EUROBAT
ASSOCIATION OF EUROPEAN AUTOMOTIVE AND INDUSTRIAL BATTERY MANUFACTURERS

+ 32 2 761 1653
eurobat@eurobat.org
www.eurobat.org
@eurobat_org
www.linkedin.com/eurobat-association

EUROBAT position paper - Proposal for a Regulation on circularity requirements for vehicle design and on management of end-of-life vehicles

Chemicals Management in the ELV Regulation and alignment with the Batteries Regulation

9 November 2023

There are 280 million vehicles on the roads of Europe and 1.5 billion road vehicles globally. In all these vehicles, batteries of various chemistries fulfill different functions. They fulfil starting, lighting and ignition purposes, they have auxiliary functions or serve as traction batteries in electric vehicles. Batteries are hence a key component of every vehicle.

An up-to-date end-of-life vehicles policy, that is at the same time aligned with the other pieces of the EU battery policy, is critical to the European battery industry. Therefore, we appreciate the possibility to comment on the European Commission's proposal for a Regulation on circularity requirements for vehicles design and on management of end-of-life vehicles.

We welcome the increased ambition to address the issue of when a vehicle has reached its end-of-life stage or not. Vehicles that are exported for second-hand use are usually exported together with their battery. Additional legal clarity on the end-of-life status of a vehicle will ensure that only vehicles with a product status and not waste will be exported outside the OECD. Ensuring uniform and environmentally sound end-of-life treatment of batteries from vehicles is essential.

As EUROBAT, we are, however, disappointed with the incomplete alignment between the proposed Regulation on circularity requirements for vehicle design and on management and the new Batteries Regulation.

We request that:

1. Restrictions of battery substances to be removed entirely from the scope of the proposed Regulation on circularity requirements for vehicle design and on management of end-of-life vehicles. This issue is already addressed through Article 6 of the new Battery Regulation.

2. The next scheduled lead battery exemption review scheduled for 2025 under the ELV Directive annex II.5b(i) (or future Regulation on circularity requirements for vehicle design

+ 32 2 761 1653
eurobat@eurobat.org
www.eurobat.org
@eurobat_org
www.linkedin.com/eurobat-association

and on management of end-of-life vehicles annex III.5(b)(i)) should be paused and incorporated into the comprehensive report required under Article 6(5) of the Batteries Regulation (EU 2023/1542) being undertaken by the Commission and European Chemicals Agency (ECHA) on substances of concern present in batteries or used in their manufacture.

Batteries are the only components of a vehicle that are regulated over the entire value chain. The sourcing of raw materials, composition of the product, use phase, end-of-life management, re-use and recycling are comprehensively addressed in the first piece of holistic product legislation, the new EU Battery Regulation.

In article 5 of the proposed Regulation on circularity requirements for vehicle design and on management of end-of-life vehicles ('Requirements for substances in vehicles'), the European Commission has essentially chosen two different approaches – for substances that are already restricted according to the ELV Directive 2000/53/EC (lead, mercury, cadmium and hexavalent chromium), and for substances of concern not already covered by the ELV legislation. This is the so-called 'hybrid restrictions approach' (Measure 5c in the Impact Assessment).

In the former case, the existing substances restrictions of the four substances and their exemptions are maintained in the Regulation on circularity requirements for vehicle design and on management of end-of-life vehicles and reviewed via delegated acts with the support of ECHA.

In the latter case, restrictions of substances of concern would be primarily developed, managed, enacted, and maintained under REACH or, as appropriate covered by the POPs Regulation or eventually the Batteries Regulation (as applicable to substances in batteries in vehicles).

For substances of concern used in batteries it is stated in the impact assessment SWD that following a transition process, all restrictions and exemptions would eventually be taken up by the Batteries Regulation (lex specialis) and as appropriate removed from the Regulation replacing ELV Directive.

This is an overly complex situation and to avoid regulatory uncertainty and duplication we believe that battery substance restrictions and exemptions should not be included in scope of the new Regulation on circularity requirements for vehicle design and on management of end-of-life vehicles. Article 6 of the newly adopted EU regulation on Batteries already comprehensively addresses this concern and a transition process from the Regulation on circularity requirements for vehicle design and on management of end-of-life vehicles to the Battery Regulation is not necessary. Removing chemical restrictions of battery substances from the scope of ELV legislation would reinforce the consistency of the regulatory framework by ensuring that chemical management of hazardous substances in all batteries is overseen under a single piece of legislation.

+ 32 2 761 1653
eurobat@eurobat.org
www.eurobat.org
@eurobat_org
www.linkedin.com/eurobat-association

The current ELV Directive Annex II exemption 5 on lead batteries is scheduled to be reviewed in 2025. This review is unlikely to be completed before the Regulation on circularity requirements for vehicle design and on management of end-of-life vehicles enters into force, but we presume that the exemption review would continue under the provisions of Annex III exemption 5 and would then consider additional criteria including a consideration of socio-economic impacts. Following completion of this process we understand that this battery exemption would then be transitioned over to the Batteries Regulation. This is a convoluted and complex process and given the stated intention of the Commission that, following a transition process, restrictions and exemptions would eventually be taken up by the Batteries and removed from the Regulation replacing ELV Directive we would advocate that ELV Directive Annex II exemption 5 is not reviewed in 2025 but rather is transferred directly to the Batteries Regulation upon entry into force of the Regulation on circularity requirements for vehicle design and on management of end-of-life vehicles . In this way it could be incorporated into the ongoing mapping of substances of concern in batteries being undertaken by ECHA which would be more in line with the political ambition to strengthen the competitiveness of the European battery industry by reducing regulatory uncertainty.

***

About EUROBAT

As the leading European association for advanced rechargeable batteries covering all battery chemistries, our mission is to bring together the battery value chain to drive innovation and contribute technical expertise to the EU policy-making process. EUROBAT represents the interests of automotive and industrial battery manufacturers, based in EMEA, as well as global supply chain players. We work with policy-makers, industry stakeholders and non-governmental organisations to help craft a positive and consistent regulatory framework for the battery industry in the EU and beyond.