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European Union

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**'I/A' ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC ( <b>first reading</b> ) - Adoption of the legislative act = Statements

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**Statement by Slovenia**

Slovenia supports and commits to contributing to the objectives of the new Regulation concerning batteries and waste batteries to reduce the environmental and social impacts at all stages of the battery life cycle. Thus, Slovenia supports the new Regulation in principle as regards the sustainability and safety requirements for batteries, as well as clear requirements for placing batteries on the market. Slovenia also supports strengthening the requirements for re-use and remanufacturing, as well as the recovery and management of waste batteries. However, Slovenia considers that certain provisions are not sufficiently clear and that certain requirements are not technically or economically feasible within the timeframe laid down in the final compromise proposal.

Slovenia would like to point out that requirements for the management of waste batteries, in particular extended producer responsibility and especially producer registration and extended producer responsibility compliance authorisation, now stem from the Directive, so that Member States can define detailed legislative and organisational requirements according to national circumstances. Modifying the instrument will cause additional difficulties, as well as administrative and financial burdens, in adapting existing national systems to the revised requirements.

Slovenia agrees that ambitious environmental targets are needed, but would like to express serious concerns that the proposed compromise targets for separate collection of waste portable batteries and waste batteries for light vehicles, as well as the proposed compromise targets for lithium recovery and recycling efficiency, are achievable within the time limits set out in the Regulation.

Slovenia also regrets the lack of measures for effective monitoring and surveillance of compliance with the extended producer responsibility obligations of micro or small enterprises. With the reference to Article 3 of the Regulation on the Single Market for Digital Services, providers of online platforms that qualify as micro or small enterprises are not subject to the extended producer responsibility obligation. Thus, neither ensuring compliance with extended producer responsibility nor monitoring will be possible in such cases.

Slovenia also regrets that some editorial changes in the light of the latest compromise agreement do not contribute to a better regulatory environment or clarity of the regulation.

In view of the serious concerns about the feasibility of some of the requirements, Slovenia will abstain.

### **Statement by Slovakia**

The Slovak Republic is concerned about the timeframes established for individual obligations and the timeframes, scope and amount of delegated and implementing acts related to the application of the Regulation, which may cause problems in terms of implementing the Regulation in practice.

## Statements by the Commission

### Statement 1

The Commission notes that the approach agreed by the co-legislators linking the applicability of certain sustainability rules with the adoption of the respective delegated or implementing acts by the Commission may impinge on the legal certainty for the economic operators about the applicability of the rules in the Regulation.

### Statement 2

The Commission regrets the short deadlines for the adoption of delegated and implementing acts as well as several other follow-up actions and expresses concern about the feasibility to comply with these deadlines in time. The Commission notes that the implementation of the Regulation will require significant resources in the Commission.

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