



Monday, 13 September 2021

Joint statement on the need for a transition period for the implementation of the Batteries Regulation

The undersigned organisations support the European Commission's objective to improve the sustainability of batteries, while protecting the competitiveness of the Single Market. We are fully committed to supporting the EU's transition towards sustainable batteries.

While interinstitutional negotiations are yet to begin, it is already clear that the new Batteries Regulation will have far-reaching impacts on the design, labelling and end-of-life handling of batteries and battery-powered appliances. Given the extent of the changes and the significant uncertainty over the final text of the Regulation, we call on the co-legislators to provide economic operators with the necessary time to duly implement due requirements. This is particularly pertinent for all those market access, CE-marking relevant provisions with design or labelling impacts that currently are foreseen to apply as of entry into force (e.g. Art. 11, 20). We recommend to:

- Introduce a transition period to ensure individual provisions are applicable no earlier than 24 months after the adoption of the corresponding Guidance, delegated or implementing act; and
- Introduce a 24 month transition period (Art. 79 or 78 of the proposal) between the entry into force of the Regulation and its application, by replacing the current date of application that is set for 1 January 2022.

This time is essential to re-design products and adapt complex global supply chain and manufacturing processes (e.g. manufacturing equipments, softwares, household appliances, medical technologies, consumer electronics). For instance, the newly-added battery replaceability obligation will require the re-design of certain appliances. Every re-design comes with new reliability and safety testing, new certification and market conformity testing and changes to supply chain and manufacturing processes.

The same applies to implementing new labels on batteries, often a component of a larger product. Particularly regarding wet-use appliances (i.e. appliances that are regularly in contact with water) it is essential that all the re-design steps are correctly performed to prevent consumer safety risks (e.g. battery catching fire) due to water ingress, in case water tightness conditions are compromised by an inappropriate replacement of batteries.

Considering the lack of certainty over the final text of the legislation, the transition time should start from the date of entry into force of the Regulation or - for individual provisions - from the date of adoption of corresponding guidance, delegated or implementing acts. Without knowledge of the final provisions, companies cannot adequately plan for compliance with future requirements.

Without a transition time, there are risks of:

- Inadequate implementation of the new requirements, due to the lack of time to adjust complex supply chains and production processes;
- Competitive disadvantages and potentially negative employment impacts for EU manufacturers relying on highly automated production lines for which adaptation to new production processes is more time/cost-intensive compared to less automated extra-EU plants;
- Scrapping of already manufactured, well-functioning products or spare parts, as well as products destined for refurbishment leading to unnecessary and unjustified e-waste generation.

We remain strongly committed to working together with the European Commission and the co-legislators to ensure that the review of batteries legislation becomes a success.



AmCham EU – American Chamber of Commerce to the EU



APPLiA – Home Appliance Europe



DIGITALEUROPE



EGMF - European Garden Machinery Industry Federation



EPBA – European Portable Battery Association



EPTA – The European Power Tool Association



EUROBAT – Association of European Automotive and Industrial Battery Manufacturers



FEM – European Materials Handling Federation



MedTech Europe - the European trade association for the medical technology industry.



ORGALIM – Europe's Technology Industries



TIE – Toy Industries of Europe