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Secondary legislation following the Battery Regulation

A perspective on upcoming Delegated and Implementing Acts with
a focus on the battery passport

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Secondary Legislation following the EU Battery Regulation: Delegated and Implementing Acts - Synthesis

What

The EU Battery Regulation provides the legal basis for **32 Delegated (DA)** and **15 Implementing Acts (IA)**. **Of these, 29 DAs/IAs may be adopted by the Commission as needed** to ensure uniform conditions or amend the Regulation based on market developments as well as technical and scientific progress. **18 DA/IA will be adopted to complete the Regulation in detail**, according to the schedule defined in the Regulation – **see slide 6**. These concern in particular the following topics:



Carbon footprint (CF): Delegated acts to establish the CF methodology, performance classes and threshold as well as implementing acts that specify the formats of these



Circularity: Implementing acts regarding recycling efficiency and material recovery scheduled earlier than delegated acts that specify the methodology and amending the targets for recycled content



Performance and durability: Delegated Acts to establish minimum values for electrochemical performance



Battery passport access: Implementing Acts to specify access rights



Reporting to the Commission: Implementing Act to harmonize format of data and information to be reported

When

The timeline for Acts to be published at a certain date lies **between 2024 and 2031**. If the timing differs between different battery categories, specifications regarding **EV batteries are scheduled first, followed by industrial batteries without exclusively external storage, LMT batteries and lastly industrial batteries with exclusively external storage**.

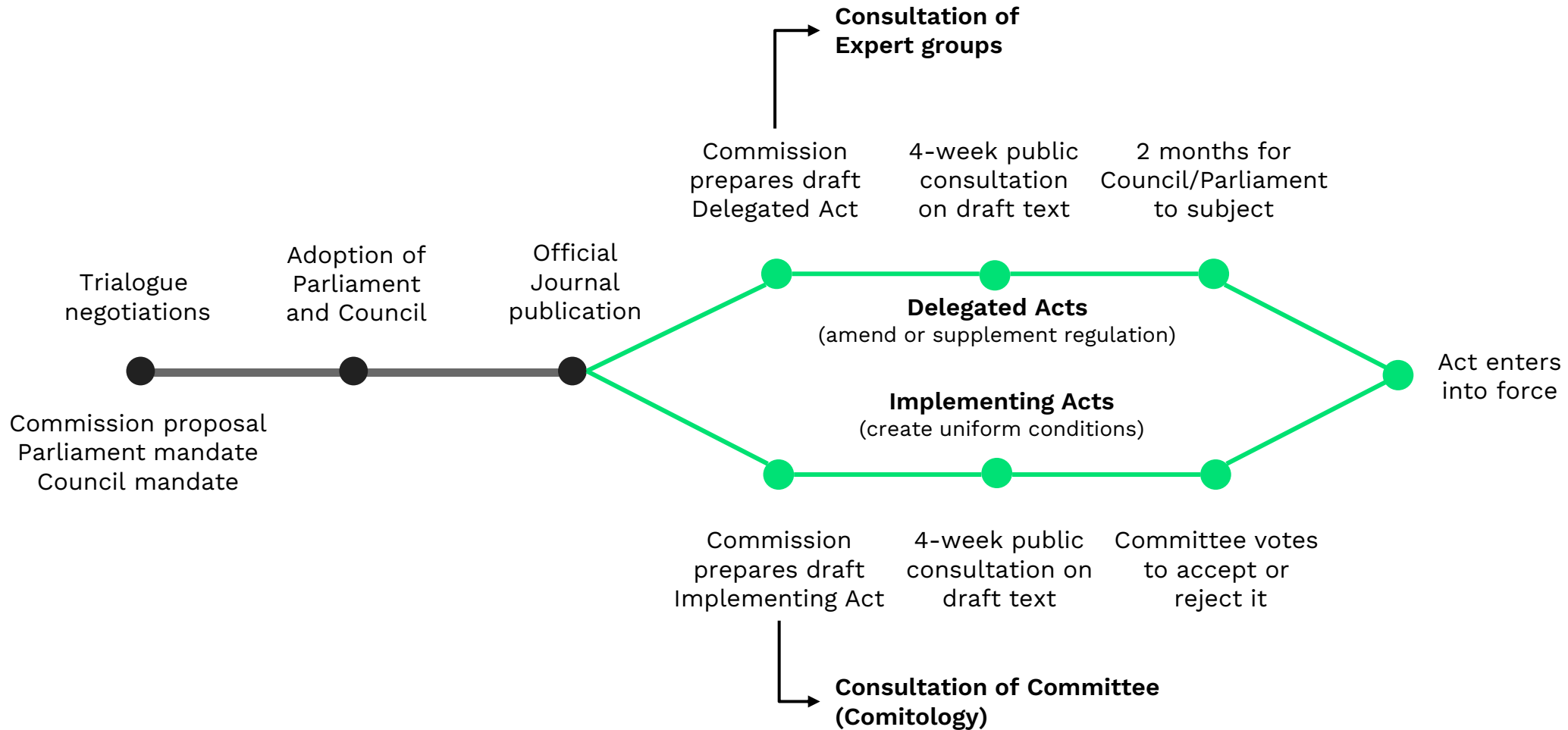
Acts that can be adopted at the discretion of the Commission (see slide 7) could however be published before/after this timeframe.

How

Delegated Acts are **developed by the Commission with expert groups** and Implementing Acts with a **Committee**, both composed of representatives from all Member States.

Organisations could **get involved** in these expert groups and Committees or provide feedback on the draft texts during **public consultation phases typically lasting for 4 weeks**.

The process for developing Delegated and Implementing Acts builds on the ongoing regulatory process for the Battery Regulation



Delegated and Implementing Acts differ in purpose and procedure for their development

Delegated Act

Implementing Act

Purpose

To **amend or supplement** non-essential elements in the basic Act

To **ensure uniform conditions** for implementing legally binding Acts

Procedure

Commission prepares draft act

Consultation of **Expert groups**

- set up by the Commission or its departments to provide advice and expertise (see [Register of Commission Expert Groups](#))
- representatives from each EU Member State from public and/or private sector > must be selected through public calls for applications, only exception are public authorities

Consultation of committee (**Comitology**)

- Committee composed of representatives from each EU Member State (see [Comitology Register](#))
- Chaired by a Commission official
- Examination procedure¹ or Advisory procedure²

4-week public consultation on draft text published on the website "[Have your say](#)"

2 months for Council or Parliament to subject (cannot amend)

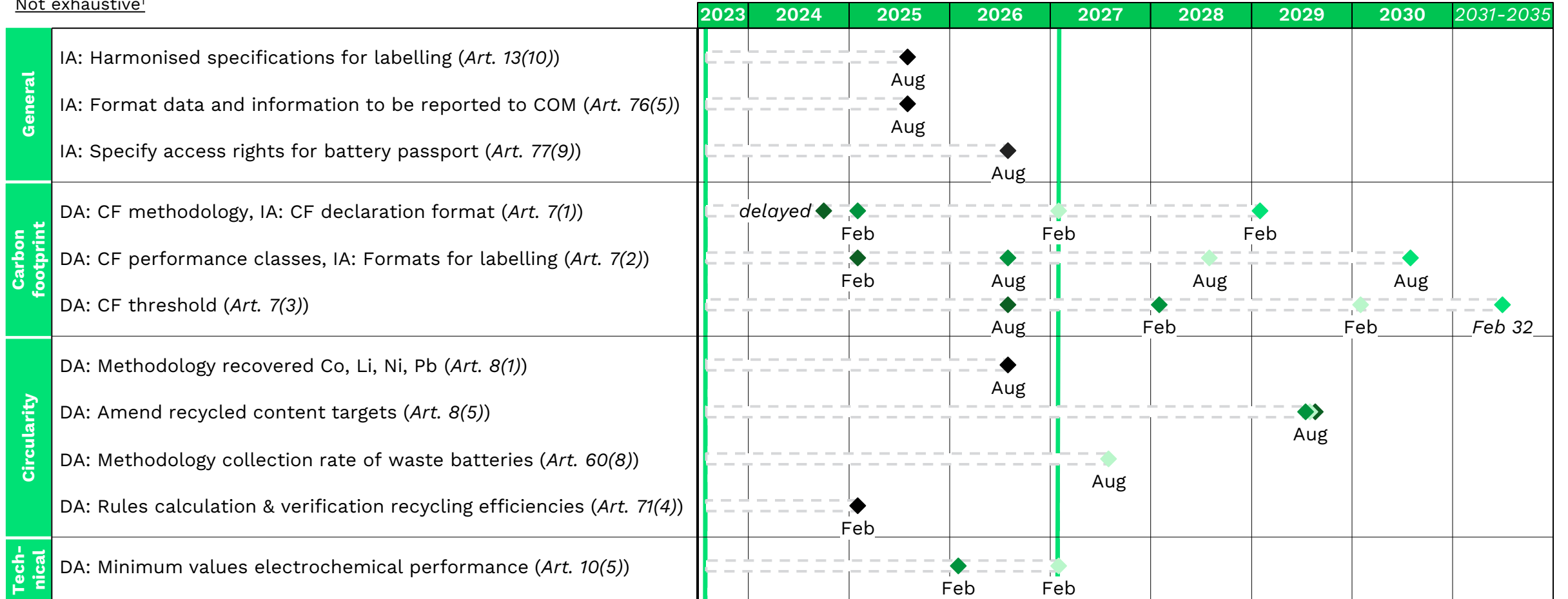
Committee votes to accept or reject it (giving Member States a greater say)

Act enters into force

Delegated & Implementing Acts scheduled by the Battery Regulation

Legend ◆ DA: Delegated Act ◆ IA: Implementing Act ■ All battery categories ■ EV batteries ■ Industrial batteries > 2kWh except exclusively external energy storage ■ Industrial batteries > 2kWh With external storage ■ LMT batteries

Not exhaustive¹



Aug 23

EU Battery Regulation entry into force

Feb 27

Battery passport adoption

Further Delegated and Implementing Acts that can be adopted at the discretion of the Commission

Not exhaustive¹

Type of Act (Reference)	Description	Adoption criteria
DA (Art. 8(6))	Inserting other materials with specific minimum shares of recycled content per specific material	Based on market developments on battery chemistry impacting types of materials that can be recovered
DA (Art. 13(8))	Provide for alternative type of smart labels instead of or in addition to QR-code	Based on technological and scientific progress
DA (Art. 48(8))	Amend lists of raw materials in Annex X, point 1, and risk categories in Annex X, point 2	In the light of scientific and technological progress in battery manufacturing and chemistries and amendments to Regulation (EU) 2017/821
DA (Art. 53(3))	Setting out the criteria and the methodology according to which the Commission shall determine, in accordance with paragraph 2, whether due diligence schemes ensure that the economic operator fulfils the requirements set out in Articles 45a to 45c and 45 e of this Regulation	At the discretion of the Commission
DA (Art. 71(6))	Adding further materials with specific levels of recovered materials and adding further battery chemistries with specific levels of minimum recycling efficiencies	Where appropriate due to market developments impacting the type of materials that can be recovered and in light of technical and scientific progress, including emerging new technologies in waste management
DA (Art. 77(2))	Change information that the battery passport shall provide	Based on technical and scientific progress
DA (Art. 77(3))	Amend the second subparagraph by replacing the standard referred to or adding other European or international standards with which the QR code and the unique identifier shall comply	Based on technical and scientific progress

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