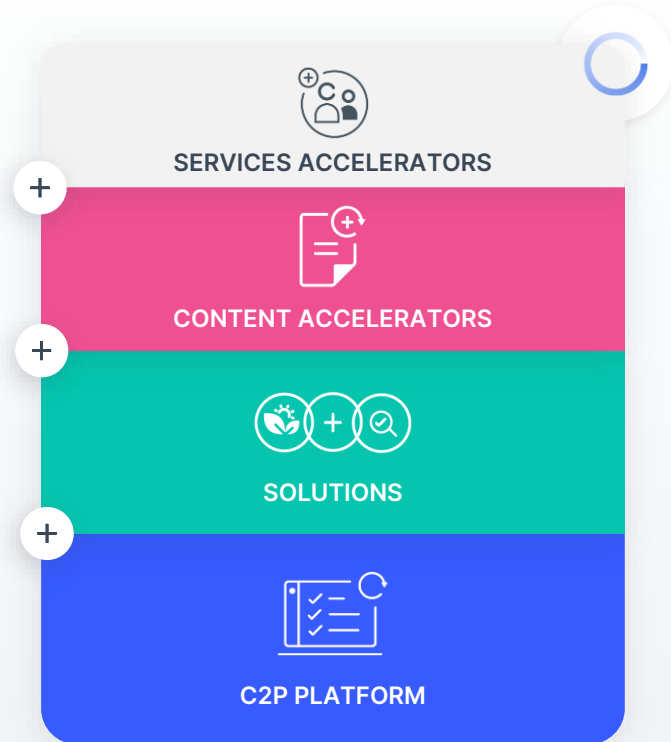
C2P - The Key to Unlocking Market Access

- Enterprise grade technology
- Cloud based platform
- Access to regulatory coverage in 195 countries
- Heatmaps with what's hot & where
- Intelligent search
- AI powered probability analysis
- Productivity tools to improve team collaboration



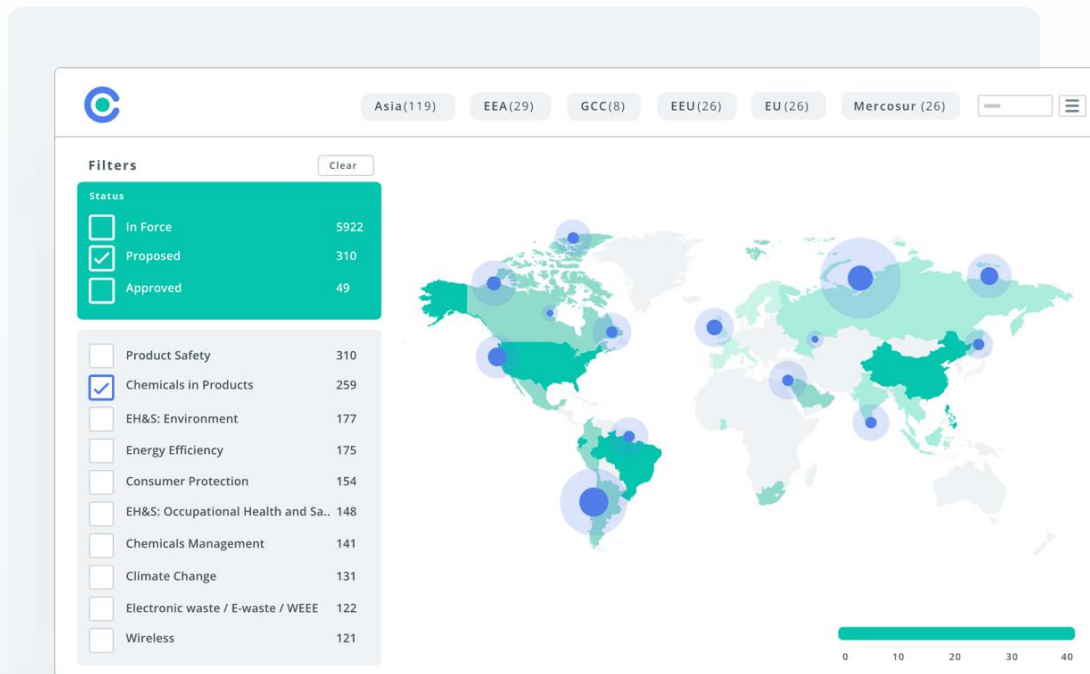
Tailored to meet your needs...

- Comprehensive capabilities that enable enterprise-wide management of regulations, standards, requirements and evidence
- Add-on packages to accelerate market access through:
 - Use-case specific solutions
 - Global regulatory content
 - Professional services



Manage everything in One Place...

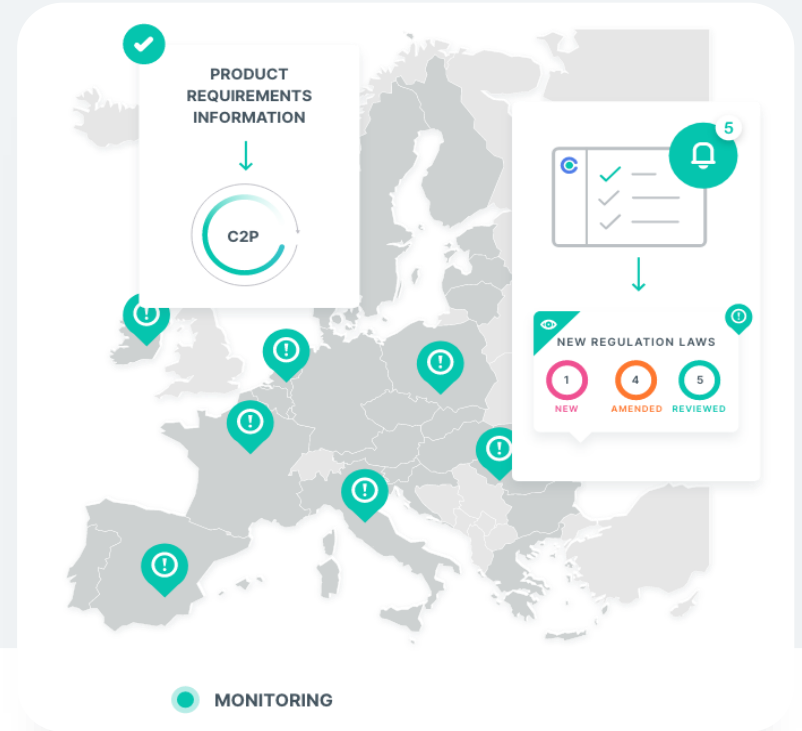
- Design, build, and collaborate on new products with confidence
- Keep all compliance evidence up to date & live linked back to their Regulations, Standards & Requirements
- Continually monitor regulatory changes & keep ahead of proposed changes before they happen
- Integrate with other systems to enable streamlined business processes



WHY C2P?


Why Invest in a Technology Platform?

- Accelerate time-to-market
- Reduce non compliance risks
- Enable business continuity
- Improve efficiency
- Save time



Legal Compliance Requirements

- C&R provides **provides and maintains** requirement content
- Help **accelerate** a company's ability to interpret regulations
- Increase the **productivity** of your SMEs & focus on supporting product growth



The illustration shows a person with a beard and glasses sitting at a desk with a computer monitor. Above them is a globe with several small flags. To the left of the globe is a product box with various icons: a lightning bolt, a recycling symbol, a speech bubble, and a barcode. An arrow points from the product box towards the globe.

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Manage evidence documentation

- Confidence all evidence documentation is **complete and finalised** to unlock market access
- Effortlessly **maintain evidence documentation** to ensure continued compliance
- Ensure evidence records **do not expire** risking compliance

TITLE	DOCUMENT TYPE	PRODUCT MODEL	GEOGRAPHY	NOTE	EXPIRY DATE	COMPLETE	LAST UPDATE
FDA- 3881	Registration	All WCA Products	European Union (EU)			No	Aug 22
test demo	Certificate	All WCA Products	European Union (EU)		Jul 27, 2022	No	Jul 05
DOC - USA	Certificate		United States of America (USA)		Jun 28, 2023	No	Jun 27
Test For FCM Composition	Test Result	WCA Coffee Machines	European Economic Area (EEA), European Union (EU)		Jun 11, 2027	No	Jun 24

Q&A

Thank you!



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