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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2023/1542 as regards obligations of economic operators concerning battery due diligence policies - Outcome of the European Parliament's first reading (Strasbourg, 7 to 10 July 2025)

I. INTRODUCTION

On 19 June 2025, the Permanent Representatives Committee agreed on a mandate¹ for the Presidency for negotiations with the European Parliament in line with the Commission's proposal without amendments, with a view to reaching an agreement at first reading with the European Parliament on that basis swiftly.

¹ 10221/25.

After the Committee on the Environment, Climate and Food Safety (ENVI) approved to proceed according to Rule 52 (Simplified procedure) on 3 July 2025, the Chair, Antonio DECARO (S&D, IT), presented on behalf of ENVI a report aiming at taking over the Commission proposal. In addition, the Patriots for Europe (PfE) and the European Conservatives and Reformists (ECR) groups tabled four amendments each (amendments 1 to 4 and amendments 5 to 8).

II. VOTE

The European Parliament adopted its first-reading position on 10 July 2025 by taking over the Commission proposal and rejecting all the tabled amendments. This position is contained in its legislative resolution.

The Council should therefore be in a position to approve the European Parliament's position as set out in the Annex hereto, thus bringing to a close the first reading for both Institutions.

The legislative act would then be adopted in the wording which corresponds to the European Parliament's position.

P10_TA(2025)0164

Amending Regulation (EU) 2023/1542 as regards obligations of economic operators concerning battery due diligence policies

European Parliament legislative resolution of 10 July 2025 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2023/1542 as regards obligations of economic operators concerning battery due diligence policies (COM(2025)0258 – C10-0089/2025 – 2025/0129(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2025)0258),
 - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C10-0089/2025),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 18 June 2025¹,
 - having regard to Rule 60 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Climate and Food Safety (A10-0134/2025),
1. Adopts its position at first reading, hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ Not yet published in the Official Journal.

Position of the European Parliament adopted at first reading on 10 July 2025 with a view to the adoption of Regulation (EU) 2025/... of the European Parliament and of the Council amending Regulation (EU) 2023/1542 as regards obligations of economic operators concerning battery due diligence policies

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Acting in accordance with the ordinary legislative procedure²,

¹ Not yet published in the Official Journal.

² Position of the European Parliament of 10 July 2025.

Whereas:

- (1) Regulation (EU) 2023/1542 of the European Parliament and of the Council³ imposes battery due diligence obligations on economic operators that cover the sourcing, processing and trading of cobalt, natural graphite, lithium and nickel used for battery manufacturing. Those due diligence obligations are to be applied from 18 August 2025.
- (2) At a time when the geopolitical landscape continues to shift, various challenges need to be overcome, including as regards sourcing of raw materials. As a result, battery manufacturers need time to analyse and, where necessary, adjust their supply chains.
- (3) The battery due diligence obligations laid down in Regulation (EU) 2023/1542 include requirements covering third-party verification by notified bodies. However, the designation of such notified bodies is taking longer than expected. Due diligence schemes recognised by the Commission in accordance with Regulation (EU) 2023/1542 would facilitate the work of economic operators and of notified bodies. However, due diligence schemes addressing raw materials present in batteries still need to be further developed and implemented, and subsequently go through the process of recognition of their equivalence by the Commission.

³ Regulation (EU) 2023/1542 of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC (OJ L 191, 28.7.2023, p. 1, [ELI: http://data.europa.eu/eli/reg/2023/1542/oj](http://data.europa.eu/eli/reg/2023/1542/oj)).

- (4) In order to provide sufficient time for the notification of conformity assessment bodies and to allow economic operators placing batteries on the market to be in a position to comply with their obligations, the date of application of the battery due diligence obligations laid down in Regulation (EU) 2023/1542 should be postponed by two years.
- (5) Directive (EU) 2024/1760 of the European Parliament and of the Council⁴ lays down rules and obligations to ensure that companies identify and address actual and potential adverse human rights and environmental impacts in the company's own operations, the operations of their subsidiaries and, where related to their chains of activities, the operations of their business partners.
- (6) The Commission is to publish, in accordance with Regulation (EU) 2023/1542, guidelines as regards the application of the battery due diligence requirements. Furthermore, the Commission is to make available, in accordance with Directive (EU) 2024/1760, guidelines as regards guidance and best practices on how to conduct due diligence. Since consistency between Regulation (EU) 2023/1542 and Directive (EU) 2024/1760 is important for companies in the battery supply chain, the respective dates for the publication and making available of those guidelines should be harmonised.
- (7) Since the objectives of this Regulation, namely to contribute to the efficient functioning of the internal market, while preventing and reducing the adverse impacts of batteries and waste batteries on the environment and ensure a high level of protection of human health, cannot be sufficiently achieved by the Member States but can rather, by reason of scale or effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

⁴ Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859 (OJ L, 2024/1760, 5.7.2024, [ELI: http://data.europa.eu/eli/dir/2024/1760/oj](http://data.europa.eu/eli/dir/2024/1760/oj)).

- (8) Regulation (EU) 2023/1542 should therefore be amended accordingly.
- (9) In view of the urgency of the matter and to provide legal certainty as soon as possible, it is considered to be appropriate to invoke the exception to the eight-week period provided for in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.
- (10) This Regulation should enter into force as a matter of urgency on the day following that of its publication in the *Official Journal of the European Union*,

HAVE ADOPTED THIS REGULATION:

Article 1
Amendments to Regulation (EU) 2023/1542

Article 48 of Regulation (EU) 2023/1542 is amended as follows:

- (a) in paragraph 1, the date ‘18 August 2025’ is replaced by ‘18 August 2027’;
- (b) in paragraph 5, the date ‘18 February 2025’ is replaced by ‘26 July 2026’.

Article 2
Entry into force

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at ...,

For the European Parliament
The President

For the Council
The President
