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Subject:	Proposal for a Regulation of the European Parliament and of the Council concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020 - Preparation for the trilogue

I. INTRODUCTION

1. On 10 December 2020, the Commission adopted a proposal for a Regulation on batteries and waste batteries, and which replaces the current Directive. The aim of the proposal is to modernise the current legislative framework on batteries in the context of increasing production and demand of batteries. In this regard, the Commission put forward three main objectives for the proposed Regulation: strengthening the internal market for batteries; promoting a circular economy; and reducing the environmental and social impacts throughout a battery's lifecycle.

II. WORK IN THE COUNCIL

2. Following intensive preparatory work, on 17 March 2022 the Council agreed on a General Approach on the proposal for a Regulation and gave a mandate to the Presidency to engage in negotiations with the European Parliament.
3. On the basis of this mandate, the Presidency held a first trilogue with the European Parliament on 20 April 2022. This was followed by 11 trilateral meetings at technical level.
4. On the basis of these meetings, as well as of meetings of the Working Party on the Environment on 17 and 24 May and on 14 June and an informal videoconference of the members of the Working Party on the Environment on 23 June 2022, the Presidency prepared a revised 4-column table with compromise proposals on Chapters I and II and Articles 71 to 71b. On 29 June 2022, the Committee of Permanent Representatives agreed on a revised mandate for the negotiations with the European Parliament.
5. The Presidency engaged in a second trilogue with the European Parliament on 30 June 2022. Ten further technical meetings were held on 8, 11 and 14 July, 31 August, and 1, 8, 9, 12, 13 and 28 September 2022.
6. In preparation for the negotiations with the European Parliament, the Working Party on the Environment discussed the progress of the negotiations and compromise proposals by the Presidency during its meetings on 4 and 26 July, and 15 and 26 September 2022. Taking into account the observations of Member States at these meetings as well as the additional written comments received in response to several calls for comments, the Presidency has prepared the compromise proposal in the Annex with a view to a third trilogue on 11 October 2022.

III. PRESIDENCY COMPROMISE PROPOSALS

7. The Presidency compromise proposals concern three main clusters: open issues regarding Chapter II following the second trilogue; the provisions on due diligence obligations in Chapter VIa; and the provisions on waste batteries in Chapter VII.

8. In addition, while a general agreement has been found on including light means of transport (LMT) batteries in the scope of the Regulation, there is a remaining open issue on whether the definition of LMT should include only wheeled LMT or all LMT. As a possible compromise, the Presidency suggests an immediate inclusion of wheeled LMT only, with a possible review clause in the future.

Chapter II: Remaining open issues

9. The open issues connected to Chapter II concern mainly the scope and timeline of the provisions.
10. At the second political trilogue, a general agreement was reached on Article 6 regarding the restriction of substances. However, further work was needed to finalise an agreement on the restriction of lead in Annex I. In order to be able to show flexibility and find an agreement during the trilogue, the Presidency would like to know whether Member States would be able to support a phase-out of zinc-carbon batteries with a transitional period of one year. This could form part of a compromise package together with a phase-out of zinc-air batteries with a transitional period of five years, as agreed by Coreper in the revised mandate of 29 June.
11. In relation to Article 7 on the carbon footprint declaration for electric vehicle batteries and industrial batteries, the Presidency proposes to show flexibility towards the Parliament by shortening the timeline for industrial batteries. In exchange, the Presidency intends to insist on excluding industrial batteries with a capacity below 2 kWh. The EP's proposal in Article 7(3a) on a review clause would be accepted, while extending the deadline to 31 December 2028. Furthermore, the Commission requested during the second political trilogue to exclude non-rechargeable industrial batteries from the scope of Article 7 and 10. In a spirit of good cooperation, the Presidency proposes to accept this request, as these batteries concern a niche market for specialised purposes with only minor environmental impacts.

12. As regards Article 8 on recycled content, the Parliament continues to insist on the inclusion of LMT batteries within the scope. The flexibility to agree to set a target for LMT batteries by 2035 was provided already in the revised Council mandate from 29 June. The Presidency intends to use this flexibility during the next political trilogue in exchange for keeping the timelines in this article as proposed by the Council.
13. The Presidency also proposes moving towards the Parliament on the timelines in Article 9, with dates that correspond to the Commission proposal plus one year.

Chapter VIa: Due diligence

14. Good progress has been made at technical level regarding the wording of the provisions related to due diligence. Discussions are still ongoing regarding the concrete structure of the provisions, but the Parliament showed openness to create a separate chapter on due diligence provisions as proposed by the Council. The table in the annex follows the structure of the Council's General Approach; however, this should not be considered as prejudging a final agreement on the structure, including in rows that have been marked as provisionally agreed.
15. The third trilogue is expected to consider the scope and timeline of the due diligence provisions (Article 45a(1)). The Council, following the Commission proposal, prefers to limit the scope of application to electric vehicle batteries and industrial batteries with a capacity above 2 kWh, while the Parliament wishes for a broader scope. In addition, the Council foresees a longer period before economic operators would need to comply with the provisions in question. With a view to a possible compromise, the Presidency proposes shortening the deadline for economic operators to comply with the due diligence requirements to 24 months after entry into force of the Regulation. In addition, Member States are invited to indicate possible flexibilities to extend the scope to all batteries, provided that an exception clause is added for small and medium-sized enterprises.

16. A related issue on scope concerns the definition of “battery due diligence” (Article 2(36)). While a compromise has been found at technical level to solve the wording issue of whether to refer to “supply chain” or “value chain”, the Parliament considers that due diligence should also extend to the provenance of chemicals and secondary raw materials. As delegations indicated difficulties with including chemicals, the Presidency proposes as a compromise that the definition should cover “secondary raw materials required for battery manufacturing”. In addition, the Presidency suggests adding a reference to “suppliers, their subsidiaries and subcontractors” and a new wording of recital 63 in exchange for deleting the Parliament’s addition of “and waste battery treatment, linked to its manufacturing operations and linked to related other business relationships” and dropping the definition of “business relationships”.
17. The Presidency proposes to stay firm on rejecting the inclusion of a provision on a liability regime for batteries, as requested by the EP, given that liability regimes are covered by Member States’ national legislation.
18. At this stage, the Presidency has not identified any flexibility to include iron, copper and bauxite in the scope of Annex X. Member States are invited to indicate any flexibility.

Chapter VII: Waste batteries

19. The political trilogue is expected to discuss the legal basis for Chapter VII. As no flexibility on this subject has been indicated in the Council, the Presidency will insist upon the General Approach.

20. The collection targets for waste portable batteries and the related timeline (Article 48(4)) are likely to remain a key political issue until the end of the negotiations. The Presidency expects the third trilogue to give an opportunity to exchange views and explore possible ways forward. As an initial show of flexibility, the Presidency proposes shortening the deadline to achieve the collection target of 45% to 2023, as this is already fixed in current legislation, and revising the Council mandate on LMT batteries to 54% by 2029. With a view to enabling a constructive discussion, Member States are invited to indicate any further flexibilities regarding the shortening of the proposed timelines. The Presidency is intending to underline the importance of basing the collection rates on existing and technically feasible methodologies and solid data. In this regard, the Presidency sees no possibility for fixing separate targets for portable batteries of general use.
21. Regarding the recycling efficiency and material recovery targets set out in Annex XII, Parts B and C, both the Parliament and the Council include a new target for nickel-cadmium batteries, but with different timelines. Taking into account the technical feasibility, the Presidency compromise proposal sets a target of 80% by 2026. The Presidency also proposes moving slightly towards the Parliament on the material recovery target for lithium in 2027, setting a new target of 40%.
22. The political trilogue is also expected to address the Parliament's introduction of a deposit return system (Article 50a). At this stage, the Presidency sees a need for further work at technical level and is not requesting a revised mandate on these points.
23. Finally, the Commission has expressed concern as regards the coverage of costs incurred by the waste management operators for cases where the waste operations take place in a different Member State than where a battery was first placed on the market. This is currently not addressed in the proposed Regulation. While the issue is likely to be raised at the political trilogue, the Presidency considers that further work is required at technical level and does not at this stage put forward any new text.

IV. CONCLUSIONS

24. The Committee of Permanent Representatives is invited to examine the compromise proposals in the Annex and to give a mandate to the Presidency to pursue the negotiations with the European Parliament on 11 October 2022 on the basis of this text, with a view to reaching a first-reading agreement.

Proposal for a Regulation of the European Parliament and of the Council concerning batteries and waste batteries, repealing Directive 2006/66/EC and amending Regulation (EU) No 2019/1020

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Recital 17a				
27a		<p><u><i>(17a) In order to ensure that this Regulation is coherent with any future amendment of the provisions of Regulation (EC) No 1907/2006 or with other future Union legislation concerning sustainability criteria for hazardous substances and chemicals, the Commission should assess whether an amendment of Article 6, Article 71 or Annex I to this Regulation or all of those provisions is required. The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending those provisions where appropriate.</i></u></p>		<p><u><i>(17a) In order to ensure that this Regulation is coherent with any future amendment of the provisions of Regulation (EC) No 1907/2006 or with other future Union legislation concerning sustainability criteria for hazardous substances and chemicals, the Commission should assess whether an amendment of Article 6, Article 71, 71a and 71b of this Regulation is required. Where appropriate, the Commission should propose amending this regulation in the future amendment of the provisions of regulation (EC) No 1907/2006 or with other future Union legislation concerning sustainability criteria for hazardous substances and chemicals.</i></u></p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
				<p>Row 221a moved to this recital and also covered by Art 71 row 880a</p> <p>provisionally agreed</p>
Recital 20				
30	<p>(20) The increased use of recovered materials would support the development of the circular economy and allow a more resource-efficient use of materials, while reducing Union dependency on materials from third countries. For batteries, this is particularly relevant for cobalt, lead, lithium and nickel. Therefore, it is necessary to promote the recovery of such materials from waste, establishing a requirement on the level of recycled content in batteries using cobalt, lead, lithium and nickel in active materials. This Regulation sets mandatory recycled content targets for cobalt, lead, lithium and nickel and which should be met by 2030. For cobalt, lithium and nickel increased targets are</p>		<p>(20) The increased use of recovered materials would support the development of the circular economy and allow a more resource-efficient use of materials, while reducing Union dependency on materials from third countries. For batteries, this is particularly relevant for cobalt, lead, lithium and nickel. Therefore, it is necessary to promote the recovery of such materials from waste, establishing a requirement on the level of recycled content in batteries using cobalt, lead, lithium and nickel in active materials. This Regulation sets mandatory recycled content targets for cobalt, lead, lithium and nickel and which should be met by 2030. For cobalt, lithium and nickel increased targets are</p>	<p>(20) The increased use of recovered materials would support the development of the circular economy and allow a more resource-efficient use of materials, while reducing Union dependency on materials from third countries. For batteries, this is particularly relevant for cobalt, lead, lithium and nickel. Therefore, it is necessary to promote the recovery of such materials from waste, establishing a requirement on the level of recycled content in batteries using cobalt, lead, lithium and nickel in active materials. This Regulation sets mandatory recycled content targets for cobalt, lead, lithium and nickel and which should be met by 2030. For cobalt, lithium and nickel increased targets are</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	<p>established by 2035. All targets, should take into account the availability of waste, from which such materials can be recovered, the technical feasibility of the involved recovery and manufacture processes as well as the time needed by the economic operators to adapt their supply and manufacturing processes. Therefore, before such mandatory targets become applicable, the requirement related to recycled content should be limited to disclosure of information on recycled content.</p>		<p>established by 2035. All targets, should take into account the availability of waste, from which such materials can be recovered, the technical feasibility of the involved recovery and manufacture processes as well as the time needed by the economic operators to adapt their supply and manufacturing processes. Therefore, before such mandatory targets become applicable, the requirement related to recycled content should be limited to disclosure of information on recycled content.</p>	<p>established by 2035. All targets, should take into account the availability of waste, from which such materials can be recovered, the technical feasibility of the involved recovery and manufacture processes as well as the time needed by the economic operators to adapt their supply and manufacturing processes. Therefore, before such mandatory targets become applicable, the requirement related to recycled content should be limited to disclosure of information on recycled content. <u>By products of battery manufacturing, such as manufacturing scrap, do not constitute waste. Therefore, recovered materials for manufacturing scrap, which are reused in the manufacturing process, should not be counted as part of the recycled content targets.</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Recital 24a				
34a		<p><u><i>(24a) In order to ensure that the Union's rules on electrochemical performance and durability for electric vehicle batteries are coherent in relation to technical specifications of the informal UNECE Working Group on Electric Vehicles and the Environment and in view of technical and scientific progress, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the performance and durability parameters and minimum values for those parameters for electric vehicle batteries.</i></u></p>		<p><u><i>(24a) In order to ensure that the Union's rules on electrochemical performance and durability for electric vehicle batteries are coherent in relation to technical specifications of the informal UNECE Working Group on Electric Vehicles and the Environment and in view of technical and scientific progress, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the performance and durability parameters for electric vehicle batteries. For minimum values of those parameters for electric vehicles batteries incorporated in motor vehicles, it is appropriate to set minimum performance requirements through regulation on type-approval of motor vehicles and engines with respect to their emissions [replace with final title of Euro 7 proposal], based on minimum performance</i></u></p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			PUBLIC	<p><u>requirements adopted in United Nations Global Technical Regulation No.22 on in-vehicle battery durability for electrified vehicles.</u>¹</p> <p>_____</p> <p><u>1. UN GTR No.22 (In-vehicle Battery Durability for Electrified Vehicles) UNECE</u></p> <p>Amendment to address modification in Art. 2, definitions of ‘battery due diligence’ and ‘business relationship’, rows 170 and 170a</p> <p>provisionally agreed</p>
Recital 26				
36	(26) In order to ensure that portable batteries incorporated into appliances are subject to proper separate collection, treatment and high quality recycling once they have become waste, provisions to ensure their removability and replaceability in such appliances are necessary. Used batteries should also be	(26) In order to ensure that portable batteries incorporated into appliances are subject to proper separate collection, treatment and high quality recycling once they have become waste, provisions to ensure their removability and replaceability in such appliances are necessary. <u>Rules should also be established</u>	(26) In order to ensure that portable batteries incorporated into appliances are subject to proper separate collection, treatment and high quality recycling once they have become waste, provisions to ensure their removability and replaceability in such appliances are necessary. The possibility to substitute used or	(26) In order to ensure that portable batteries incorporated into appliances are subject to proper separate collection, treatment and high quality recycling once they have become waste, provisions to ensure their removability and replaceability in such appliances are necessary. The possibility to substitute used or

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	<p>replaceable so as to prolong the expected lifetime of the appliances they are part of. The general provisions of this Regulation may be complemented with requirements set up for particular products powered by batteries under implementing measures under Directive 2009/125/EC of the European Parliament and of the Council¹. Where other Union legislation lays down more specific requirements, for safety reasons, regarding the removal of batteries from products (e.g. toys), those specific rules should apply.</p> <p>_____</p> <p>1. Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10).</p>	<p><u>for light means of transport batteries.</u> Used batteries should also be replaceable so as to prolong the expected lifetime of the appliances they are part of. The general provisions of this Regulation may be complemented with requirements set up for particular products powered by batteries under implementing measures under Directive 2009/125/EC of the European Parliament and of the Council¹. Where other Union legislation lays down more specific requirements, for safety reasons, regarding the removal of batteries from products (e.g. toys), those specific rules should apply. <u>Provisions should also be laid down to ensure that industrial batteries, automotive batteries and electric vehicle batteries can be removed and replaced, while taking into consideration their differing nature and specific safety requirements.</u></p> <p>_____</p>	<p>defective Used batteries will improve the reparability, durability and re-use of appliances, and increase the potential of proper recycling of batteries. Where portable batteries are to be removed or replaced in an appliance, this should be done while securing consumer safety, in line with EU safety standards and legislation should also be replaceable so as to prolong the expected lifetime of the appliances they are part of. The general provisions of this Regulation may be complemented with requirements set up for particular products powered by batteries under implementing measures under Directive 2009/125/EC of the European Parliament and of the Council¹. Where other Union legislation lays down more specific requirements, for safety reasons, regarding the removal of batteries from products (e.g. toys), those specific rules should apply.</p>	<p>defective batteries will improve the reparability, durability and re-use of appliances, and increase the potential of proper recycling of batteries.... Where portable batteries are to be removed or replaced in an appliance, this should be done while securing consumer safety, in line with EU safety standards and legislation. The general provisions of this Regulation <u>shall apply without prejudice to the safety and maintenance requirements for medical devices as defined in Article 1 of Regulation 2017/745 on Medical Devices and for In-vitro Diagnostic medical devices as defined in Article 1 of Regulation 2017/746 on In-vitro Diagnostic Medical Devices, and</u> may be complemented with requirements set up for particular products powered by batteries under implementing measures under Directive 2009/125/EC of the European Parliament and of the Council¹. Where other Union legislation lays down more specific</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p><i>1. Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy related products (OJ L 285, 31.10.2009, p. 10).</i></p>	<p>1. Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (OJ L 285, 31.10.2009, p. 10).</p>	<p>requirements, for safety reasons, regarding the removal of batteries from products (e.g. toys), those specific rules should apply.</p> <p><i>1. Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy related products (OJ L 285, 31.10.2009, p. 10).</i></p>
Recital 63				

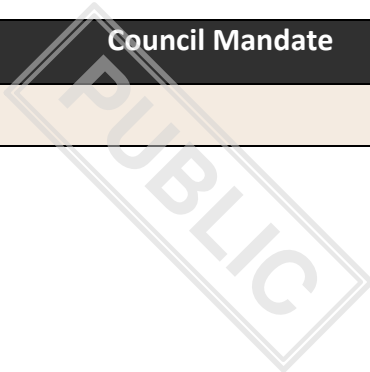
(63) Therefore, in view of the expected exponential growth in battery demand in the EU, the economic operator that places a battery on the EU market should set up a supply chain due diligence policy. The requirements therefore should be laid down, with the objective to address the social and environmental risks inherent in the extraction, processing and trading of certain raw materials for battery manufacturing purposes.

(63) *The responsibility to respect human rights, social rights, human health and the environment should apply to all manufacturing operations and other related business relationships of an economic operator throughout the battery value chain.* Therefore, in view of the expected exponential growth in battery demand in the EU, ~~the economic operator that places a~~ *and the fact that the extraction, processing and trading of certain raw materials, chemicals and secondary raw materials that are used in the* battery ~~on the EU market should set up a supply chain due diligence policy. The requirements~~ *therefore manufacturing and occur in waste battery treatment, carry particular risks, certain requirements for the battery value chain due diligence process* should be laid down, with the objective to address the social and environmental risks inherent in the extraction, processing and trading of certain raw materials, *chemicals and secondary raw materials* for battery manufacturing purposes, *waste battery treatment, the manufacturing process itself as well as all related other business relationships.*

(63) Therefore, in view of the expected exponential growth in battery demand in the EU, the economic operator that places a battery on the EU market should set up a supply chain due diligence policy. The requirements therefore should be laid down, with the objective to address the social and environmental risks inherent in the extraction, processing and trading of certain raw materials for battery manufacturing purposes.

(63) Therefore, in view of the expected exponential growth in battery demand in the EU, the economic operator that places a battery on the EU market should set up a supply chain due diligence policy. The requirements therefore should be laid down, with the objective to address the social and environmental risks inherent in the extraction, processing and trading of certain raw materials for battery manufacturing purposes. *It should encompass suppliers in the chain, and their subsidiaries or subcontractors, that perform such activities.*

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Recital 67a				
77a				<p><u><i>(67a) Human rights abuses are common in resource-rich conflict-affected and high-risk areas. Therefore, such areas deserve specific attention in the due diligence system of economic operators. Regulation (EU) No 2017/821 includes provisions for an indicative, non-exhaustive, regularly updated list of conflict-affected and high-risk areas. Such list is also relevant for the implementation of the due diligence provision of this Regulation.</i></u></p> <p>Replaces EP amendment in row 536o</p>
Recital 95				



(95) Regulation (EU) 2019/1020 of the European Parliament and of the Council¹ lays down rules on market surveillance and control of products entering the Union market. In order to ensure that products benefiting from the free movement of goods fulfil requirements providing a high level of protection of public interests such as human health, safety, protection of property and of the environment, that Regulation should apply to batteries covered by this Regulation. Therefore, Regulation (EU) 2019/1020 should be amended accordingly.

1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1)

(95) Regulation (EU) 2019/1020 of the European Parliament and of the Council¹ lays down rules on market surveillance and control of products entering the Union market. In order to ensure that products benefiting from the free movement of goods fulfil requirements providing a high level of protection of public interests such as human health, safety, protection of property and of the environment, that Regulation should apply to batteries covered by this Regulation, including batteries produced outside the Union and that enter the Union market. Therefore, Regulation (EU) 2019/1020 should be amended accordingly.

1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1)


(95) Regulation (EU) 2019/1020 of the European Parliament and of the Council¹ lays down the general rules on market surveillance and control of products entering the Union market. In order to ensure that ~~products~~ batteries benefiting from the free movement of goods fulfil requirements providing a high level of protection of public interests such as human health, safety, protection of property and of the environment, that Regulation should apply to batteries covered by this Regulation. Therefore, Annex I of Regulation (EU) 2019/1020 should be amended accordingly to ensure that Regulation (EU) 2019/1020 includes batteries in its scope of application. In addition to Regulation (EU) 2019/1020, this Regulation lays down rules on specific aspects of market surveillance and enforcement regarding batteries.

1. Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019 on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011 (OJ L 169, 25.6.2019, p. 1)

(95) Regulation (EU) 2019/1020 ~~of the European Parliament and of the Council~~¹ lays down the general rules on market surveillance and control of products placed on the Union market or entering the Union market from third countries. In order to ensure that batteries benefiting from the free movement of goods fulfil requirements providing a high level of protection of public interests such as human health, safety, protection of property and of the environment, and to ensure full enforceability of the obligations in particular in matters relating to the due diligence policies under this Regulation, that Regulation should also apply to batteries and economic operators covered concerned by this Regulation.

Therefore, Annex I of Regulation (EU) 2019/1020 should be amended accordingly to ensure that Regulation (EU) 2019/1020 includes batteries in its scope of application. In addition to Regulation (EU) 2019/1020, this Regulation lays down rules on specific aspects of market surveillance and enforcement regarding batteries.

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 2				
G	129	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions
Article 2, first paragraph, point (9)				
R	143	(9) 'light means of transport' means wheeled vehicles that have an electric motor of less than 750 watts, on which travellers are seated when the vehicle is moving and that can be powered by the electric motor alone or by a combination of motor and human power;	(9) <u>(9)</u> 'light means of transport battery ' means wheeled any battery in vehicles that have an can be powered by <u>the</u> electric motor <u>alone or by a combination of motor and human power, including type-approved vehicles belonging to</u> of less than 750 watts, on which travellers are seated when the vehicle is moving and that can be powered by the electric motor alone or by a combination of motor and human power <u>categories laid down in Regulation (EU) No 168/2013 of the European Parliament and of the Council¹, and with a weight below 25 kg;</u>	(9) 'light means of transport battery' or 'LMT battery' means any battery that is sealed and weights below or equal to 25 kg, designed to provide <u>electric power for the</u> traction to wheeled vehicles that can be powered by the electric motor alone or by a combination of motor and human power including type-approved vehicle of category L in the meaning of Regulation (EU) No 168/2013, and that is not an electric vehicle battery; Revision clause on "wheeled", see row 880d (new)

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p>1. Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52)</p>		
Article 2, first paragraph, point (19)				
153	<p>(19) ‘economic operator’ means the manufacturer, the authorised representative, the importer, the distributor or the fulfilment service provider who is subject to obligations in relation to manufacturing batteries, making them available or placing them on the market or putting them into service in accordance with the present Regulation;</p>		<p>(19) ‘economic operator’ means the manufacturer, the authorised representative, the importer, the distributor or the fulfilment service provider <u>or any other natural or legal person</u> who is subject to obligations in relation to manufacturing batteries, <u>preparing batteries for reuse, preparing batteries for repurpose, repurposing, or remanufacturing, of batteries,</u> making them available or placing them on the market, <u>including on-line placing on the market,</u> or putting them into service in accordance with the present <u>this</u> Regulation;</p>	<p>(19) ‘economic operator’ means the manufacturer, the authorised representative, the importer, the distributor or the fulfilment service provider or any other natural or legal person who is subject to obligations in relation to manufacturing batteries, preparing batteries for reuse, preparing batteries for repurpose, repurposing, or remanufacturing, of batteries, making them available or placing them on the market, including on-line placing on the market, or putting them into service in accordance with this Regulation;</p> <p>Agreed in trilogue</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 2, first paragraph, point (20)				
154	(20) 'independent operator' means a natural or legal person, other than an authorised dealer or repairer or remanufacturer, who is independent from the manufacturer and the producer and is directly or indirectly involved in the repair, maintenance or repurposing of batteries, and include waste management operators, repairers, manufacturers or distributors of repair equipment, tools or spare parts, as well as publishers of technical information, operators offering inspection and testing services, operators offering training for installers, manufacturers and repairers of equipment for alternative-fuel vehicles;		(20) 'independent operator' means a natural or legal person, other than an authorised dealer or repairer or remanufacturer, who is independent from the manufacturer and the producer and is directly or indirectly involved in the repair, maintenance or repurposing of batteries, and include waste management operators, repairers, manufacturers or distributors of repair equipment, tools or spare parts, as well as publishers of technical information, operators offering inspection and testing services, operators offering training for installers, manufacturers and repairers of equipment for alternative-fuel vehicles;	(20) 'independent operator' means a natural or legal person who is independent from the manufacturer and the producer and is directly or indirectly involved in the repair, maintenance or repurposing of batteries, and include waste management operators, repairers, manufacturers or distributors of repair equipment, tools or spare parts, as well as publishers of technical information, operators offering inspection and testing services, operators offering training for installers, manufacturers and repairers of equipment for alternative-fuel vehicles; Agreed in trilogue
Article 2, first paragraph, point (22)				
156	(22) 'battery management system' means an electronic device that controls or manages the electric	(22) 'battery management system' means an electronic device that controls or manages	(22) 'battery management system' means an electronic device that controls or manages the electric	(22) 'battery management system' means an electronic device that controls or manages the electric

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	and thermal functions of the battery, that manages and stores the data on the parameters for determining the state of health and expected lifetime of batteries laid down in Annex VII and that communicates with the vehicle or appliance in which the battery is incorporated;	the electric and thermal functions of the battery <u>in order to influence the battery's safety, performance and service life</u> , that manages and stores the data on the parameters for determining the state of health and expected lifetime of batteries laid down in Annex VII and that communicates with the vehicle or appliance in which the battery is incorporated;	and thermal functions of the battery, that manages and stores the data on the parameters for determining the state of health and expected lifetime of batteries laid down in Annex VII and that communicates with the vehicle, <u>light mean of transport</u> or appliance in which the battery is incorporated, <u>or with a public or private charging infrastructure</u> ;	and thermal functions of the battery <u>in order to ensure the battery's safety, performance and service life</u> , that manages and stores the data on the parameters for determining the state of health and expected lifetime of batteries laid down in Annex VII and that communicates with the vehicle, light mean of transport or appliance in which the battery is incorporated, or with a public or private charging infrastructure; Agreed in trilogue
Article 2, first paragraph, point (25)				
159	(25) 'state of health' means a measure of the general condition of a rechargeable battery and its ability to deliver the specified performance compared with its initial condition;		(25) 'state of health' means a measure of the general condition of a rechargeable battery and its ability to deliver the specified performance compared with its initial condition;	(25) 'state of health' means a measure of the general condition of a rechargeable battery and its ability to deliver the specified performance compared with its initial condition; Agreed in trilogue

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 2, first paragraph, point (25a)				
159a			<u>(25a) 'preparing for repurpose' means any operation, by which parts of or a complete waste battery is prepared so that it can be used for a different purpose or application than the one that it was originally designed for;</u>	(25a) 'preparing for repurpose' means any operation, by which parts of or a complete waste battery is prepared so that it can be used for a different purpose or application than the one that it was originally designed for; Agreed in trilogue
Article 2, first paragraph, point (26)				
160	(26) 'repurposing' means any operation that results in parts or the complete battery being used for a different purpose or application than the one that the battery was originally designed for;		(26) 'repurposing' means any operation that results in parts or the complete battery <u>that is not a waste battery</u> , being used for a different purpose or application than the one that the battery was originally designed for;	(26) 'repurposing' means any operation that results in parts or the complete battery that is not a waste battery, being used for a different purpose or application than the one that the battery was originally designed for; Agreed in trilogue
Article 2, first paragraph, point (26a)				
160a		<u>(26a) 'preparing for repurposing' means any operation by which parts of or a complete waste</u>		<u>Deleted</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p><u><i>battery is prepared so that it can be used for a purpose or application different from that which the battery was originally designed for;</i></u></p>		<p>Row 159a covers the issue</p>
Article 2, first paragraph, point (26b)				
160b		<p><u><i>(26b) ‘remanufacturing’ means any operation of disassembly, restoring, replacing components of used battery packs, battery modules and/or battery cells to return a battery to a level of performance and quality equivalent to that of the original battery, for the original or a different purpose;</i></u></p>	<p><u><i>(26a) ‘remanufacturing’ means any technical operation on a used battery that includes the disassembly and evaluation of all its battery modules and cells and the use of a certain amount of battery cells and modules, new, used or recovered from waste, or other battery components, to restore the battery capacity to at least 90% of the original rated battery capacity, and where the state of health of all individual battery cells is homogeneous, not differing more than 3% from one another, and results in the battery being used for the same purpose or application than the one for which the battery was originally designed;</i></u></p>	<p>(26a) ‘remanufacturing’ means any technical operation on a used battery that includes the disassembly and evaluation of all its battery modules and cells and the use of a certain amount of battery cells and modules, new, used or recovered from waste, or other battery components, to restore the battery capacity to at least 90% of the original rated battery capacity, and where the state of health of all individual battery cells is homogeneous, not differing more than 3% from one another, and results in the battery being used for the same purpose or application than the one for which the battery was originally designed;</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 2, first paragraph, point (27)				
161	(27) 'manufacturer' means any natural or legal person who manufactures a battery or has a battery designed or manufactured, and markets that battery under its own name or trademark;		(27) 'manufacturer' means any natural or legal person who manufactures a battery or has a battery designed or manufactured, and markets that battery under its own name or trademark <u>or puts it into service for its own purposes</u> ;	(27) 'manufacturer' means any natural or legal person who manufactures a battery or has a battery designed or manufactured, and markets that battery under its own name or trademark or puts it into service for its own purposes; Agreed in trilogue
Article 2, first paragraph, point (34a)				
	(34) 'conformity assessment body' means a body that performs conformity assessment activities including calibration, testing, certification and inspection;		(34) 'conformity assessment body' means a body that performs conformity assessment activities including calibration, testing, certification and inspection;	(34) 'conformity assessment body' means a body that performs conformity assessment activities including calibration, testing, certification and inspection; Agreed in trilogue
Article 2, first paragraph, point (34a)				
168a			<u>(34a) 'third-party verification body' means a body that performs verification of supply</u>	(34a) 'third-party verification body' means a body that performs verification of supply chain due

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<u>chain due diligence policies;</u>	diligence policies;
Article 2, first paragraph, point (36)				
170	(36) 'supply chain due diligence' means the obligations of the economic operator which places a rechargeable industrial battery or an electric-vehicle battery on the market, in relation to its management system, risk management, third party verifications by notified bodies and disclosure of information with a view to identifying and addressing actual and potential risks linked to the sourcing, processing and trading of the raw materials required for battery manufacturing;	(36) ' supply <u>battery value</u> chain due diligence' means the obligations of the economic operator which places a rechargeable industrial battery or an electric-vehicle battery on the market <u>battery on the market, with regard to social and environmental risk categories</u> , in relation to its management system, risk management, third party verifications—by notified bodies and disclosure of information with a view to identifying, <u>preventing</u> and addressing actual and potential risks linked to the sourcing, processing and trading of the raw materials, <u>chemicals and secondary raw materials</u> required for battery manufacturing <u>and waste battery treatment, linked to its manufacturing operations and linked to related other</u>	(36) 'supply chain due diligence' means the obligations of the economic operator which places a rechargeable industrial battery or an electric-vehicle battery on the market , in relation to its management system, risk management, third party verifications— <u>and surveillance</u> by notified bodies and disclosure of information with a view to identifying and addressing actual and potential risks linked to the sourcing, processing and trading of the raw materials required for battery manufacturing;	(36) ' supply chain <u>battery</u> due diligence—' means the obligations of the economic operator, in relation to its management system, risk management, third party verifications and surveillance by notified bodies and disclosure of information with a view to identifying, <u>preventing</u> and addressing actual and potential risks linked to the sourcing, processing and trading of the raw materials <u>and secondary raw materials</u> required for battery manufacturing <u>including suppliers in the chain and their subsidiaries or subcontractors that perform such activities;</u> Amendments introduced here and in recital 63 in row 73 mean dropping definition of 'business relationship' in row 170a

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<u>business relationships</u> ;		
Article 2, first paragraph, point (36a)				
170a		<u>(36a) 'business relationships' means the relationships between an undertaking and its subsidiaries and the commercial relationships of an undertaking throughout its value chain, including suppliers and subcontractors, and which are directly linked to the undertaking's business operations, products or services</u>		<u>Deleted</u> Recital 63 in row 73 and definition of 'battery due diligence' in row 170 integrate suppliers in the chain and their subsidiaries or subcontractors, hence this paragraph is dropped
Article 2, first paragraph, point (36b)				
170b		<u>(36b) 'high-risk areas' means areas in which there is weak or non-existent governance and security, such as failed states, or areas where there are widespread and systematic violations of international law, including human rights abuses;</u>		<u>(36a) 'conflict-affected and high-risk areas' means areas in a state of armed conflict or fragile post-conflict as well as areas witnessing weak or non-existent governance and security, such as failed states, and widespread and systematic violations of international law, including human rights abuses;</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
				Aligned with definition from the Conflict minerals regulation
Article 2, first paragraph, point (37)				
171	(37) ‘producer’ means any manufacturer, importer or distributor who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU, supplies a battery for the first time for distribution or use, including when incorporated into appliances or vehicles, within the territory of a Member State on a professional basis;		(37) ‘producer’ means any manufacturer, importer or distributor <u>or other natural or legal person</u> who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU, supplies a battery for the first time for distribution or use, including when incorporated into appliances or vehicles, within the territory of a Member State on a professional basis; <u>alternatively:</u>	(37) ‘producer’ means any manufacturer, importer or distributor or other natural or legal person who, irrespective of the selling technique used, including by means of distance contracts as defined in Article 2(7) of Directive 2011/83/EU, alternatively: To be discussed with obligations of producers
Article 2, first paragraph, point (37)(i)				
171a			<u>(i) is established in a Member State and manufactures batteries under its own name or trademark, or has batteries designed or manufactured and supplies them for the first time under its own name or trademark, including</u>	(i) is established in a Member State and manufactures batteries under its own name or trademark, or has batteries designed or manufactured and supplies them for the first time under its own name or trademark, including

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			<u>those incorporated in appliances, light means of transport or vehicles, within the territory of that Member State;</u>	those incorporated in appliances, light means of transport or vehicles, within the territory of that Member State;
Article 2, first paragraph, point (37)(ii)				
171b			<u>(ii) is established in a Member State and resells within the territory of that Member State, under its own name or trademark, batteries, including those incorporated in appliances, light means of transport or vehicles, manufactured by others. A reseller is not regarded as the 'producer' if the brand of the manufacturer appears on the batteries, as provided for in point (i);</u>	(ii) is established in a Member State and resells within the territory of that Member State, under its own name or trademark, batteries, including those incorporated in appliances, light means of transport or vehicles, manufactured by others. A reseller is not regarded as the 'producer' if the brand of the manufacturer appears on the batteries, as provided for in point (i);
Article 2, first paragraph, point (37)(iii)				
171c			<u>(iii) is established in a Member State and supplies for the first time in this Member State on a professional basis, batteries, including those incorporated in appliances, light means of</u>	(iii) is established in a Member State and supplies for the first time in this Member State on a professional basis, batteries, including those incorporated in appliances, light means of

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<u>transport or vehicles, from a third country or from another Member State;</u>	transport or vehicles, from a third country or from another Member State
Article 2, first paragraph, point (37)(iv)				
171d			<u>(iv) sells batteries, including those incorporated in appliances, light means of transport or vehicles, by means of distance communication directly to end-users, that are either private households or other than private households, in a Member State, and is established in another Member State or in a third country.</u>	(iv) sells batteries, including those incorporated in appliances, light means of transport or vehicles, by means of distance communication directly to end-users, that are either private households or other than private households, in a Member State, and is established in another Member State or in a third country.
Article 2, first paragraph, point (37a)				
171e			<u>(37a) 'authorised representative for the EPR' means a legal or natural person established in Member State where the producer places batteries on the market and is different from the Member State where the producer is established, and is appointed by the producer in</u>	(37a) 'authorised representative for the EPR' means a legal or natural person established in Member State where the producer places batteries on the market and is different from the Member State where the producer is established, and is appointed by the producer in accordance with

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<u>accordance with third subparagraph of Article 8a(5) of Directive 2008/98/EU for fulfilling the obligations of that producer under Chapter VII of this Regulation;</u>	third subparagraph of Article 8a(5) of Directive 2008/98/EU for fulfilling the obligations of that producer under Chapter VII of this Regulation;
Article 2, first paragraph, point (38)				
172	(38) ‘producer responsibility organisation’ means a legal entity that financially or operationally organises the fulfilment of extended producer responsibility obligations on behalf of several producers;	(38) ‘producer responsibility organisation’ means a legal entity that financially or <u>financially and</u> operationally organises the fulfilment of extended producer responsibility obligations on behalf of several producers;	(38) ‘producer responsibility organisation’ means a legal entity that financially or <u>financially and</u> operationally organises the fulfilment of extended producer responsibility obligations on behalf of several producers;	(38) ‘producer responsibility organisation’ means a legal entity that financially or financially and operationally organises the fulfilment of extended producer responsibility obligations on behalf of several producers; Agreed in trilogue
Article 2, first paragraph, point (39)				
173	(39) ‘waste battery’ means any battery which is waste within the meaning of Article 3(1) of Directive 2008/98/EC;	(39) ‘waste battery’ means any battery which is <u>or battery cell covered by the definition of</u> waste within the meaning of Article 3(1) of Directive 2008/98/EC;	(39) ‘waste battery’ means any battery which is waste within the meaning of Article 3(1) of Directive 2008/98/EC;	(39) ‘waste battery’ means any battery which is waste within the meaning of Article 3(1) of Directive 2008/98/EC; provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 2, first paragraph, point (39)				
174	(40) 'reuse' means the complete or partial direct re-use of the battery for the original purpose the battery was designed for;	(40) <u> </u> 'reuse' means the complete or partial direct re-use of the battery <u>that is not waste</u> for the original <u>same</u> purpose the battery was designed for;	deleted	deleted Ref. to WFD - cf. r. 195 Agreed in trilogue
Article 2, first paragraph, point (42)				
180	(42) 'treatment' means any activity carried out on waste batteries after they have been handed over to a facility for sorting or preparation for recycling;		(42) 'treatment' means any activity carried out on waste batteries after they have been handed over to a facility for sorting, <u>preparing for re-use</u> , <u>preparing for repurpose</u> or preparation for recycling;	(42) 'treatment' means any activity carried out on waste batteries after they have been handed over to a facility for sorting, <u>preparing for re-use</u> , <u>preparing for repurpose</u> or preparation for recycling; This definition is work in progress, a different compromise text was tested with the WPE, but needs further work to address comments received. Change to this definition might have implications for phrasing of other paragraphs in the proposal. The Presidency works on the assumption that the definition will cover also recycling.

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 2, first paragraph, point (43)				
181	(43) 'voluntary collection points' means any non-profit, commercial or other economic undertaking or public body involved on their own initiative in the separate collection of waste portable batteries, by collecting the waste portable batteries it generates or which are generated by other end-users before they are picked up by waste management operators for subsequent treatment;		(43) 'voluntary collection points' means any non-profit, commercial or other economic undertaking or public body involved on their own initiative in the separate collection of waste portable batteries, by collecting the waste portable batteries it generates or which are generated by other end-users before they are <u>handed over to producers, to producer responsibility organisations or to picked up by</u> waste management operators for subsequent treatment;	(43) 'voluntary collection points' means any non-profit, commercial or other economic undertaking or public body involved on their own initiative in the separate collection of waste portable batteries, by collecting the waste portable batteries it generates or which are generated by other end-users before they are handed over to producers, to producer responsibility organisations or to waste management operators <u>for subsequent treatment;</u> Agreed in trilogue
Article 2, first paragraph, point (44)				
182	(44) 'waste management operator' means any natural or legal person dealing on a professional basis with the separate collection, sorting, or treatment of waste batteries;		(44) 'waste management operator' means any natural or legal person dealing on a professional basis with the separate collection, sorting, or treatment <u>or recycling</u> of waste batteries;	(44) 'waste management operator' means any natural or legal person dealing on a professional basis with the separate collection, sorting, or treatment or recycling of waste batteries;

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				provisionally agreed
Article 2, first paragraph, point (45)				
6	183 (45) 'permitted facility' means any facility that is permitted in accordance with Directive 2008/98/EC to carry out the treatment or recycling of waste batteries;		(45) 'permitted facility' means any facility that is permitted in accordance with Directive 2008/98/EC to carry out the treatment or recycling of waste batteries;	(45) 'permitted facility' means any facility that is permitted in accordance with Directive 2008/98/EC to carry out the treatment or recycling of waste batteries; provisionally agreed
Article 2, first paragraph, point (46)				
	184 (46) 'recycler' means any natural or legal person established in the Union who carries out recycling processes in a permitted facility;		(46) 'recycler' means any natural or legal person established in the Union who carries out recycling processes in a permitted facility;	(46) 'recycler' means any natural or legal person who carries out recycling in a permitted facility; Agreed in trilogue
Article 2, first paragraph, point (47)				
	185 (47) 'lifetime' of a battery means the period of time that starts when the battery is placed on the market, and ends when the battery becomes waste;		(47) 'lifetime' of a battery means the period of time that starts when the battery is placed on the market manufactured , and ends when the battery becomes waste;	(47) 'lifetime' of a battery means the period of time that starts when the battery is manufactured, and ends when the battery becomes waste;

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				Agreed in trilogue
Article 2, first paragraph, point (48)				
186	(48) 'level of recycling' means, for a given Member State in a given calendar year, the percentage obtained by dividing the weight of waste batteries that undergo treatment and recycling in accordance with Article 56 of this Regulation in that calendar year, by the weight of waste batteries collected in accordance with Articles 48 and 49 of this Regulation;		<u>deleted</u>	<u>deleted</u>
Article 2, first paragraph, point (49)				
187	(49) 'recycling process' means any recycling operation of waste batteries, excluding sorting or preparation for recycling, that may be carried out in a single or several permitted facilities;		<u>deleted</u>	<u>deleted</u>

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Article 2, first paragraph, point (50)				
188	(50) 'recycling efficiency' of a recycling process means the ratio obtained by dividing the mass of output fractions accounting for recycling by the mass of the waste batteries input fraction, expressed as a percentage;		(50) 'recycling efficiency' of a recycling process means the ratio obtained by dividing the mass of output fractions accounting for recycling by the mass of the <u>sorted</u> waste batteries input fraction, expressed as a percentage;	(50) 'recycling efficiency' of a recycling process means the ratio obtained by dividing the mass of output fractions accounting for recycling by the mass of the <i>sorted</i> waste batteries input fraction, expressed as a percentage;
Article 2, first paragraph, point (53)				
191	(53) 'authorised representative' means any natural or legal person established in the Union who has received a written mandate from a manufacturer to act on its behalf in relation to specified tasks with regard to the manufacturer's obligations under the requirements of this Regulation;		(53) 'authorised representative' means any natural or legal person established in the Union who has received a written mandate from a manufacturer to act on its behalf in relation to specified tasks with regard to the manufacturer's obligations under the requirements of <u>Chapter IV and VI</u> of this Regulation;	(53) 'authorised representative' means any natural or legal person established in the Union who has received a written mandate from a manufacturer to act on its behalf in relation to specified tasks with regard to the manufacturer's obligations under the requirements of Chapter IV and VI of this Regulation;
Article 2, first paragraph, point (54)				
192	(54) 'importer' means any natural or legal person established within the Union who places a battery from a third		(54) 'importer' means any natural or legal person established within the Union who places a battery from a third country on the Union	(54) 'importer' means any natural or legal person established within the Union who places a battery <u>on the market</u> from a third country

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	country on the Union market;		market;	on the market; Agreed in trilogue
Article 2, first paragraph, point (55)				
193	(55) 'distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a battery available on the market;		(55) 'distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a battery available on the market;	(55) 'distributor' means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes a battery available on the market; Agreed in trilogue
Article 2, first paragraph, point (56)				
194	(56) 'risk' means the combination of the probability of occurrence of harm and the severity of that harm limited to human health or safety of persons, to property or to the environment.		deleted	deleted
Article 2, second paragraph				
195	The definitions of 'waste', 'waste holder', 'waste management', 'collection', 'separate collection', 'prevention', 'preparing for re-		The definitions of 'waste', 'waste holder', 'waste management', ' prevention ', 'collection', 'separate collection', ' prevention extended	The definitions of 'waste', 'waste holder', 'waste management', 'prevention', 'collection', 'separate collection', 'extended producer

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	use', 'recovery' and 'recycling' laid down in Article 3 of Directive 2008/98/EC shall apply.		<u>producer responsibility scheme</u> , <u>'reuse'</u> , 'preparing for re-use', <u>'material</u> recovery' and 'recycling' laid down in Article 3 of Directive 2008/98/EC shall apply.	responsibility scheme', 'reuse', 'preparing for re-use', 'material recovery' and 'recycling' laid down in Article 3 of Directive 2008/98/EC shall apply. To be updated at the end
Chapter II				
215	Chapter II Sustainability and safety requirements		Chapter II Sustainability and safety requirements	Chapter II Sustainability and safety requirements Agreed in trilogue
Article 6				
216	Article 6 Restrictions of hazardous substances		Article 6 Restrictions of hazardous substances	Article 6 Restrictions of substances Agreed in trilogue
Article 6(1)				
217	1. In addition to the restrictions set out in Annex XVII of Regulation (EC) No 1907/2006,		1. In addition Without prejudice to the restrictions set out in Annex XVII of Regulation (EC) No	1. Without prejudice In addition to the restrictions set out in Annex XVII of Regulation (EC) No

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	batteries shall not contain hazardous substances for which Annex I contains a restriction unless they comply with the conditions of that restriction.		1907/2006 <u>and in Annex II of Directive 2000/53/EC</u> , batteries shall not contain hazardous substances for which Annex I contains a restriction unless they comply with the conditions of that restriction.	1907/2006 and in Annex II of Directive 2000/53/EC, batteries shall not contain substances for which Annex I contains a restriction unless they comply with the conditions of that restriction. Agreed in trilogue
Article 6(2)				
218	2. When there is an unacceptable risk to human health or the environment, arising from the use of a substance in the manufacture of batteries, or from a substance present in the batteries when they are placed on the market, or during their subsequent life cycle stages, including the waste phase, that needs to be addressed on a Union-wide basis, the Commission shall adopt a delegated act in accordance with the procedure referred to in Article 73 to amend the restrictions in Annex I, pursuant to the procedure laid down in		2. When there is <u>In case of</u> an unacceptable risk to human health or the environment, arising from the use of a substance in the manufacture of batteries, or from <u>the presence of</u> a substance present in the batteries when they are— placed on the market, or during their subsequent life cycle stages, including <u>during repurposing or during the treatment or recycling of</u> the waste phase, that <u>batteries, that is not adequately controlled and</u> needs to be addressed on a Union-wide basis, the Commission shall adopt a delegated act in accordance with the procedure	2. In case of an unacceptable risk to human health or the environment, arising from the use of a substance in the manufacture of batteries, or from the presence of a substance in the batteries when they are placed on the market, or during their subsequent life cycle stages, including during repurposing or during the treatment or recycling of waste batteries, that is not adequately controlled and needs to be addressed on a Union-wide basis, the Commission shall adopt a delegated act in accordance with the procedure referred to in Article 73 to amend the

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	Article 71.		<p>referred to in Article 73 to amend the restrictions in Annex I, pursuant to the procedure laid down in Article 71.</p> <p><u><i>This delegated act shall be adopted within three months following the receipt of the opinion of the Committee for Socio-economic Analysis of the European Chemical Agency (the "Agency") referred to in Article 71a. If the Committee for Socio-economic Analysis does not adopt an opinion by the deadline set in paragraph 2 of Article 71a, the Commission shall take into account the socio-economic impact of the restriction, including the availability of alternatives for the hazardous substance.</i></u></p>	<p>restrictions in Annex I, pursuant to the procedure laid down in Article 71.</p> <p><i>This delegated act shall be adopted within three months following the receipt of the opinion of the Committee for Socio-economic Analysis of the European Chemical Agency (the "Agency") referred to in Article 71a. If the Committee for Socio-economic Analysis does not adopt an opinion by the deadline set in paragraph 2 of Article 71a, the Commission shall take into account the socio-economic impact of the restriction, including the availability of alternatives for the hazardous substance.</i></p> <p>Last part of Council mandate moved to Art. 71</p> <p>Agreed in trilogue</p>
Article 6(2a)				
g	218a		<u><i>2a. Where the draft amendment of Annex I diverges from the</i></u>	g

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<u><i>original proposal of the restriction dossier, prepared pursuant to the procedure laid down in Article 71, 71a and 71b, or if it does not take the opinions from the Agency into account, the Commission shall annex a detailed explanation of the reasons for the differences.</i></u>	Agreed in trilogue Moved to row 824d
Article 6(3)				
219	3. In adopting a delegated act referred to in paragraph 2, the Commission shall take into account the socio-economic impact of the restriction, including the availability of alternatives for the hazardous substance.		<u><i>deleted</i></u>	<u><i>deleted</i></u> Agreed in trilogue
Article 6(3a)				
219a			<u><i>3a. When preparing a dossier for a restriction proposal which conforms to the requirements of Annex XV to Regulation (EC) No 1907/2006, the Agency referred to in Article 75 of Regulation (EC) No 1907/2006 or Member States</i></u>	Agreed in trilogue

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			<u>shall take into account any available information and refer to any relevant risk assessment submitted for the purposes of other Union legislation covering the life cycle of the substance used in the battery, including the waste phase. To this end other bodies established under Union law and carrying out a similar task shall provide information to the Agency or Member State concerned on request.</u>	Moved to row 823c
Article 6(4)				
220	4. Restrictions adopted pursuant to paragraph 2 shall not apply to the use of a substance in scientific research and development (of batteries) as defined in Article 3(23) of Regulation (EC) No 1907/2006.		4. Restrictions adopted pursuant to paragraph 2 shall not apply to the use of a substance in scientific research and development (of batteries) as defined in Article 3(23) of Regulation (EC) No 1907/2006.	4. Restrictions adopted pursuant to paragraph 2 shall not apply to the use of a substance in scientific research and development (of batteries) as defined in Article 3(23) of Regulation (EC) No 1907/2006. Agreed in trilogue

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Article 6(5)				
g	221			<p>5. If a restriction adopted pursuant to paragraph 2 shall not apply to product and process oriented research and development, as defined in Article 3(22) of Regulation (EC) No 1907/2006, this exemption, as well as the maximum quantity of the substance exempted, shall be specified in Annex I.</p> <p>Agreed in trilogue</p>
Article 6(5a)				
g	221a			<p><u>5a. Within 6 months of any amendment of Regulation (EC) No 1907/2006 or of the entry into force of future Union legislation concerning sustainability criteria for hazardous substances and chemicals, the Commission shall assess whether such amendment or that future Union legislation requires an amendment of this Article or of Annex I to this Regulation, or both, and adopt,</u></p> <p>Item moved to a recital 17a, row 27a (new EC proposal text) and also covered by Art 71 row 880a</p> <p>Agreed in trilogue</p>

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		<u>where appropriate, a delegated act in accordance with Article 73 of this Regulation to amend those provisions accordingly.</u>		
Article 6(5b)				
221b		<u>5b. By 31 December 2025, the Commission, assisted by the European Chemicals Agency, shall systematically review hazardous substances in batteries to identify potential risks to human health or the environment. This assessment shall take into account the extent to which the use of a hazardous substance is necessary for health, safety or is critical for the functioning of society as well as the availability of suitable alternatives from the standpoint of environment and health. To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking the appropriate measures, including the adoption of the delegated acts referred to</u>		<u>By 31 December 2027, the Commission, assisted by the European Chemicals Agency, shall prepare a report on substances of concern, meaning substances having adverse effect on human health or the environment or hampering recycling for safe and high quality secondary raw materials, contained in batteries or used in their manufacturing. The Commission shall submit the report to the European Parliament and to the Council detailing its findings and will consider the appropriate follow-up measures.</u> Complemented by the following addition at the end of recital 15a <u>With a view to further restriction</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<u>in the second paragraph.</u>		<u>of substances contained in batteries or used in their manufacturing, it is appropriate to carry out a mapping of substances of concern, defined in the Chemical Strategy for Sustainability³ as substances having a chronic effect for human health or the environment (such as substances in the Candidate list in REACH and in Annex VI to the CLP Regulation) but also those which hamper recycling for safe and high quality secondary raw materials, in the context of the substance evaluation planned in the REACH Evaluation Joint Action Plan⁴.</u> <u>3 COM(2020) 667 final</u> <u>4 REACH Evaluation Joint Action Plan</u>
Article 7				
222	Article 7 Carbon footprint of electric vehicle batteries and	Article 7 Carbon footprint of electric vehicle batteries, <u>light means of transport</u>	Article 7 Carbon footprint of electric vehicle batteries and <i>rechargeable</i>	Article 7 Carbon footprint of electric vehicle batteries, <u>light means of transport</u>



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	rechargeable industrial batteries	and rechargeable industrial batteries	industrial batteries	and <u>rechargeable</u> industrial batteries Council accepts LMT under condition of inclusion of "wheeled" in definition On request of the EC "rechargeable" systematically added throughout Art. 7 and 10
Article 7(1), first subparagraph, introductory part				
223	1. Electric vehicle batteries and rechargeable industrial batteries with internal storage and a capacity above 2 kWh shall be accompanied by technical documentation that includes, for each battery model and batch per manufacturing plant, a carbon footprint declaration drawn up in accordance with the delegated act referred to in the second subparagraph and containing, at least, the following information:	1. Electric vehicle batteries, <u>light means of transport batteries and industrial batteries</u> and rechargeable industrial batteries with internal storage and a capacity above 2 kWh shall be accompanied by technical documentation that includes, for each battery model and batch per manufacturing plant, a carbon footprint declaration drawn up in accordance with the delegated act referred to in the second subparagraph and containing, at least, the following information:	1. Electric vehicle batteries and rechargeable <u>For</u> industrial batteries with internal storage and a capacity above 2 kWh shall be accompanied by technical documentation that includes, for each battery model and batch per manufacturing plant, <u>except those with exclusively external storage, and electric vehicle batteries</u> a carbon footprint declaration <u>shall be</u> drawn up, <u>for each battery model per manufacturing plant,</u> -in accordance with the delegated act referred to in the second sub-	1. For <u>rechargeable</u> industrial batteries with a capacity above 2 kWh, except those with exclusively external storage, <u>LMT batteries</u> and electric vehicle batteries a carbon footprint declaration shall be drawn up, for each battery model per manufacturing plant, in accordance with the delegated act referred to in the second subparagraph and containing, at least, the following information:

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			paragraph <u>subparagraph</u> and containing, at least, the following information:	
Article 7(1), first subparagraph, point (a)				
6	224	(a) administrative information about the producer;	(a) administrative information about the producer <u>manufacturer</u> ;	(a) administrative information about the manufacturer; provisionally agreed
Article 7(1), first subparagraph, point (b)				
6	225	(b) information about the battery for which the declaration applies;	(b) information about the battery <u>model</u> for which the declaration applies;	(b) information about the battery model for which the declaration applies; provisionally agreed
Article 7(1), first subparagraph, point (c)				
6	226	(c) information about the geographic location of the battery manufacturing facility;	(c) information about the geographic location of the battery manufacturing facility;	(c) information about the geographic location of the battery manufacturing facility;
Article 7(1), first subparagraph, point (ca)				
	226a		<u>(ca) information about the raw materials used, including the</u>	<u>Text moved to Annex XIII</u> EC to provide location proposal

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<u>share of renewable content;</u>		
Article 7(1), first subparagraph, point (d)				
227	(d) the total carbon footprint of the battery, calculated as kg of carbon dioxide equivalent;	(d) the total carbon footprint of the battery, calculated as kg of carbon dioxide equivalent <u>and the carbon footprint of the battery, calculated as kg of carbon dioxide equivalent per one kWh of the total energy provided over the expected service life by the battery system;</u>	(d) the total <u>life-cycle</u> carbon footprint of the battery, calculated as kg of carbon dioxide equivalent;	(d) the life-cycle carbon footprint of the battery, calculated as kg of carbon dioxide equivalent <u>per one kWh of the total energy provided by the battery over its expected service life;</u>
Article 7(1), first subparagraph, point (e)				
228	(e) the carbon footprint of the battery differentiated per life cycle stage as described in point 4 of Annex II;		(e) the carbon footprint of the battery differentiated per life cycle stage as described in point 4 of Annex II;	(e) the carbon footprint of the battery differentiated per life cycle stage as described in point 4 of Annex II; provisionally agreed
Article 7(1), first subparagraph, point (f)				
229	(f) the independent third party verification statement;		(f) <u>identification number of the EU declaration of conformity of the battery</u> the independent third	(f) identification number of the EU declaration of conformity of

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			party verification statement;	the battery; provisionally agreed
Article 7(1), first subparagraph, point (g)				
Y	230 (g) a web link to get access to a public version of the study supporting the carbon footprint declaration results.		(g) a web link to get access to a public version of the study supporting the carbon footprint <u>values referred to in points (d) and (e)</u> - declaration results.	(g) a web link to get access to a public version of the study supporting the carbon footprint values referred to in points (d) and (e). Y
Article 7(1), second subparagraph				
Y	231 The carbon footprint declaration requirement in the first subparagraph shall apply as of 1 July 2024 to electric vehicle batteries and to rechargeable industrial batteries.	The carbon footprint declaration requirement in the first subparagraph shall apply as of 1 July 2024 to electric vehicle batteries, <u>light means of transport batteries</u> and to rechargeable industrial batteries.	The carbon footprint declaration requirement in the first subparagraph shall apply as of: 1 July 2024 to electric vehicle batteries and to rechargeable industrial batteries.	The carbon footprint declaration shall apply as of: Y
Article 7(1), second subparagraph, point (a)				
Y	231a		<u>(a) 18 months after entry into force of the Regulation or 12 months after the entry into force either of the delegated act or of the implementing act respectively</u>	(a) 18 months after entry into force of the Regulation or 12 months after the entry into force either of the delegated act or of the implementing act respectively Y

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<u>referred to in points (a) and (b) of the third subparagraph, whichever is the latest, for electric vehicle batteries;</u>	referred to in points (a) and (b) of the third subparagraph, whichever is the latest, for electric vehicle batteries;
Article 7(1), second subparagraph, point (b)				
Y	231b		<u>(b) 42 months after entry into force of the Regulation or 18 months after the entry into force either of the delegated act or the implementing act respectively referred to in points (a) and (b) of the third subparagraph, whichever is the latest, for industrial batteries</u>	(b) 42 30 months after entry into force of the Regulation or 18 months after the entry into force either of the delegated act or the implementing act respectively referred to in points (a) and (b) of the third subparagraph, whichever is the latest, for <u>rechargeable</u> industrial batteries
Article 7(1), second subparagraph, point (c)				
Y	231c			<u>(c) 60 months after entry into force of the Regulation or 18 months after the entry into force either of the delegated act or of the implementing act respectively referred to in points (a) and (b) of the third subparagraph, whichever is the latest, for LMT batteries;</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 7(1), second subparagraph, point (d)				
Y	231d			<u>(d) 84 months after entry into force of the Regulation or 18 months after the entry into force either of the delegated act or of the implementing act respectively referred to in points (a) and (b) of the third subparagraph, whichever is the latest, for rechargeable industrial batteries with external storage;</u>
Article 7(1), third subparagraph				
Y	231e		<u>Until it becomes accessible via the QR code referred to in Article 13(5), the carbon footprint declaration shall accompany the battery.</u>	Until it becomes accessible via the QR code referred to in Article 13(5), the carbon footprint declaration shall accompany the battery.
Article 7(1), fourth subparagraph, introductory part				
Y	232	The Commission shall, no later than 1 July 2023, adopt:	The Commission shall, no later than 1 July <u>January</u> 2023, adopt:	The Commission shall, no later than 6 months after entry into force of the Regulation for electric vehicle batteries and 24 <u>18</u> months after entry into force of the Regulation for <u>rechargeable</u>

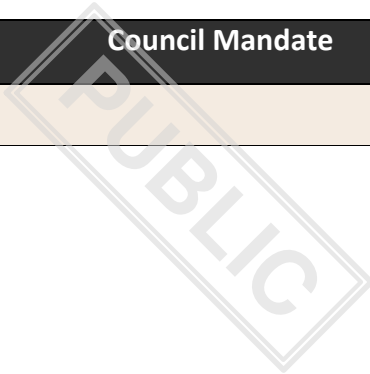
	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<u>batteries</u> , adopt:	industrial batteries, <u>except those with external storage, 42 months after entry into force of the Regulation for LMT batteries and 66 months for industrial batteries with external storage</u> , adopt:
Article 7(1), fourth subparagraph, point (a)				
233	(a) a delegated act in accordance with Article 73 to supplement this Regulation by establishing the methodology to calculate the total carbon footprint of the battery referred to in point (d), in accordance with the essential elements set out in Annex II;	(a) a delegated act in accordance with Article 73 to supplement this Regulation by establishing the methodology to calculate the total <u>for calculation and verification of the</u> carbon footprint of the battery referred to in point (d), in accordance with the essential elements set out in Annex II;	(a) a delegated act in accordance with Article 73 to supplement this Regulation by establishing the methodology to calculate the total <u>values of</u> carbon footprint of the battery referred to in point (d) <u>and (e) of the first sub-paragraph</u> , in accordance with the essential elements set out in <u>points 1 to 7 of</u> Annex II;	(a) a delegated act in accordance with Article 73 to supplement this Regulation by establishing the methodology to calculate the values of <u>for calculation and verification of the</u> carbon footprint of the battery referred to in point (d) and (e) of the first sub-paragraph , in accordance with the essential elements set out in points 1 to 7 of Annex II; provisionally agreed
Article 7(1), fourth subparagraph, point (b)				
234	(b) an implementing act establishing the format for the carbon footprint declaration referred to in the first		(b) an implementing act establishing the format for the carbon footprint declaration referred to in the first	(b) an implementing act establishing the format for the carbon footprint declaration referred to in the first

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).		subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).	subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).
Article 7(1), fifth subparagraph				
Y	235 The Commission shall be empowered to adopt delegated acts in accordance with Article 73 to amend the information requirements set out in the first subparagraph.	The Commission shall be empowered to adopt delegated acts in accordance with Article 73 to amend the information requirements set out in the first subparagraph <u>in view of scientific and technical progress</u>	<u>deleted</u>	<u>deleted</u>
Article 7(2), first subparagraph				
Y	236 2. Electric vehicle batteries and rechargeable industrial batteries with internal storage and a capacity above 2 kWh shall bear a conspicuous, clearly legible and indelible label indicating the carbon footprint performance class that the individual battery corresponds to.	2. Electric vehicle batteries and rechargeable industrial batteries with internal storage and a capacity above 2 kWh , <u>light means of transport batteries and industrial batteries</u> shall bear a conspicuous, clearly legible and indelible label indicating <u>the carbon footprint of the battery referred to in point (d) of paragraph 1 and</u> the carbon	2. Electric vehicle <u>Industrial</u> batteries and rechargeable industrial batteries with internal storage and a capacity above 2 kWh , <u>except those with exclusively external storage, and electric vehicle batteries and a capacity above 2 kWh</u> shall bear a conspicuous, clearly legible and indelible label indicating the carbon footprint performance	2. Rechargeable Industrial batteries with a capacity above 2 kWh, except those with exclusively external storage , <u>LMT batteries</u> and electric vehicle batteries shall bear a conspicuous, clearly legible and indelible label indicating the carbon footprint <u>of the battery referred to in point (d) of paragraph 1 and the carbon footprint</u> performance class that

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		footprint performance class that the individual battery corresponds to.	class that the individual <u>relevant</u> battery <u>model per manufacturing plant</u> corresponds to.	the relevant battery model per manufacturing plant corresponds to.
Article 7(2), second subparagraph				
237	In addition to the information set out in paragraph 1, the technical documentation shall demonstrate that the carbon footprint declared and the related classification into a carbon footprint performance class have been calculated in accordance with the methodology set out in the delegated act adopted by the Commission pursuant to the fourth subparagraph.		In addition to the information set out in paragraph 1 <u>For batteries referred to in first subparagraph,</u> the technical documentation <u>referred to in Annex VIII</u> shall demonstrate that the carbon footprint declared and the related classification into a carbon footprint performance class have been calculated in accordance with the methodology set out in the delegated act <u>acts</u> adopted by the Commission pursuant to the <u>point (a) of third subparagraph of paragraph 1 and point (a) of third fourth</u> subparagraph.	For batteries referred to in first subparagraph, the technical documentation referred to in Annex VIII shall demonstrate that the carbon footprint declared and the related classification into a carbon footprint performance class have been calculated in accordance with the methodology set out in the delegated acts adopted by the Commission pursuant to the point (a) of third subparagraph of paragraph 1 and point (a) of third subparagraph.
Article 7(2), third subparagraph				
238	The carbon footprint performance class requirements in the first subparagraph shall apply as of 1 January 2026 for	The carbon footprint performance class requirements in the first subparagraph shall apply as of 1 January 2026 <u>July 2025</u> for electric	The carbon footprint performance class requirements in the first subparagraph shall apply as of 1 January 2026 <u>for electric vehicle</u>	The carbon footprint performance class requirements in the first subparagraph shall apply as of:

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	electric vehicle batteries and for rechargeable industrial batteries.	vehicle batteries, <u>light means of transport batteries</u> and for rechargeable industrial batteries.	batteries and for rechargeable industrial batteries.:	
Article 7(2), third subparagraph, point (a)				
Y	238a		<u>(a) 36 months after entry into force of the Regulation or 18 months after the entry into force either of the delegated act or of the implementing act respectively referred to in points (a) and (b) of the third subparagraph, whichever is the latest, for electric vehicle batteries;</u>	(a) 36 months after entry into force of the Regulation or 18 months after the entry into force either of the delegated act or of the implementing act respectively referred to in points (a) and (b) of the third subparagraph, whichever is the latest, for electric vehicle batteries;
Article 7(2), third subparagraph, point (b)				
R	238b		<u>(b) 60 months after entry into force of the Regulation or 18 months after the entry into force either of the delegated act or of the implementing act respectively referred to in points (a) and (b) of the third subparagraph, whichever is the latest, for industrial batteries.</u>	(b) 60 48 months after entry into force of the Regulation or 18 months after the entry into force either of the delegated act or of the implementing act respectively referred to in points (a) and (b) of the third subparagraph, whichever is the latest, for <u>rechargeable</u> industrial batteries.;

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 7(2), third subparagraph, point (c)				
Y	238c			<u>(c) 78 months after entry into force of the Regulation or 18 months after the entry into force either of the delegated act or of the implementing act respectively referred to in points (a) and (b) of the third subparagraph, whichever is the latest, for LMT batteries;</u>
Article 7(2), third subparagraph, point (d)				
R	238d			<u>(d) 102 months after entry into force of the Regulation or 18 months after the entry into force either of the delegated act or of the implementing act respectively referred to in points (a) and (b) of the third subparagraph, whichever is the latest, for rechargeable industrial batteries with external storage.</u>
Article 7(2), fourth subparagraph, introductory part				
R	239	The Commission shall, no later than 31 December 2024, adopt	The Commission shall, no later than 31-December <u>1 January</u> 2024,	The Commission shall, no later than 18 months after entry into



	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		adopt:	<u>after entry into force of the Regulation for electric vehicle batteries and 42 months after entry into force of the Regulation for industrial batteries,</u> adopt:	force of the Regulation for electric vehicle batteries and <u>42 36</u> months after entry into force of the Regulation for industrial batteries, <u>60 months after entry into force of the Regulation for LMT batteries and [84 months] after entry into force of the regulation for rechargeable industrial batteries with external storage,</u> adopt:
Article 7(2), fourth subparagraph, point (a)				
240	(a) a delegated act in accordance with Article 73 to supplement this Regulation by establishing the carbon footprint performance classes referred to in the first subparagraph. In preparing that delegated act, the Commission shall take into account the relevant essential elements set out in Annex II;		(a) a delegated act in accordance with Article 73 to supplement this Regulation by establishing the carbon footprint performance classes referred to in the first subparagraph. In preparing that delegated act, the Commission shall take into account the relevant essential elements <u>conditions</u> set out in <u>point 8 of</u> Annex II;	(a) a delegated act in accordance with Article 73 to supplement this Regulation by establishing the carbon footprint performance classes referred to in the first subparagraph. In preparing that delegated act, the Commission shall take into account the conditions set out in point 8 of Annex II;

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 7(2), fourth subparagraph, point (b)				
241	(b) an implementing act establishing the formats for the labelling referred to in the first subparagraph and the format for the declaration on the carbon footprint performance class referred to in the second subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).		(b) an implementing act establishing the formats for the labelling referred to in the first subparagraph and the format for the declaration on the carbon footprint performance class referred to in the second subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).	(b) an implementing act establishing the formats for the labelling referred to in the first subparagraph and the format for the declaration on the carbon footprint performance class referred to in the second subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).
Article 7(2), fifth subparagraph				
241a			<u><i>The Commission shall, in accordance with the conditions set out in point 8 of Annex II, review the number of performance classes and the thresholds between them every three years and, where appropriate, adopt delegated acts in accordance with Article 73 to amend them in a view of keeping them representative of the market reality and its expected</i></u>	The Commission shall, in accordance with the conditions set out in point 8 of Annex II, review the number of performance classes and the thresholds between them every three years and, where appropriate, adopt delegated acts in accordance with Article 73 to amend them in a view of keeping them representative of the market reality and its expected

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<u>development.</u>	development.
Article 7(3), first subparagraph				
242	3. Electric vehicle batteries and rechargeable industrial batteries with internal storage and a capacity above 2 kWh shall, for each battery model and batch per manufacturing plant, be accompanied by technical documentation demonstrating that the declared life cycle carbon footprint value, is below the maximum threshold established in the delegated act adopted by the Commission pursuant to the third subparagraph.	3. Electric vehicle batteries, <u>light means of transport and rechargeable industrial batteries with internal storage and a capacity and industrial batteries with nominal energy</u> above 2 kWh shall, for each battery model and batch per manufacturing plant, be accompanied by technical documentation demonstrating that the declared life cycle carbon footprint value , is below the maximum threshold established in the delegated act adopted by the Commission pursuant to the third subparagraph.	3. Electric vehicle batteries and rechargeable <u>For</u> industrial batteries with internal storage and a capacity above 2 kWh shall, for each battery model and batch per manufacturing plant, be accompanied by, except those with exclusively external storage, and electric vehicle batteries, the technical documentation referred to in Annex VIII shall demonstrate demonstrating that the declared life cycle carbon footprint value <u>for the relevant battery model per manufacturing plant</u> , is below the maximum threshold established in the delegated act adopted by the Commission pursuant to the third subparagraph.	3. -For <u>rechargeable</u> industrial batteries with a capacity above 2 kWh, except those with exclusively external storage, LMT batteries and electric vehicle batteries, the technical documentation referred to in Annex VIII shall demonstrate that the declared life cycle carbon footprint value for the relevant battery model per manufacturing plant, is below the maximum threshold established in the delegated act adopted by the Commission pursuant to the third subparagraph.
Article 7(3), second subparagraph, introductory part				
243	The requirement for a maximum life cycle carbon footprint threshold in the first	The requirement for a maximum life cycle carbon footprint threshold in the first subparagraph	The <u>This</u> requirement for a maximum life cycle carbon footprint threshold in the first	This requirement for a maximum life cycle carbon footprint threshold in the first subparagraph

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	subparagraph shall apply as of 1 July 2027 for electric vehicle batteries and for rechargeable industrial batteries.	shall apply as of 1 July <u>January</u> 2027 for electric vehicle batteries, <u>light means of transport batteries</u> and for rechargeable -industrial batteries <u>with nominal energy above 2 Kwh</u> .	subparagraph shall apply as of 1 July 2027 for electric vehicle batteries and for rechargeable industrial batteries :	shall apply as of:
Article 7(3), second subparagraph, point (a)				
Y	243a		<u>(a) 54 months after entry into force of the Regulation or 18 months after entry into force either of the delegated act or of the implementing act respectively referred to in points (a) and (b) of the third subparagraph, whichever is the latest, for electric vehicle batteries;</u>	(a) 54 months after entry into force of the Regulation or 18 months after entry into force either of the delegated act or of the implementing act respectively referred to in points (a) and (b) of the third subparagraph, whichever is the latest, for electric vehicle batteries;
Article 7(3), second subparagraph, point (b)				
R	243b		<u>(b) 78 months after entry into force of the Regulation or 18 months after entry into force either of the delegated act or of the implementing act respectively referred to in points (a) and (b) of the third subparagraph, whichever is the latest, for</u>	(b) 78 <u>66</u> months after entry into force of the Regulation or 18 months after entry into force either of the delegated act or of the implementing act respectively referred to in points (a) and (b) of the third subparagraph, whichever is the latest, for <u>rechargeable</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<u>industrial batteries.</u>	industrial batteries.
Article 7(3), second subparagraph, point (c)				
Y	243c			<u>(c) 96 months after entry into force of the Regulation or 18 months after entry into force either of the delegated act or of the implementing act respectively referred to in points (a) and (b) of the third subparagraph, whichever is the latest, for LMT batteries;</u>
Article 7(3), second subparagraph, point (d)				
R	243d			<u>(d) 120 months after entry into force of the Regulation or 18 months after entry into force either of the delegated act or of the implementing act respectively referred to in points (a) and (b) of the third subparagraph, whichever is the latest, for rechargeable industrial batteries with external storage</u>
Article 7(3), third subparagraph				

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244	The Commission shall, no later than 1 July 2026, adopt a delegated act in accordance with Article 73 to supplement this Regulation by determining the maximum life cycle carbon footprint threshold referred to in the first subparagraph. In preparing that delegated act, the Commission shall take into account the relevant essential elements set out in Annex II.	The Commission shall, no later than 1 July 2026 2025, adopt a delegated act in accordance with Article 73 to supplement this Regulation by determining the maximum life cycle carbon footprint threshold referred to in the first subparagraph. In preparing that delegated act, the Commission shall take into account the relevant essential elements set out in Annex II.	The Commission shall, no later than <u>36 months after entry into force of the Regulation for electric vehicle batteries and 60 months after entry into force of the Regulation for industrial batteries</u> 1 July 2026 , adopt a delegated act in accordance with Article 73 to supplement this Regulation by determining the maximum life cycle carbon footprint threshold referred to in the first subparagraph. In preparing that delegated act, the Commission shall take into account the relevant essential elements <u>conditions</u> set out in <u>point 9 of</u> Annex II.	The Commission shall, no later than 36 months after entry into force of the Regulation for electric vehicle batteries and 60 <u>54</u> months after entry into force of the Regulation for <u>rechargeable industrial batteries, except those with external storage, 78 months after entry into force of the Regulation for LMT batteries and 102 months after entry into force of the Regulation for industrial batteries with external storage,</u> adopt a delegated act in accordance with Article 73 to supplement this Regulation by determining the maximum life cycle carbon footprint threshold referred to in the first subparagraph. In preparing that delegated act, the Commission shall take into account the relevant essential elements <u>conditions</u> set out in point 9 of Annex II.
Article 7(3), fourth subparagraph				
245	The introduction of a maximum life cycle carbon footprint	<u>The Commission shall be empowered to adopt delegated</u>	The introduction of a maximum life cycle carbon footprint	The introduction of a maximum life cycle carbon footprint

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	threshold shall trigger, if necessary, a reclassification of the carbon footprint performance classes of the batteries referred to in paragraph 2.	<u>acts in accordance with Article 73 to amend the maximum life cycle carbon footprint threshold referred to in the first subparagraph based on the latest available data reported in accordance with paragraph 1.</u> The introduction of a maximum life cycle carbon footprint threshold shall trigger, if necessary, a reclassification of the carbon footprint performance classes of the batteries referred to in paragraph 2.	threshold shall trigger, if necessary, a reclassification of the carbon footprint performance classes of the batteries referred to in paragraph 2.	threshold shall trigger, if necessary, a reclassification of the carbon footprint performance classes of the batteries referred to in paragraph 2 EP amendment reflected in row 241a
Article 7(3a)				
R	245a	<u>3a. By 31 December 2025, the Commission shall assess the feasibility of extending the requirements in this article to portable batteries, and the requirement referred to in paragraph 3 to industrial batteries with nominal energy below 2kWh. To that end, the Commission shall submit a report to the European Parliament and the Council and consider taking</u>		<u>3a. By 31 December 2028, the Commission shall assess the feasibility of extending the requirements in this article to portable batteries, and the requirement referred to in paragraph 3 to rechargeable industrial batteries with nominal energy below 2kWh. To that end, the Commission shall submit a report to the European Parliament and the Council and</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<u>the appropriate measures, including the adoption of legislative proposals.</u>		<u>consider taking the appropriate measures, including the adoption of legislative proposals.</u>
Article 7(3a)				
Y	245b		<u>3a. The requirements laid down in paragraphs 1, 2 and 3 shall not apply to a battery that has been subject to preparing for re-use, preparing for repurpose or repurposing, or remanufacturing, if the battery had already been placed on the market or put into service before undergoing such operations.</u>	3a. The requirements laid down in paragraphs 1, 2 and 3 shall not apply to a battery that has been subject to preparing for re-use, preparing for repurpose or repurposing, or remanufacturing, if the battery had already been placed on the market or put into service before undergoing such operations.
Article 8				
R	246	Article 8 Recycled content in industrial batteries, electric vehicle batteries and automotive batteries	Article 8 Recycled content in <u>portable batteries, light means of transport batteries</u> , industrial batteries, electric vehicle batteries and automotive batteries	Article 8 Recycled content in industrial batteries, electric vehicle batteries and automotive <u>SLI</u> batteries

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 8(1), introductory part				
247	<p>1. From 1 January 2027, industrial batteries, electric vehicle batteries and automotive batteries with internal storage and a capacity above 2 kWh that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by technical documentation containing information about the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model and batch per manufacturing plant.</p>	<p>1. From 1 January 2027, <u>July 2025,</u> portable industrial <u>portable</u> batteries, electric vehicle <u>with the exception of portable</u> batteries and automotive <u>of general use,</u> <u>light means of transport</u> batteries, <u>industrial batteries, electric vehicle batteries and automotive batteries</u> with internal storage and a capacity above 2 kWh that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by technical documentation containing information about the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model and batch per manufacturing plant.</p>	<p>1. From <u>either 60 months after entry into force of the Regulation or 24 months after the entry into force of the delegated act referred to in second subparagraph, whichever is later</u> 1 January 2027, industrial batteries, electric vehicle batteries and automotive batteries with internal <u>with a capacity above 2 kWh, except those with exclusively external storage, electric vehicle batteries and SLI batteries</u> and a capacity above 2 kWh that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by technical documentation containing information about the amount of cobalt, lead <u>share of, respectively, cobalt,</u> lithium or nickel recovered from <u>manufacturing scrap or post-consumer</u> waste present in active materials, <u>and share of lead recovered from waste present in the battery, for</u> in each battery model and batch</p>	<p>1. From either 60 months after entry into force of the Regulation or 24 months after the entry into force of the delegated act referred to in second subparagraph, whichever is later, industrial batteries, with a capacity above 2 kWh, except those with exclusively external storage, electric vehicle batteries and SLI batteries that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by documentation containing information about the share of, respectively, cobalt, lithium or nickel recovered from manufacturing scrap or post-consumer waste present in active materials, and share of lead recovered from waste present in the battery, for each battery model per year and per manufacturing plant.</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<i>per year and</i> per manufacturing plant.	
Article 8(1), first paragraph				
248	<p>By 31 December 2025, the Commission shall adopt an implementing act laying down the methodology for the calculation and verification of the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in the batteries referred to in the first subparagraph and the format for the technical documentation. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).</p>	<p>By 31 December 2025,2023 the Commission shall adopt:</p> <p><u>(a) a delegated act in accordance with Article 73 to supplement this Regulation by an implementing act</u> laying down the methodology for the calculation and verification of the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in the batteries referred to in the first subparagraph.</p> <p><u>(b) an implementing act laying down and the format forand the technical documentation for the declaration on recovered materials.</u> That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).</p>	<p>By <u>36 months after entry into force of the Regulation 31 December 2025,</u> the Commission shall adopt <u>a delegated act in accordance with Article 73 to supplement this Regulation by establishing an implementing act laying down the methodology for the calculation and verification of the amount <u>share</u> of cobalt, lead, lithium or nickel recovered from waste present in active materials, <u>and share of lead recovered from waste present in battery,</u> in the batteries referred to in the first subparagraph, and the format for the technical documentation. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).</u></p>	<p>By 36 months after entry into force of the Regulation, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing the methodology for the calculation and verification of the share of cobalt, lithium or nickel recovered from waste present in active materials, and share of lead recovered from waste present in battery, in the batteries referred to in the first subparagraph, and the format for the documentation.</p> <p>provisionally agreed</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	Article 8(2), introductory part			
249	<p>2. From 1 January 2030, industrial batteries, electric vehicle batteries and automotive batteries with internal storage and a capacity above 2 kWh that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model and batch per manufacturing plant:</p>	<p>2. From 1 January 2030, industrial<u>portable</u> batteries, electric vehicle<u>with the exception of portable</u> batteries and automotive of general use, light means of transport batteries, <u>industrial batteries, electric vehicle batteries and automotive batteries</u> with internal storage and a capacity above 2 kWh that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model and batch per manufacturing plant:</p>	<p>2. From <u>96 months after entry into force of the Regulation, for industrial</u> 1 January 2030, industrial batteries, electric vehicle batteries and automotive batteries with internal storage and a capacity above 2 kWh, <u>except those with exclusively external storage, electric vehicle and SLI batteries</u> -that contain cobalt, lead, lithium or nickel in active materials, <u>the technical documentation referred to in Annex VIII shall demonstrate</u> shall be accompanied by technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, <u>respectively, cobalt,</u> lithium or nickel recovered from <u>manufacturing scrap or post-consumer</u> waste present in active materials, <u>and share of lead recovered from waste present in the battery, for</u> in each battery model and batch <u>per year and</u> per</p>	<p>2. From 96 months after entry into force of the Regulation <u>96 months after entry into force of the Regulation</u>, for industrial batteries with a capacity above 2 kWh, except those with exclusively external storage, electric vehicle and SLI batteries that contain cobalt, lead, lithium or nickel in active materials, the technical documentation referred to in Annex VIII shall demonstrate that those batteries contain the following minimum share of, respectively, cobalt, <u>lithium or nickel recovered from</u> manufacturing scrap or <u>post-consumer waste present in active materials, and share of lead recovered from waste present in the battery, for each battery model per year and</u> per manufacturing plant:</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			manufacturing plant:	
Article 8(2), point (a)				
250	(a) 12% cobalt;		(a) 12% cobalt;	(a) 12% cobalt;
Article 8(2), point (b)				
251	(b) 85% lead;		(b) 85% lead;	(b) 85% lead;
Article 8(2), point (c)				
252	(c) 4% lithium;		(c) 4% lithium;	(c) 4% lithium;
Article 8(2), point (d)				
253	(d) 4% nickel.		(d) 4% nickel.	(d) 4% nickel.
Article 8(3), introductory part				
254	3. From 1 January 2035, industrial batteries, electric vehicle batteries and automotive batteries with internal storage and a capacity above 2 kWh that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by a technical documentation demonstrating	3. From 1 January 2035, industrial <u>portable</u> batteries, electric vehicle <u>with the exception of portable</u> batteries and automotive of general use, light means of transport batteries, <u>industrial batteries, electric vehicle batteries and automotive batteries</u> with internal storage and	3. From <u>156 months after entry into force of the Regulation-1 January 2035</u> , industrial batteries, electric vehicle batteries and automotive batteries with internal storage and a capacity above 2 kWh <u>with a capacity above 2 kWh, except those with exclusively external storage,</u>	3. From 156 months after entry into force of the Regulation, industrial batteries, with a capacity above 2 kWh, except those with exclusively external storage, electric vehicle batteries, and SLI batteries that contain cobalt, lead, lithium or nickel in active materials, the technical

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model and batch per manufacturing plant:	a capacity above 2 kWh that contain cobalt, lead, lithium or nickel in active materials shall be accompanied by a technical documentation demonstrating that those batteries contain the following minimum share of cobalt, lead, lithium or nickel recovered from waste present in active materials in each battery model and batch per manufacturing plant:	<u>electric vehicle batteries and SLI batteries</u> that contain cobalt, lead, lithium or nickel in active materials, <u>the technical documentation referred to in Annex VIII shall demonstrate</u> shall be accompanied by a technical documentation demonstrating that those batteries contain the following minimum share of, <u>respectively</u> , cobalt, lead, lithium or nickel recovered from <u>manufacturing scrap or post-consumer</u> waste present in active materials, <u>and share of lead recovered from waste present in the battery, for</u> in each battery model and batch <u>per year and</u> per manufacturing plant:	documentation referred to in Annex VIII shall demonstrate that those batteries contain the following minimum share of, respectively, cobalt, lead, lithium or nickel recovered from <u>manufacturing scrap or</u> post-consumer waste present in active materials, and share of lead recovered from waste present in the battery, for each battery model per year and <u>per</u> manufacturing plant:
Article 8(3), point (a)				
255	(a) 20% cobalt;		(a) 20% cobalt;	(a) 20% cobalt;
Article 8(3), point (b)				
256	(b) 85 % lead;		(b) 85 % lead;	(b) 85 % lead;

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 8(3), point (c)				
257	(c) 10% lithium;		(c) 10% lithium;	(c) 10% lithium;
Article 8(3), point (d)				
258	(d) 12% nickel.		(d) 12% nickel.	(d) 12% nickel.
Article 8(3a)				
258a			<u>3a. The requirements laid down in paragraphs 1, 2 and 3 shall not apply to a battery that has been subject to preparing for re-use, preparing for repurpose or repurposing, or remanufacturing, if the battery had already been placed on the market or put into service before undergoing such operations.</u>	3a. The requirements laid down in paragraphs 1, 2 and 3 shall not apply to a battery that has been subject to preparing for re-use, preparing for repurpose or repurposing, or remanufacturing, if the battery had already been placed on the market or put into service before undergoing such operations.
Article 8(4)				
259	4. Where justified and appropriate due to the availability of cobalt, lead, lithium or nickel recovered from waste, or the lack thereof, the Commission shall be empowered to adopt, by 31	4. Where justified and appropriate <u>Following the establishment of the methodology referred to in paragraph 1 and no later than 31 December 2027, the Commission shall assess whether,</u>	4. Where justified and appropriate due to the availability of cobalt, lead, lithium or nickel recovered from waste, or the lack thereof, <u>or other considerable changes in battery technologies</u>	4. Where justified and appropriate <u>After the entry into force of the delegated act under paragraph 1, and no later than 31 December 2027 2028, the Commission shall assess whether,</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	<p>December 2027, a delegated act in accordance with Article 73, to amend the targets laid down in paragraphs 2 and 3.</p>	<p>due to the <u>existing and forecasted availability for 2030 and 2035</u> of cobalt, lead, lithium or nickel recovered from waste, or the lack thereof, <u>and in view of technical and scientific progress, it is appropriate to revise the targets laid down in paragraphs 2 and 3.</u></p> <p>The Commission shall be empowered to adopt, by 31 December 2027, a delegated act in accordance with Article 73 <u>also assess to what extent those targets are achieved through pre-consumption or post-consumption waste, and whether it is appropriate to limit the achievement of</u> to amend the targets laid down in paragraphs 2 and 3 <u>to only post-consumption waste. On the basis of the assessment, the Commission shall, where appropriate, submit a legislative proposal.</u></p>	<p><u>impacting the type of materials recovered</u>, the Commission shall be empowered to adopt, by <u>72 months after entry into force of the Regulation</u> 31 December 2027, a delegated act <u>acts</u> in accordance with Article 73, to amend the targets laid down in paragraphs 2 and 3.</p>	<p>due to the <u>existing and forecasted availability for 2030 and 2035</u> of cobalt, lead, lithium or nickel recovered from waste, or the lack thereof, <u>and in view of technical and scientific progress, it is appropriate to revise the targets laid down in paragraphs 2 and 3.</u></p> <p><u>Where justified and appropriate on the basis of the assessment made under the previous paragraph, or by</u> or other considerable changes in battery technologies impacting the type of materials recovered, the Commission shall be empowered to adopt, by <u>72 months after entry into force of the Regulation</u>, a delegated acts <u>act</u> in accordance with Article 73, to amend the targets laid down in paragraphs 2 and 3.</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 8(4a)				
g	259a			
		<p><u>4a. Where justified by changes in battery technologies impacting the type of materials that can be recovered, the Commission is empowered to adopt delegated acts in accordance with Article 73, to supplement this Regulation by inserting further raw materials and targets in the lists laid down in paragraphs 2 and 3.</u></p>		<p><u>4a. Where justified and appropriate due to market developments on battery chemistry impacting the type of materials that can be recovered, the Commission shall be empowered to adopt delegated acts in accordance with Article 73, to amend this Regulation by inserting other materials than cobalt, lead, lithium and nickel, with specific minimum shares of recycled content per specific material in paragraph 2 and 3.</u></p> <p>provisionally agreed</p>
Article 8(5)				
g	259b			
			<p><u>5. Where justified and appropriate due to market developments on battery chemistry impacting the type of materials that can be recovered, the Commission shall be empowered to adopt delegated acts in accordance with Article 73,</u></p>	<p>covered by 259a</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<u>to amend this Regulation by inserting other materials than cobalt, lead, lithium and nickel, with specific minimum shares of recycled content per specific material in paragraph 2 and 3.</u>	
Article 9				
	Article 9	Article 9	Article 9	Article 9
260	Performance and durability requirements for portable batteries of general use	Performance and durability requirements for portable batteries of general use	Performance and durability requirements for portable batteries of general use	Performance and durability requirements for portable batteries of general use
Article 9(1)				
261	1. From 1 January 2027, portable batteries of general use shall meet the values for the electrochemical performance and durability parameters set out in Annex III as laid down in the delegated act adopted by the Commission pursuant to paragraph 2.	1. From 1 January 2027, portable batteries of general use shall meet the values for the electrochemical performance and durability parameters set out in Annex III as laid down in the delegated act adopted by the Commission pursuant to paragraph 2.	1. From 1 January 2027 <u>either 72 months after entry into force of the Regulation or 24 months after the entry into force of the delegated act referred to in paragraph 2, whichever is later,</u> portable batteries of general use shall meet the <u>minimum</u> values for the electrochemical performance and durability parameters set out in Annex III as laid down in the delegated act adopted by the	1. From either 72-60 months after entry into force of the Regulation or 24 months after the entry into force of the delegated act referred to in paragraph 2, whichever is later, portable batteries of general use, <u>excluding button cells,</u> shall meet the minimum values for the electrochemical performance and durability parameters set out in Annex III as laid down in the delegated act adopted by the

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			Commission pursuant to paragraph 2.	Commission pursuant to paragraph 2.
Article 9(2), first subparagraph				
R	262	2. By 31 December 2025, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Annex III that portable batteries of general use shall attain.	2. By 31 December <u>1 July</u> 2025, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Annex III that portable batteries, <u>including portable batteries</u> of general use, shall attain.	2. By 31 December 2025 <u>48 months after entry into force of the Regulation</u> , the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Annex III that portable batteries of general use, <u>excluding button cells</u> , shall attain.
Article 9(2), second subparagraph				
G	263	The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the electrochemical performance and durability parameters laid down in Annex III in view of technical and scientific progress.	The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the <u>minimum values and add further</u> electrochemical performance and durability parameters laid down in Annex III in view of technical and scientific	The Commission shall be <u>is</u> empowered to adopt delegated acts in accordance with Article 73 to amend the electrochemical performance and durability parameters laid down in Annex III in view of technical and scientific progress.
			The Commission shall be <u>is</u> empowered to adopt delegated acts in accordance with Article 73 to amend the electrochemical performance and durability parameters laid down in Annex III in view of technical and scientific progress.	The Commission shall be <u>is</u> empowered to adopt delegated acts in accordance with Article 73 to amend the <u>minimum values or add</u> electrochemical performance and durability parameters laid down in Annex III in view of technical and scientific progress.

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		progress.		provisionally agreed
Article 9(2), third subparagraph				
264	<p>In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of portable batteries of general use and take into consideration relevant international standards and labelling schemes. The Commission shall also ensure that the provisions laid down by that delegated act do not have a significant negative impact on the functionality of those batteries or the appliances into which those batteries are incorporated, the affordability and the cost for end-users and the industry's competitiveness. No excessive administrative burden shall be imposed on manufacturers of the batteries and the appliances concerned.</p>	<p>In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of portable batteries of general use <u>and increase resource efficiency of portable batteries</u> and take into consideration relevant international standards and labelling schemes. The Commission shall also ensure that the provisions laid down by that delegated act do not have a significant negative impact on the <u>safety and</u> functionality of those batteries or the appliances into which those batteries are incorporated, the affordability and the cost for end-users and the industry's competitiveness. No excessive administrative burden shall be imposed on manufacturers of the batteries and the appliances</p>	<p>In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of portable batteries of general use and take into consideration relevant international standards and labelling schemes.</p> <p>The Commission shall also ensure that the provisions laid down by that delegated act do not have a significant negative impact on the functionality of those batteries or the appliances, <u>light means of transport or vehicles</u> into which those batteries are incorporated, the affordability and the cost for end-users and the industry's competitiveness. No excessive administrative burden shall be imposed on manufacturers of the batteries and the appliances, <u>light</u></p>	<p>In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of portable batteries of general use, <u>including the increase of the resource efficiency of portable batteries</u> -and take into consideration relevant international standards and labelling schemes.</p> <p>The Commission shall also ensure that the provisions laid down by that delegated act do not have a significant negative impact on the <u>safety and</u> functionality of those batteries or the appliances, light means of transport or vehicles into which those batteries are incorporated, the affordability and the cost for end-users and the industry's competitiveness. No excessive administrative burden</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		concerned.	<u>means of transport or vehicles</u> concerned.	shall be imposed on manufacturers of the batteries and the appliances, light means of transport or vehicles concerned. <u>provisionally agreed</u>
Article 9(3)				
265	3. By 31 December 2030, the Commission shall assess the feasibility of measures to phase out the use of non-rechargeable portable batteries of general use in view of minimising their environmental impact based on the life cycle assessment methodology. To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking the appropriate measures, including the adoption of legislative proposals.	3. <u>3.</u> By 31 December 2030 <u>2027</u> , the Commission shall assess the feasibility of measures to phase out the use of non-rechargeable portable batteries of general use in view of minimising their environmental impact based on the life cycle assessment methodology <u>and viable alternatives for end-users</u> . To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking the appropriate measures, including the adoption of legislative proposals <u>for phase out, the setting of eco-design requirements, or both, where</u>	3. By <u>108 months after entry into force of the Regulation</u> 31 December 2030 , the Commission shall assess the feasibility of measures to phase out the use of non-rechargeable portable batteries of general use in view of minimising their environmental impact based on the life cycle assessment methodology. To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking the appropriate <u>take the necessary</u> measures, including, <u>if appropriate</u> , the adoption of legislative proposals.	3. By 108 months after entry into force of the Regulation <u>3.</u> <u>By 31 December 2030</u> , the Commission shall assess the feasibility of measures to phase out the use of non-rechargeable portable batteries of general use in view of minimising their environmental impact based on the life cycle assessment methodology <u>and viable alternatives for end-users</u> . To that end, the Commission shall submit a report to the European Parliament and to the Council and take the necessary <u>consider taking the appropriate</u> measures, including, if appropriate , the

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<u>environmentally beneficial.</u>		adoption of legislative proposals <u>for either the phase out or the setting of eco-design requirements, where environmentally beneficial.</u>
Article 10				
266	Article 10 Performance and durability requirements for rechargeable industrial batteries and electric vehicle batteries	Article 10 Performance and durability requirements for rechargeable industrial batteries and, electric vehicle batteries <u>and light means of transport batteries</u>	Article 10 Performance and durability requirements for rechargeable <u>LMT batteries,</u> industrial batteries and electric vehicle batteries	Article 10 Performance and durability requirements for LMT batteries, <u>rechargeable</u> industrial batteries and electric vehicle batteries On request of the EC "rechargeable" systematically added throughout Art. 7 and 10
Article 10(1), introductory part				
267	1. From [12 months after entry into force of the Regulation], rechargeable industrial batteries and electric vehicle batteries with internal storage and a capacity above 2 kWh shall be accompanied by a technical	1. From [12 months after entry into force of the Regulation], rechargeable industrial batteries, <u>light means of transport and electric vehicle</u> batteries with internal storage and a capacity above 2 kWh <u>and electric vehicle</u>	1. From [12 months after entry into force of the Regulation <u>12 months after entry into force of the Regulation</u>], <u>LMT batteries,</u> rechargeable industrial batteries and electric vehicle batteries with internal storage and a capacity	1. From 12 months after entry into force of the Regulation, LMT batteries, <u>rechargeable</u> industrial batteries with a capacity above 2 kWh, except those with exclusively external storage, and electric vehicle batteries shall be

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	documentation containing values for the electrochemical performance and durability parameters laid down in Part A of Annex IV.	<u>batteries</u> shall be accompanied by a technical documentation containing values for the electrochemical performance and durability parameters laid down in Part A of Annex IV.	above 2 kWh with a capacity above 2 kWh, except those with exclusively external storage, and electric vehicle batteries shall be accompanied by a technical documentation <u>document</u> containing values for the electrochemical performance and durability parameters laid down in Part A of Annex IV.	accompanied by a document containing values for the electrochemical performance and durability parameters laid down in Part A of Annex IV.
Article 10(1), first paragraph				
268	The technical documentation referred to in the first subparagraph shall also contain an explanation of the technical specifications, standards and conditions used to measure, calculate or estimate the values for the electrochemical performance and durability parameters. That explanation shall include, at least, the elements laid down in Part B of Annex IV.		<u>For batteries referred to in first subparagraph</u> the technical documentation referred to in the first subparagraph <u>Annex VIII</u> shall also contain an explanation of the technical specifications, standards and conditions used to measure, calculate or estimate the values for the electrochemical performance and durability parameters. That explanation shall include, at least, the elements laid down in Part B of Annex IV.	For batteries referred to in first subparagraph the technical documentation referred to in Annex VIII shall contain an explanation of the technical specifications, standards and conditions used to measure, calculate or estimate the values for the electrochemical performance and durability parameters. That explanation shall include, at least, the elements laid down in Part B of Annex IV. provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 10(1a)				
g	268a	<p><u>1a. By 1 January 2026, information on the performance and durability of industrial batteries, light means of transport batteries and electric vehicle batteries referred to in paragraph 1 shall be available via the publicly available part of the electronic exchange system as set out in Article 64 and Annex XIII. The information on the performance and durability of such batteries shall be available to consumers prior to purchase.</u></p>		Deleted, covered in Annex XIII
Article 10(1b)				
g	268b	<p><u>1b. The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the electrochemical performance and durability parameters for electric vehicle batteries laid down in Annex IV, in view of technical and scientific progress.</u></p>		Deleted, covered in recital 24a

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 10(1c)				
268c		<p><u>1c. The Commission shall adopt a delegated act in accordance with Article 73 to amend the electrochemical performance and durability parameters for electric vehicle batteries laid down in Annex IV, within 6 months following the adoption of technical specifications of the informal UNECE Working Group on Electric Vehicles and the Environment, with a view to ensuring the coherence of the parameters of Annex IV and the technical specifications of UNECE.</u></p>		Deleted, covered in recital 24a
Article 10(2)				
269	<p>2. From 1 January 2026, rechargeable industrial batteries with internal storage and a capacity above 2 kWh shall meet the minimum values laid down in the delegated act adopted by the Commission pursuant to paragraph 3 for the electrochemical performance and</p>	<p>2. From 1 January 2026, rechargeable industrial batteries, <u>light means of transport batteries and electric vehicle batteries</u> with internal storage and a capacity above 2 kWh shall meet the minimum values <u>for the specific battery type</u> laid down in the delegated act adopted by the</p>	<p>2. From <u>either 48 months after entry into force of the Regulation or 18 months after the entry into force of the delegated act referred to in paragraph 3, whichever is later, 1 January 2026,</u> rechargeable industrial batteries with internal storage and a capacity above 2 kWh, <u>except</u></p>	<p>2. From either 48 months after entry into force of the Regulation or 18 months after the entry into force of the delegated act referred to in paragraph 3, whichever is later, <u>rechargeable</u> industrial batteries with a capacity above 2 kWh, except those with exclusively external storage, shall meet the</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	durability parameters set out in Part A of Annex IV.	Commission pursuant to paragraph 3 for the electrochemical performance and durability parameters set out in Part A of Annex IV.	<u>those with exclusively external storage</u> , shall meet the minimum values laid down in the delegated act adopted by the Commission pursuant to paragraph 3 for the electrochemical performance and durability parameters set out in Part A of Annex IV.	minimum values laid down in the delegated act adopted by the Commission pursuant to paragraph 3 for the electrochemical performance and durability parameters set out in Part A of Annex IV.
Article 10(2a)				
269a				<u>2a. From either 60 months after entry into force of the Regulation or 18 months after the entry into force of the delegated act referred to in paragraph 3, whichever is later, LMT batteries shall meet the minimum values laid down in the delegated act adopted by the Commission pursuant to paragraph 3 for the electrochemical performance and durability parameters set out in Part A of Annex IV.</u>
Article 10(2a)				
^G 269b			<u>2a. The requirements laid down in paragraphs 1 and 2 shall not</u>	2a ^{2b} . The requirements laid down in paragraphs 1 and 2 shall not

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<p><u>apply to a battery that has been subject to preparing for re-use, preparing for repurpose or repurposing, or remanufacturing, where the economic operator placing that battery on the market or putting it into service demonstrates that the battery, before undergoing such operation, has been placed on the market or put into service before the dates on which those obligations become applicable in accordance with those paragraphs.</u></p>	<p>apply to a battery that has been subject to preparing for re-use, preparing for repurpose or repurposing, or remanufacturing, where the economic operator placing that battery on the market or putting it into service demonstrates that the battery, before undergoing such operation, has been placed on the market or put into service before the dates on which those obligations become applicable in accordance with those paragraphs.</p> <p>provisionally agreed</p>
Article 10(3), introductory part				
270	<p>3. By 31 December 2024, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Part A of Annex IV that rechargeable industrial batteries</p>	<p>3. By 31 December 2024, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Part A of Annex IV that rechargeable industrial <u>light means</u></p>	<p>3. By <u>30 months after entry into force of the Regulation</u> 31 December 2024, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Part A of Annex IV that</p>	<p>3. By 30 months after entry into force of the Regulation, the Commission shall adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing minimum values for the electrochemical performance and durability parameters laid down in Part A of Annex IV that</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	with internal storage and capacity above 2 kWh shall attain.	<u>of transport</u> batteries, <u>electric vehicle batteries and industrial batteries</u> with internal storage and capacity above 2 kWh shall attain.	rechargeable industrial batteries with internal storage and a capacity above 2 kWh, <u>except those with exclusively external storage</u> , shall attain.	<u>rechargeable</u> industrial batteries with a capacity above 2 kWh, except those with exclusively external storage, shall attain. <u>3a. From either 42 months after entry into force of the Regulation or 18 months after the entry into force of the delegated act referred to in paragraph 3, whichever is later, LMT batteries shall meet the minimum values laid down in the delegated act adopted by the Commission pursuant to paragraph 3 for the electrochemical performance and durability parameters set out in Part A of Annex IV.</u>
Article 10(3), first paragraph				
271	In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of rechargeable industrial batteries with internal storage and a capacity above 2 kWh and	In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of rechargeable industrial batteries, <u>electric vehicle batteries and light means of transport</u>	In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of rechargeable industrial batteries with internal storage and a capacity above 2 kWh, <u>except of</u>	In preparing the delegated act referred to in the first subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of rechargeable industrial batteries with a capacity above 2 kWh, except of those with

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	ensure that the requirements laid down therein do not have a significant negative impact on the functionality of those batteries or the appliances into which those batteries are incorporated, its affordability and industry's competitiveness. No excessive administrative burden shall be imposed on manufacturers of the batteries and the appliances concerned.	batteries with internal storage and a capacity above 2 kWh and ensure that the requirements laid down therein do not have a significant negative impact on the functionality of those batteries or the appliances into which those batteries are incorporated, its affordability and industry's competitiveness. No excessive administrative burden shall be imposed on manufacturers of the batteries and the appliances concerned.	those with exclusively external storage , and ensure that the requirements laid down therein do not have a significant negative impact on the functionality of those batteries or the appliances light means of transport or vehicles into which those batteries are incorporated, its affordability and industry's competitiveness. No excessive administrative burden shall be imposed on manufacturers of the batteries and the appliances, light means of transport or vehicles concerned.	exclusively external storage, and ensure that the requirements laid down therein do not have a significant negative impact on the functionality of those batteries or the appliances light means of transport or vehicles into which those batteries are incorporated, its affordability and industry's competitiveness. No excessive administrative burden shall be imposed on manufacturers of the batteries and the appliances, light means of transport or vehicles concerned.
Article 10(3a)				
G	271a		<u>3a. The Commission shall be empowered to adopt delegated acts in accordance with Article 73 to amend the electrochemical performance and durability parameters laid down in Annex IV in view of market development and technical and scientific progress, including in particular related to technical specifications of the informal UNECE Working</u>	3a. The Commission shall be empowered to adopt delegated acts in accordance with Article 73 to amend the electrochemical performance and durability parameters laid down in Annex IV in view of market development and technical and scientific progress, including in particular related to technical specifications of the informal UNECE Working

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			Group on Electric Vehicles and the Environment.	Group on Electric Vehicles and the Environment. provisionally agreed
Article 10(3a)				
271b		3a. The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the electrochemical performance and durability minimum values laid down in Annex IV, in view of technical and scientific progress, to ensure synergies with minimum values that may originate from the work of the informal UNECE Working Group on Electric Vehicles and the Environment, and in order to avoid unnecessary overlap. The amendment of the electrochemical performance and durability minimum values shall not lead to a decreased level of performance and durability for electric vehicle batteries.		Covered in 271a

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 11				
272	Article 11 Removability and replaceability of portable batteries	Article 11 Removability and replaceability of portable batteries <u>and batteries for light means of transport</u>	Article 11 Removability and replaceability of portable batteries <u>and LMT batteries</u>	Article 11 Removability and replaceability of portable batteries and LMT batteries Title provisionally agreed Discussion on this Article is ongoing at the technical level, for the time being the Presidency proposes to keep GA
Article 11(1), introductory part				
273	1. Portable batteries incorporated in appliances shall be readily removable and replaceable by the end-user or by independent operators during the lifetime of the appliance, if the batteries have a shorter lifetime than the appliance, or at the latest at the end of the lifetime of the appliance.	1. <u>By 1 January 2024</u> portable batteries incorporated in appliances <u>and batteries for light means of transport</u> shall be <u>designed in such a manner that they can be readily and safely removed and replaced with basic and commonly available tools and without causing damage to the appliance or the batteries.</u> <u>Portable batteries shall be</u> removable and replaceable by the	1. <u>From 24 months after entry into force of the Regulation any natural or legal person that places on the market products with portable batteries or LMT batteries</u> incorporated, <u>shall ensure that those portable batteries and LMT batteries</u> in appliances shall be readily removable and replaceable by the end-user or by independent operators during the lifetime of	From 24 months after entry into force of the Regulation any natural or legal person that places on the market products with portable batteries or LMT batteries incorporated, shall ensure that those portable batteries and LMT batteries shall be readily removable and replaceable by the end-user or by independent operators during the lifetime of the appliance or light mean of

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p>end-user <u>and batteries for light means of transport shall be removable and replaceable by the end-users</u> or by independent operators during the lifetime of the appliance, if the batteries have a shorter lifetime than the appliance, or at the latest at the end of the lifetime of the appliance. <u>Battery cells for light means of transport shall be removable and replaceable by independent operators.</u></p>	<p>the appliance <u>or light mean of transport</u>, if the batteries have a shorter lifetime than the appliance <u>or light mean of transport</u>, or at the latest at the end of the lifetime of the appliance <u>or light mean of transport. Removability and replaceability requirements only apply to battery packs as a whole and not individual cells or other parts included in the battery pack.</u></p>	<p>transport, if the batteries have a shorter lifetime than the appliance or light mean of transport, or at the latest at the end of the lifetime of the appliance or light mean of transport. Removability and replaceability requirements only apply to battery packs as a whole and not individual cells or other parts included in the battery pack.</p>
Article 11(1a)				
273a			<p><u>1a. A portable or LMT battery is readily removable where it can be removed from an appliance or a light mean of transport without the use of specialized tools, thermal energy, or solvents to disassemble. An economic operator that places on the market products with portable batteries or LMT batteries incorporated shall ensure that those products are accompanied with instructions and safety</u></p>	<p>1a. A portable or LMT battery is readily removable where it can be removed from an appliance or a light mean of transport without the use of specialized tools, thermal energy, or solvents to disassemble. An economic operator that places on the market products with portable batteries or LMT batteries incorporated shall ensure that those products are accompanied with instructions and safety information on the use</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<u>information on the use and removal of the batteries.</u>	and removal of the batteries.
Article 11(1a), second paragraph				
273b			<u>For appliances that are designed to operate normally in a wet environment, portable batteries shall be removable and replaceable only by qualified independent operators.</u>	For appliances that are designed to operate normally in a wet environment, portable batteries shall be removable and replaceable only by qualified independent operators.
Article 11(1), first paragraph				
274	A battery is readily replaceable where, after its removal from an appliance, it can be substituted by a similar battery, without affecting the functioning or the performance of that appliance.	A battery is readily replaceable where, after its removal from an appliance <u>or a light means of transport</u> , it can be substituted by a similar <u>compatible</u> battery, without affecting the functioning, <u>the performance</u> or the performance <u>safety</u> of that appliance <u>or light means of transport</u> .	A <u>portable or LMT</u> battery is readily replaceable where, after its removal from an appliance <u>or a light mean of transport</u> , it can be substituted by a similar battery, without affecting the functioning or the performance <u>or safety</u> of that appliance <u>or light mean of transport</u> .	A portable or LMT battery is readily replaceable where, after its removal from an appliance or a light mean of transport, it can be substituted by a similar battery, without affecting the functioning or the performance or safety of that appliance or light mean of transport.

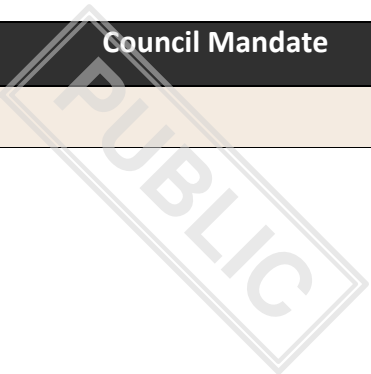
	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 11(1), first paragraph a				
Y	274a	<u><i>Portable batteries and light means of transport batteries shall be available as spare parts of the equipment they power for a minimum of 10 years after placing the last unit of the model on the market, with a reasonable and non-discriminatory price for independent operators and end users</i></u>		
Article 11(1a)				
Y	274b	<u><i>1a. Clear and detailed instructions for removal and replacement shall be provided by the relevant economic operator at the time of purchase of the appliance and, shall be made available permanently online in an easily understandable way for end users, including consumers, on its website for the expected lifetime of the product.</i></u>		


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	Article 11(1a)			
Y	274c	<u>1a. Software shall not be used to affect the replacement of a portable battery or light means of transport or of their key components with another compatible battery or key components.</u>		
	Article 11(2), introductory part			
Y	275	2. The obligations set out in paragraph 1 shall not apply where	2. The obligations set out in paragraph 1 shall not apply where	2. The obligations set out in paragraph 1 shall not apply where
	Article 11(2), point (a)			
Y	276	(a) continuity of power supply is necessary and a permanent connection between the appliance and the portable battery is required for safety, performance, medical or data integrity reasons; or	(a) continuity of power supply is necessary and a permanent connection between the <u>appliance product</u> and the <u>respective</u> portable battery is required for safety, performance, medical or data integrity reasons; or <u>and it can be proved by the manufacturer that there is no alternative available on the</u>	continuity of power supply is necessary and a permanent connection between the product and the respective portable battery is required for safety, medical or data integrity reasons;

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		<u>market;</u>		
Article 11(2), point (aa)				
Y	276a	<u>(aa) continuity of power supply is necessary and a permanent connection between the appliance and the portable battery is required for medical or data integrity reasons and it can be proved by the manufacturer that there is no alternative available on the market;</u>		
Article 11(2), point (b)				
Y	277	(b) the functioning of the battery is only possible when the battery is integrated into the structure of the appliance.	<u>deleted</u>	<u>deleted</u>
Article 11(2) subparagraph 1a				
Y	277a	<u>The relevant economic operator shall inform end-users in a clear and comprehensible manner at</u>		

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		<u>the time of purchase of the appliance, including through labelling, of any case where the derogation provided for in the first subparagraph applies. The information provided shall indicate the expected lifetime of the battery.</u>		
Article 11(3)				
Y	278 3. The Commission shall adopt guidance to facilitate harmonised application of the derogations set out in paragraph 2.	3. The Commission shall adopt, <u>no later than 12 months after the entry into force of this Regulation,</u> guidance to facilitate harmonised application of the derogations set out in paragraph 2.	3. The Commission shall adopt guidance <u>publish guidelines</u> to facilitate harmonised application of the derogations <u>provisions</u> set out in paragraph 2 <u>this Article</u> .	3. The Commission shall publish guidelines to facilitate harmonised application of the provisions set out in this Article.
Article 11a				
G	278a	<u>Article 11a</u> <u>Removability and replaceability of automotive batteries, electric vehicle batteries and industrial batteries</u>		Deleted, covered in recital 26a and 26aa

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Article 11a(1)				
278b		<p><u>1. Automotive batteries, industrial batteries and electric vehicle batteries shall be readily removable and replaceable, if the battery has a shorter lifetime than the appliance or vehicle it is used in, by qualified independent operators, which shall be able to discharge the battery safely and without prior disassembly of the battery pack.</u></p> <p><u>2. Industrial batteries and electric vehicle batteries shall be designed, including as regards joining, fastening and sealing elements, so as to enable the removability, replaceability and disassembly of the case, of individual battery cells or other key components without damaging the battery.</u></p> <p><u>3. Software shall not be used to affect the replacement of industrial batteries or electric vehicle batteries or of their key components with another</u></p>		deleted, covered in recital 26a



	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p><u>compatible battery or key components.</u></p> <p><u>4. The Commission shall be empowered to adopt delegated acts in accordance with Article 73 laying down detailed rules supplementing those set out in this Article, by laying down the criteria for the removability, replaceability and disassembly of automotive batteries, electric vehicle batteries and industrial batteries, taking into account technical and scientific and progress.</u></p>		
Article 11b				
278c		<p><u>Article 11b</u></p> <p><u>Safety of repaired automotive batteries, industrial batteries, light means of transport batteries and electric vehicle batteries</u></p>		<p>Deleted, covered in recital 26a and 26aa</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 11b(1)				
G	278d	<p><u>1. The safety of repaired automotive batteries, industrial batteries, light means of transport batteries and electric vehicle batteries shall be assessed based on non-destructive tests adapted to them.</u></p> <p><u>2. The Commission is empowered to adopt delegated acts in accordance with Article 73 to define the appropriate testing methods to ensure that repaired batteries are safe.</u></p>		Deleted, covered in recital 26aa
Article 11c				
Y	278e	<p><u>Article 11c</u></p> <p><u>Common chargers</u></p>		To be moved to review article
Article 11c(1)				
G	278f	<p><u>By 1 January 2024, the Commission shall assess how best to introduce harmonised standards for a common charger, to be applicable no later than 1</u></p>		<p><u>1. By 1 January 2025, the Commission shall assess how best to introduce harmonised standards for a common charger for, respectively, rechargeable</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p><u>January 2026, for, respectively, rechargeable batteries designed for electric vehicles, for light means of transport, as well as for rechargeable batteries incorporated into specific categories of electrical and electronic equipment covered by Directive 2012/19/EU.</u></p> <p><u>When undertaking the assessment referred to in paragraph 1, the Commission shall take into account the size of the market, the reduction of waste, the availability and reduction of costs for consumers and other end-users.</u></p> <p><u>To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking the appropriate measures, including the adoption of legislative proposals.</u></p> <p><u>The assessment of the Commission shall be without prejudice to the adoption of any</u></p>	<p style="text-align: center; opacity: 0.5; font-size: 48px; transform: rotate(-30deg);">PUBLIC</p>	<p><u>batteries designed for light means of transport, as well as for rechargeable batteries incorporated into specific categories of electrical and electronic equipment covered by Directive 2012/19/EU. Charging devices for categories and classes of radio equipment under Article 3(4) of Directive 2014/53/EU on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment shall be excluded from the scope of this assessment.</u></p> <p>PCY proposal: to be moved to review article</p> <p>provisionally agreed</p>

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		<u>legislation providing for the introduction of such common chargers at an earlier date.</u>		
Article 39				
454	Article 39 Obligation for economic operators that place rechargeable industrial batteries and electric-vehicle batteries with internal storage and a capacity above 2 kWh on the market to establish supply chain due diligence policies	Article 39 Obligation for economic operators that place rechargeable industrial batteries and electric-vehicle batteries with internal storage and a capacity above 2 kWh on the market to establish supply conduct value chain due diligence policies	deleted Moved to row 536c	See row 536c – Article 45a
Article 39(1)				
455	1. As of [12 months after the entry into force of the Regulation] the economic operator that places rechargeable industrial batteries and electric-vehicle batteries with internal storage and a capacity above 2 kWh on the market shall comply with the supply chain due diligence obligations set out in paragraphs	1. As of [12 months after the entry into force of the Regulation] the economic operator that places rechargeable industrial batteries and electric-vehicle batteries with internal storage and a capacity above 2 kWh on the market shall comply with the supply value chain due diligence obligations set out in paragraphs 2 to 5 of this Article	deleted Moved to row 536d	See row 536d

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	2 to 5 of this Article and shall keep documentation demonstrating its respective compliance with those obligations, including the results of the third-party verification carried out by notified bodies.	and shall keep documentation demonstrating its respective compliance with those obligations, including the results of the third-party verification carried out by notified bodies.		
<i>Article 39(2), introductory part</i>				
456	2. The economic operator referred to in paragraph 1 shall		<i>deleted</i> <i>Moved to row 536r</i>	<i>See row 536r</i>
<i>Article 39(2), point (a)</i>				
457	(a) adopt, and clearly communicate to suppliers and the public, a company policy for the supply chain of raw materials indicated in Annex X, point 1;	(a) adopt, and clearly communicate to suppliers and the public, a company <i>due diligence</i> policy for the <i>supply value</i> chain of <i>batteries, including concerning raw materials indicated in Annex X, point 1 and for associated social and environmental risk categories indicated in Annex X, point 2;</i>	<i>deleted</i> <i>Moved to row 536s</i>	<i>See row 536s</i>
<i>Article 39(2), point (b)</i>				

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6	458	(b) incorporate in its supply chain policy standards consistent with the standards set out in the model supply chain policy in Annex II to the OECD Due Diligence Guidance;	(b) incorporate in its <u>supply value</u> chain policy standards consistent with the standards set out in the model supply chain policy <u>internationally recognised due diligence standards listed</u> in Annex II to the OECD Due Diligence Guidance <u>X, point 3a</u> ;	deleted Moved to row 536t	See row 536t
Article 39(2), point (c)					
6	459	(c) structure its respective internal management systems to support supply chain due diligence by assigning responsibility to senior management to oversee the supply chain due diligence process as well as maintain records of those systems for a minimum of five years;	(c) structure its respective internal management systems to support <u>supply value</u> chain due diligence by assigning responsibility to senior management to oversee the <u>supply value</u> chain due diligence process as well as maintain records of those systems for a minimum of five years;	deleted Moved to row 536u	See row 536u
Article 39(2), point (d), introductory part					
6	460	(d) establish and operate a system of controls and transparency over the supply chain, including a chain of custody or traceability system or	(d) establish and operate a system of controls and transparency over the <u>supply value</u> chain, including a chain of custody or traceability system, <u>identifying or the</u>	deleted	See row 536v

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	the identification of upstream actors in the supply chain.	identification of upstream actors in the supply <u>value</u> chain.	Moved to row 536v	
<i>Article 39(2), point (d), first paragraph, introductory part</i>				
461	Such a system shall be supported by documentation that provides the following information:	Such a system shall be supported by documentation that provides <u>at least</u> the following information:	deleted Moved to row 536w	See row 536w
<i>Article 39(2), point (d), first paragraph(i)</i>				
462	(i) description of the raw material, including its trade name and type;		deleted Moved to row 536x	See row 536x
<i>Article 39(2), point (d), first paragraph(ii)</i>				
463	(ii) name and address of the supplier that supplied the raw material present in the batteries to the economic operator that places on the market the batteries containing the raw material in question;		deleted Moved to row 536y	See row 536y

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<i>Article 39(2), point (d), first paragraph(iii)</i>				
464	(iii) country of origin of the raw material and the market transactions from the raw material's extraction to the immediate supplier to the economic operator;		deleted Moved to row 536z	See row 536z
<i>Article 39(2), point (d), first paragraph(iii)</i>				
464a		<u>iiia</u> <u>where the raw material originates from a high-risk area, additional information in accordance with the specific recommendations for upstream economic operators, as set out in the OECD Due Diligence Guidance, where relevant, such as the mine of origin, locations where raw materials are consolidated, traded and processed, and taxes, fees and royalties paid;</u>		See row 536aa
<i>Article 39(2), point (d), first paragraph(iv)</i>				
465	(iv) quantities of the raw material present in the battery placed on the market, expressed in		deleted	See row 536ab

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	percentage or weight.		Moved to row 536ab	
<i>Article 39(2), point (d), second paragraph</i>				
466	The requirements set out in the current point (d) may be implemented through participation in industry-led schemes.	<u>Without prejudice to the individual responsibility of economic operators for their due diligence processes</u> , the requirements set out in the current point (d) may be implemented <u>in collaboration with other actors, including</u> through participation in industry-led schemes, <u>recognised under this Regulation</u> .	deleted Moved to row 536ad	See row 536ae
<i>Article 39(2), point (e)</i>				
467	(e) incorporate its supply chain policy into contracts and agreements with suppliers, including their risk management measures;	(e) incorporate its supply <u>value</u> chain policy into contracts and agreements with suppliers, including their risk management measures;	deleted Moved to row 536af	See row 536af
<i>Article 39(2), point (f)</i>				
468	(f) establish a grievance mechanism as an early-warning risk-awareness system or provide	(f) establish a grievance mechanism as an early-warning risk-awareness system, <u>and as a</u>		


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	such mechanism through collaborative arrangements with other economic operators or organisations, or by facilitating recourse to an external expert or body, such as an ombudsman.	<u>remediation mechanism in line with the UN Guiding Principles on Business and Human Rights</u> or provide such mechanism <u>mechanisms</u> through collaborative arrangements with other economic operators or organisations, or by facilitating recourse to an external expert or body, such as an ombudsman. <u>Such mechanisms shall take into account the criteria of grievance mechanisms outlined in the UN Guiding Principles on Business and Human Rights</u>	<u>deleted</u> Moved to row 536ag	See row 536ag
<i>Article 39(3), first subparagraph, introductory part</i>				
469	3. The economic operator referred to in paragraph 1 shall		<u>deleted</u> Moved to row 536ai	See row 536ai
<i>Article 39(3), first subparagraph, point (a)</i>				
470	(a) identify and assess the adverse impacts associated to the risk categories listed in Annex X, point 2, in its supply chain on the	(a) identify and assess the <u>risk of</u> adverse impacts associated to the risk categories <u>including those</u> listed in Annex X, point 2, in its		

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	basis of the information provided pursuant to paragraph 2 against the standards of their supply chain policy;	supply value chain on the basis of the information provided pursuant to paragraph 2, <u>and any other relevant information that is either publicly available or provided by stakeholders</u> , against the standards of their supply value chain policy;	deleted Moved to row 536aj	See row 536aj
Article 39(3), first subparagraph, point (b), introductory part				
6	471	(b) implement a strategy to respond to the identified risks designed so as to prevent or mitigate adverse impacts by:	deleted Moved to row 536al	See row 536al
Article 39(3), first subparagraph, point (b)(i)				
6	472	(i) reporting findings of the supply chain risk assessment to senior management designated for that purpose;	deleted Moved to row 536am	See row 536am
Article 39(3), first subparagraph, point (b)(ii)				
6	473	(ii) adopting risk management measures consistent with Annex II to the OECD Due Diligence		

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	Guidance, considering their ability to influence, and where necessary take steps to exert pressure on suppliers who can most effectively prevent or mitigate the identified risk;	Diligence-Guidance <u>the internationally recognised due diligence standards listed in Annex X, point 3a</u> , considering their ability to influence, and where necessary take steps to exert pressure on suppliers <u>business relationships</u> who can most effectively prevent or mitigate the identified risk;	deleted <i>Moved to row 536an</i>	<i>See row 536an</i>
<i>Article 39(3), first subparagraph, point (b)(iii)</i>				
474	(iii) implementing the risk management plan, monitoring and tracking performance of risk mitigation efforts, reporting back to senior management designated for this purpose and considering suspending or discontinuing engagement with a supplier after failed attempts at mitigation, based on relevant contractual arrangements in line with the second subparagraph to paragraph 2 above;	(iii) implementing <u>implement</u> the risk management plan, monitoring and tracking performance of risk mitigation efforts, reporting back to senior management designated for this purpose and considering suspending or discontinuing engagement with a supplier <u>business relationship</u> after failed attempts at mitigation, based on relevant contractual arrangements in line with the second subparagraph to paragraph 2- above ;	deleted <i>Moved to row 536ao</i>	<i>See row 536ao</i>

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<i>Article 39(3), first subparagraph, point (b)(iv)</i>				
6	475 (iv) undertaking additional fact and risk assessments for risks requiring mitigation, or after a change of circumstances.		deleted Moved to row 536ap	See row 536ap
<i>Article 39(3), second subparagraph</i>				
6	476 If the economic operator referred to in paragraph 1 pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with suppliers and with the stakeholders concerned, including local and central government authorities, international or civil society organisations and affected third parties, and agree on a strategy for measurable risk mitigation in the risk management plan.	If the economic operator referred to in paragraph 1 pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with suppliers <u>business relationships</u> and with the stakeholders concerned, including local and central government authorities, international or civil society organisations and affected third parties <u>communities</u> , and agree on a strategy for measurable risk mitigation in the risk management plan.	deleted Moved to row 536aq	See row 536aq
<i>Article 39(3), third subparagraph</i>				

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477	<p>The economic operator referred to in paragraph 1 shall identify and assess the probability of adverse impacts in the risk categories listed in Annex X, point 2, in its supply chain based on available reports by third-party verification done by a notified body concerning the suppliers in that chain, and, by assessing, as appropriate, its due diligence practices. Those verification reports shall be in accordance with the first subparagraph in paragraph 4. In the absence of such third-party verification reports concerning suppliers, the economic operator referred to in paragraph 1 shall identify and assess the risks in its supply chain as part of its own risk management systems. In such cases, economic operators referred to in paragraph 1 shall carry out third party verifications of its own supply chains due diligence via a notified body in accordance with the first</p>	<p>The economic operator referred to in paragraph 1 shall identify and assess the probability of adverse impacts in the risk categories listed in Annex X, point 2, in its supply value chain. <u>The economic operator referred to in paragraph 1 shall identify and assess the risks in its value</u> based on available reports by third-party verification done by a notified body concerning the suppliers in that chain, and, by assessing, as appropriate, its due diligence practices. Those verification reports shall be in accordance with the first subparagraph in paragraph 4. In the absence of such third-party verification reports concerning suppliers, the economic operator referred to in paragraph 1 shall identify and assess the risks in its supply chain as part of its own risk management systems. In such cases, economic operators referred to in paragraph 1 shall carry out third party verifications of its own</p>	<p>deleted</p> <p>Moved to row 536ar</p>	<p>See row 536ar</p>

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	subparagraph in paragraph 4.	<p><u>supply chains as part of its own risk management systems. In such cases, economic operators referred to in paragraph 1 shall carry out third party verifications of their own due diligence chains via a notified body in accordance with the first subparagraph of paragraph 4. The economic operator may also make use of available reports by third-party verification done by a notified body concerning the business relationships in that chain, and, by assessing, as appropriate, its due diligence</u> via a notified body <u>practices. Those verification reports shall be</u> in accordance with the first subparagraph in paragraph 4.</p>		
<i>Article 39(3), fourth subparagraph</i>				
478	The economic operator referred to in paragraph 1 shall report the findings of the risk assessment referred to in the third subparagraph to its senior management designated for that		<u>deleted</u>	<i>See row 536as</i>

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	purpose and a response strategy designed to prevent or mitigate adverse impacts shall be implemented.		Moved to row 536as	
Article 39(3a)				
478a		<u>3a. Member States shall ensure that they have a liability regime in place under which economic operators can, in accordance with national law, be held liable and provide remediation for any harm arising out of potential or actual adverse impacts on human rights, the environment or good governance that they, or undertakings under their control, have caused or contributed to by acts or omissions.</u>		See row 536at
Article 39(4), introductory part				
479	4. The economic operator referred to in paragraph 1 shall have their supply chain due diligence policies verified by a notified body ("third-party	4. The economic operator referred to in paragraph 1 shall have their supply value chain due diligence policies policy and practices verified by a notified body ("third-	deleted Moved to row 536au	See row 536e

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	verification").	party verification").		
<i>Article 39(4), first paragraph, introductory part</i>				
6	480	The third-party verification by a notified body shall:	deleted Moved to row 536aw	See row 536aw
<i>Article 39(4), first paragraph, point (a)</i>				
6	481	(a) include in its scope all activities, processes and systems used by economic operators to implement their supply chain due diligence requirements in accordance with paragraphs 2, 3 and 5;	(a) include in its scope all activities, processes and systems used by economic operators to implement their supply value chain due diligence requirements in accordance with paragraphs 2, 3 and 5 ;	deleted Moved to row 536ax
<i>Article 39(4), first paragraph, point (b)</i>				
6	482	(b) have as its objective the determination of conformity of the supply chain due diligence practices of economic operators placing batteries on the market with paragraphs 2, 3 and 5;	(b) have as its objective the determination of conformity of the supply value chain due diligence practices of economic operators placing batteries on the market with paragraphs 2, 3 and 5, as well as, where relevant, carry out checks on undertakings and gather information from	deleted Moved to row 536ay


	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		stakeholders ;		
<i>Article 39(4), first paragraph, point (c)</i>				
6	483 (c) make recommendations to the economic operators that place batteries on the market on how to improve their supply chain due diligence practices;	(c) make recommendations to the economic operators that place batteries on the market on how to improve their supply value chain due diligence practices;	deleted Moved to row 536ba	See row 536ba
<i>Article 39(4), first paragraph, point (d)</i>				
6	484 (d) respect the audit principles of independence, competence and accountability, as set out in the OECD Due Diligence Guidance;		deleted Moved to row 536bb	See row 536bb
<i>Article 39(5)</i>				
6	485 5. The economic operator referred to in paragraph 1 shall make available upon request to Member States' market surveillance authorities the reports of any third-party	5. The economic operator referred to in paragraph 1 shall make available upon request to Member States' market surveillance authorities the reports of any third-party verification carried out	deleted	See row 536be

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	verification carried out in accordance with paragraph 4 or evidence of compliance with a supply chain due diligence scheme recognised by the Commission in accordance with Article 72.	in accordance with paragraph 4 or evidence of compliance with a <u>supplyvalue</u> chain due diligence scheme recognised by the Commission in accordance with Article 72.	Moved to row 536be	
<i>Article 39(6), first subparagraph</i>				
486	6. The economic operator referred to in paragraph 1 shall make available to its immediate downstream purchasers all information gained and maintained pursuant to its supply chain due diligence policies with due regard for business confidentiality and other competitive concerns.	6. The economic operator referred to in paragraph 1 shall make available to its immediate downstream purchasers all information gained and maintained pursuant to its <u>supplyvalue</u> chain due diligence policies with due regard for business confidentiality and other competitive concerns.	deleted Moved to row 536bf	See row 536bf
<i>Article 39(6), second subparagraph</i>				
487	The economic operator referred to in paragraph 1 shall on an annual basis, publicly report as widely as possible, including on the internet, on its supply chain due diligence policies. That report	The economic operator referred to in paragraph 1 shall on an annual basis, publicly report as widely as possible, including on the internet, on its <u>supplyvalue</u> chain due diligence policies <u>regarding, in</u>	deleted	See row 536bg

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	shall contain the steps taken by that economic operator to comply with the requirements set out in paragraphs 2 and 3, including findings of significant adverse impacts in the risk categories listed in Annex X, point 2, and how they have been addressed, as well as a summary report of the third-party verifications carried out in accordance with point 4, including the name of the notified body, with due regard for business confidentiality and other competitive concerns.	<u>particular, the raw materials contained in each battery model placed on the market.</u> That report shall contain, <u>in a manner that is easily comprehensible for end-users and clearly identifies the batteries concerned,</u> the steps taken by that economic operator to comply with the requirements set out in paragraphs 2 and 3, including findings of significant adverse impacts in the risk categories listed in Annex X, point 2, and how they have been addressed, as well as a summary report of the third-party verifications carried out in accordance with point 4, including the name of the notified body, with due regard for business confidentiality and other competitive concerns.	Moved to row 536bg	
<i>Article 39(6), third subparagraph</i>				
6	488	Where the economic operator referred to in paragraph 1 can reasonably conclude that the raw materials listed in Annex X, point	<u>deleted</u>	See row 536bh

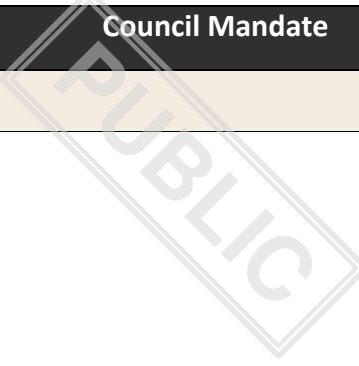
	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	1, that are present in the battery are derived only from recycled sources, it shall publicly disclose its conclusions in reasonable detail, with due regard for business confidentiality and other competitive concerns.		Moved to row 536bh	
Article 39(7)				
489	7. The Commission shall develop guidance as regards the application of the due diligence requirements defined in paragraphs 2 and 3 of this Article, with regard to the social and environmental risks referred to in Annex X, point 2, and particularly in line with the international instruments referred to in Annex X, point 3.	7. The Commission shall develop guidance as regards the application of the due diligence requirements defined in paragraphs 2 and 3 of this Article, with regard to the social and environmental risks referred to in Annex X, point 2, and particularly in line with the international instruments referred to in Annex X, point 3 <u>points 3 and 3a</u> .	deleted Moved to row 536h	See row 536h
Article 39(7a)				
489a		<u>7a. Member States shall provide specific technical assistance to economic operators, especially to small and medium-sized companies, for the purposes of</u>		See row 536i

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		<u><i>compliance with the value chain due diligence requirements set out in this Article. Member States may be assisted by their national battery competence centres, established pursuant to Article 68b, in providing such technical support.</i></u>		
Article 39(7b)				
G	489b	<u><i>7b. In order to enable Member States to ensure that there is compliance with this Regulation in accordance with Article 69, Member States shall be responsible for carrying out appropriate checks.</i></u> <u><i>The checks referred to in the first subparagraph shall be conducted by taking a risk-based approach, including in cases where a competent authority is in possession of relevant information, such as on the basis of substantiated concerns provided by third parties, concerning the compliance by an</i></u>		<i>deleted</i> See row 536j

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p><u><i>economic operator with this Regulation.</i></u></p> <p><u><i>The checks referred to in the first subparagraph shall include on-the-spot inspections, including at the premises of the economic operator.</i></u></p> <p><u><i>Economic operators shall offer all the assistance necessary to facilitate the performance of the checks referred to in the first subparagraph, in particular as regards access to premises and the presentation of documentation and records.</i></u></p> <p><u><i>In order to ensure clarity of tasks and consistency of action among Member State competent authorities, the Commission shall prepare guidelines detailing the steps to be followed by Member State competent authorities carrying out the checks referred to in the first subparagraph. Those guidelines shall include, as appropriate, templates for documents facilitating the</i></u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p><u>implementation of this Regulation.</u></p> <p><u>Member State shall keep records of the checks referred to in the first subparagraph indicating in particular the nature and results of such checks, as well as records of any notice of remedial action issued under Article 69.</u></p>		
Article 39(8), introductory part				
6	490	8. The Commission is empowered to adopt delegated acts in accordance with Article 73 to:	<p><u>deleted</u></p> <p>Moved to row 536k</p>	See row 536k
Article 39(8), point (a)				
6	491	(a) Amend the lists of raw materials and risk categories in Annex X in view of scientific and technological progress in battery manufacturing and chemistries and amendments to Regulation (EU) 2017/821;	<p><u>deleted</u></p> <p>Moved to row 536l</p>	See row 536l

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Article 39(8), point (aa)				
G	491a	<u>(aa) amend the list of international instruments in Annex X in accordance with developments within the relevant international fora;</u>		See row 536m
Article 39(8), point (b)				
G	492	(b) amend the obligations on the economic operator referred to in paragraph 1 set out in paragraphs 2 to 4 in view of amendments to Regulation (EU) 2017/821 and changes to the due diligence recommendations set out in Annex I to the OECD Due Diligence Guidance.	(b) amend the obligations on the economic operator referred to in paragraph 1 set out in paragraphs 2 to 4 in view of amendments to Regulation (EU) 2017/821 and changes to the <u>amend the list of internationally recognised</u> due diligence recommendations <u>instruments</u> set out in Annex I to the OECD Due Diligence Guidance. X, point 3a;	See row 536n
Article 39(8), point (ba)				
	492a	<u>(ba) establish and amend a list of high risk areas taking into consideration OECD due diligence guidelines.</u>	deleted Moved to row 536n	See row 536o


	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 39(8a)				
492b		<p><u>8a. In the event that future Union legislation laying down general rules for sustainable corporate governance and due diligence is adopted, the provisions set out in paragraphs 2 to 5 of this Article and in Annex X shall be considered as complementary to such future Union legislation.</u></p> <p><u>Within 6 months of the entry into force of future Union legislation laying down general rules for sustainable corporate governance and due diligence, the Commission shall assess whether that new Union legislation requires amendment of paragraphs 2 to 5 of this Article or of Annex X, or both, and adopt, where appropriate, a delegated act in accordance with Article 73 to amend those provisions accordingly.</u></p> <p><u>That delegated act shall be without prejudice to the obligations set out in paragraphs</u></p>		See row 880b:

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<u>2 to 5 of this Article or in Annex X that are specific to economic operators that place batteries on the market. Any additional due diligence obligation on economic operators that is laid down in that delegated act shall be such as to ensure at least the same level of protection provided for by this regulation without creating any undue administrative burden.</u>		
Chapter VIa				
536b			<u>Chapter VI.A</u> <u>Obligations of economic operators on supply chain due diligence policies</u>	Chapter VI.A Obligations of economic operators on supply chain -due diligence policies provisionally agreed
Article 39				
536c	Article 39 Obligation for economic operators that place rechargeable industrial batteries and electric-		Article 39 <u>45a</u> Obligation for economic operators that place rechargeable industrial batteries and electric-vehicle	Article 45a Supply chain-d <u>D</u> ue diligence policies

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	<p>vehicle batteries with internal storage and a capacity above 2 kWh on the market to establish supply chain due diligence policies</p> <p>Moved reference text</p>		<p>batteries with internal storage and a capacity above 2 kWh on the market to establish Supply chain due diligence policies</p> <p>Moved from row 454</p>	
Article 45a(1)				
536d	<p>1. As of [12 months after the entry into force of the Regulation] the economic operator that places rechargeable industrial batteries and electric-vehicle batteries with internal storage and a capacity above 2 kWh on the market shall comply with the supply chain due diligence obligations set out in paragraphs 2 to 5 of this Article and shall keep documentation demonstrating its respective compliance with those obligations, including the results of the third-party verification carried out by notified bodies.</p>		<p>1. As of <u>12</u> From either 36 months after the entry into force of the Regulation] <u>or 24 months after the publication of the guidance referred to in paragraph (39)7, whichever is later,</u> the economic operator that places rechargeable industrial batteries and electric-vehicle batteries with internal <u>with a capacity above 2 kWh, except those with exclusively external</u> storage, <u>and electric vehicle batteries</u> and a capacity above 2 kWh on the market, shall comply with the supply chain due diligence obligations set out in paragraphs 2 to 5 of this Article and shall keep documentation demonstrating its <u>2</u></p>	<p>1. From either 24 <u>36</u> months after entry into force of the Regulation or 24 months after the publication of the guidance referred to in paragraph (39)7, whichever is later, the economic operator that places industrial batteries with a capacity above 2 kWh, except those with exclusively external storage, and electric vehicle batteries on the market, shall comply with the supply-chain due diligence obligations set out in paragraphs 1a and 1b and Articles 45b, 45c and 45e(1) and shall, to that end, set up and implement supply-chain due diligence policies.</p> <p>Moved from row 455</p>


	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	Moved reference text		<p>respective compliance with those obligations, including the results of the third-party verification carried out by notified bodies 1a and 1b and Articles 45b, 45c and 45e(1) and shall, to that end, set up and implement supply chain due diligence policies.</p> <p>Moved from row 455</p>	
Article 45a(1a)				
536e			<p><u>1a. The economic operator referred to in paragraph 1 shall have its supply chain due diligence policies verified by a notified body ('third-party verification') in accordance with Article 45d and periodically audited by the notified body to make sure that the supply chain due diligence policies are maintained and applied in accordance with the requirements set out in Articles 45b, 45c and 45e(1). The notified body shall provide the audited economic operator with an audit report.</u></p>	<p>1a. The economic operator referred to in paragraph 1 shall have its supply chain due diligence policies verified by a notified body ('third-party verification') in accordance with Article 45d and periodically audited by the notified body to make sure that the supply chain due diligence policies are maintained and applied in accordance with the requirements set out in Articles 45b, 45c and 45e(1). The notified body shall provide the audited economic operator with an audit report.</p> <p>Cf. line 536as; moved from row</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			Moved from row 479	479 provisionally agreed
Article 45a(1b)				
536f			<u>1b. The economic operator referred to in paragraph 1 shall keep documentation demonstrating its respective compliance with the obligations set out in Articles 45b, 45c and 45e(1), including the verification report and approval decision referred to in Article 45d and the audit reports referred to in paragraph 1a, for ten years after the last battery manufactured under the relevant supply chain due diligence policies has been placed on the market.</u>	1b. The economic operator referred to in paragraph 1 shall keep documentation demonstrating its respective compliance with the obligations set out in Articles 45b, 45c and 45e(1), including the verification report and approval decision referred to in Article 45d and the audit reports referred to in paragraph 1a, for ten years after the last battery manufactured under the relevant supply chain battery due diligence policies has been placed on the market. provisionally agreed
Article 45a(4)				
536g		<u>Without prejudice to the individual responsibility of</u>		<u>1c. Without prejudice to the individual responsibility of</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p><u><i>economic operators for their due diligence processes</i></u>, the requirements set out in the current point (d) may be implemented <u><i>in collaboration with other actors, including</i></u> through participation in industry-led schemes, <u><i>recognised under this Regulation</i></u>.</p> <p>Moved reference text r. 466</p>		<p><u><i>economic operators for their due diligence processes, the requirements set out in [Article 45a to 45c and 45e] may be implemented in collaboration with other actors, including through due diligence schemes, recognised under this Regulation</i></u>.</p> <p>provisionally agreed</p>
Article 45a(2)				
536h	<p>7. The Commission shall develop guidance as regards the application of the due diligence requirements defined in paragraphs 2 and 3 of this Article, with regard to the social and environmental risks referred to in Annex X, point 2, and particularly in line with the international instruments referred to in Annex X, point 3.</p> <p>Moved reference text</p>		<p>72. <u><i>By 12 months after entry into force of the Regulation</i></u>, the Commission shall develop <u><i>publish guideline</i></u> as regards the application of the due diligence requirements defined in paragraphs 2 and 3 of this Article <u><i>Articles 45b and 45c</i></u>, with regard to the social and environmental risks referred to in Annex X, point 2, and particularly in line with the international instruments referred to in Annex X, point 3.</p>	<p>2. By 1218 months after entry into force of the Regulation, the Commission shall publish guideline <u><i>guidelines</i></u> as regards the application of the due diligence requirements defined in Articles 45b and 45c, with regard to the risks referred to in Annex X, point 2, and particularly in line with the international instruments referred to in Annex X, point 3.</p> <p>provisionally agreed</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			Moved from row 489	
Article 45a(6)				
536i		<p><u>7a. Member States shall provide specific technical assistance to economic operators, especially to small and medium-sized companies, for the purposes of compliance with the value chain due diligence requirements set out in this Article. Member States may be assisted by their national battery competence centres, established pursuant to Article 68b, in providing such technical support.</u></p> <p>Reference text EP row 489a</p>		<p><u>7a. Member States may, in order to provide information and support to economic operators in fulfilling the due diligence obligations resulting from this Regulation, set up and operate individually or jointly dedicated websites, platforms or portals. Specific consideration shall be given to SMEs.</u></p> <p><u>The Commission may complement Member States' support measures building on existing Union action to support due diligence in the Union and in third countries and may devise new measures to help companies fulfil their obligations.</u></p> <p>Text mirrors Art. 14 of the Corporate sustainability due diligence proposal, while using 'may' instead of 'shall' with regard to MS obligations</p> <p>The EP has indicated difficulties</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
				with this drafting, further discussion is expected.
Article 39(7b)				
536j		<p><u>7b. In order to enable Member States to ensure that there is compliance with this Regulation in accordance with Article 69, Member States shall be responsible for carrying out appropriate checks.</u></p> <p><u>The checks referred to in the first subparagraph shall be conducted by taking a risk-based approach, including in cases where a competent authority is in possession of relevant information, such as on the basis of substantiated concerns provided by third parties, concerning the compliance by an economic operator with this Regulation.</u></p> <p><u>The checks referred to in the first subparagraph shall include on-the-spot inspections, including at</u></p>		EP's text from row 489b - to be deleted in exchange for rec. 95. (row 105)

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p><u><i>the premises of the economic operator.</i></u></p> <p><u><i>Economic operators shall offer all the assistance necessary to facilitate the performance of the checks referred to in the first subparagraph, in particular as regards access to premises and the presentation of documentation and records.</i></u></p> <p><u><i>In order to ensure clarity of tasks and consistency of action among Member State competent authorities, the Commission shall prepare guidelines detailing the steps to be followed by Member State competent authorities carrying out the checks referred to in the first subparagraph. Those guidelines shall include, as appropriate, templates for documents facilitating the implementation of this Regulation.</i></u></p> <p><u><i>Member State shall keep records of the checks referred to in the first subparagraph indicating in</i></u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p><u>particular the nature and results of such checks, as well as records of any notice of remedial action issued under Article 69.</u></p> <p>Moved reference text, r. 489b</p>		
Article 45a(3), introductory part				
536k	<p>8. The Commission is empowered to adopt delegated acts in accordance with Article 73 to:</p> <p>Moved reference text</p>		<p>83. 3. The Commission is<u>shall</u> <u>regularly review the list of raw materials and risk categories set out in Annex X and shall be</u> empowered to adopt delegated acts in accordance with Article 73 to:</p> <p>Moved from row 490</p>	<p>37. 3. The Commission shall regularly review<u>make an assessment on the need to update</u> the list of raw materials and risk categories set out in Annex X</p> <p><u>The Commission is</u> and shall be empowered to adopt delegated acts in accordance with Article 73 to:</p> <p>provisionally agreed</p>
Article 45a(3), point (a)				
536l	<p>(a) Amend the lists of raw materials and risk categories in Annex X in view of scientific and technological progress in battery manufacturing and chemistries and amendments to Regulation</p>		<p>(a) amend the lists of raw materials <u>in Annex X, point 1,</u> and risk categories in Annex X, <u>point 2,</u> in view of scientific and technological progress in battery manufacturing and chemistries</p>	<p>(a) amend the lists of raw materials in Annex X, point 1, and risk categories in Annex X, point 2, in view of scientific and technological progress in battery manufacturing and chemistries</p>

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	(EU) 2017/821; <u>Moved reference text</u>		and amendments to Regulation (EU) 2017/821; <u>Moved from row 491</u>	and amendments to Regulation (EU) 2017/821; provisionally agreed
Article 45a(3), point (aa)				
536m				<u>(aa) amend the list of international instruments in Annex X in accordance with developments within the relevant international fora concerning standards related to due diligence policies, protection of the environment and of social rights;</u> provisionally agreed
Article 45a(3), point (b)				
536n	(b) amend the obligations on the economic operator referred to in paragraph 1 set out in paragraphs 2 to 4 in view of amendments to Regulation (EU) 2017/821 and changes to the due diligence recommendations set out in Annex I to the OECD Due Diligence Guidance.		(b) amend the obligations on the economic operator referred to in paragraph 1 set out in paragraphs 2 to 4 in view of <u>to ensure consistency with the</u> amendments to Regulation (EU) 2017/821 and changes to the due diligence recommendations set out in Annex I to the OECD Due Diligence	(b) amend the obligations on the economic operator referred to in paragraph 1 set out in paragraphs 2 to 4 in view of <u>to ensure consistency with the</u> amendments to Regulation (EU) 2017/821 and <u>amend the list of internationally recognised due diligence instruments set out in Annex X,</u>

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	Moved reference text		Guidance. Moved from row 492	point 3a; provisionally agreed
Article 45a(3), point (d)				
536o		<u>(ba) establish and amend a list of high risk areas taking into consideration OECD due diligence guidelines</u> Reference text row 492a		Replaced by Recital 67a
Article 45a(3b)				
536p			<u>3b. Without prejudice to third subparagraph of Article 2 and to Article 6 for the purpose of this Chapter and Annex X of this Regulation ‘risk’ shall mean actual adverse impacts or potential adverse impacts related to the social and environmental categories laid down in point 2 of Annex X.</u>	3b. Without prejudice to third subparagraph of Article 2 and to Article 6 for the purpose of this Chapter and Annex X of this Regulation ‘risk’ shall mean actual adverse impacts or potential adverse impacts related to the social and environmental categories laid down in point 2 of Annex X. The definition of “risk” in the context of due diligence might be moved to Art. 2 to other definitions.

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 45b				
536q			<p>Article 45b</p> <p>Economic operator's management system</p>	<p>Article 45b</p> <p>Economic operator's management system</p> <p>provisionally agreed</p>
Article 45b, first subparagraph				
536r	<p>2. The economic operator referred to in paragraph 1 shall</p> <p>Moved reference text</p>		<p>2. The economic operator referred to in paragraph 1 Article 45a shall:</p> <p>Moved from row 456</p>	<p>provisionally agreed</p>
Article 45b, first subparagraph, point (a)				
536s	<p>(a) adopt, and clearly communicate to suppliers and the public, a company policy for the supply chain of raw materials indicated in Annex X, point 1;</p> <p>Moved reference text</p>		<p>(a) adopt, and clearly communicate to suppliers and the public, a company supply chain due diligence policy for the supply chain of raw materials indicated in Annex X, point 1;</p> <p>Moved from row 457</p>	<p>(a) adopt, and clearly communicate to suppliers and the public, a company supply chain due diligence policy for the supply chain of batteries, concerning raw materials indicated in Annex X, point 1 and associated social and environmental risk categories indicated in Annex X, point 2;</p> <p>provisionally agreed</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 45b, first subparagraph, point (b)				
536t	<p>(b) incorporate in its supply chain policy standards consistent with the standards set out in the model supply chain policy in Annex II to the OECD Due Diligence Guidance;</p> <p>Moved reference text</p>		<p>(b) incorporate in its supply chain <u>due diligence</u> policy standards consistent with the <u>United Nations Guiding Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises, and the OECD Guidance for Responsible Business Conduct, and the</u> standards set out in the model supply chain policy in Annex II to the OECD Due Diligence Guidance; <u>for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas¹ (' OECD Due Diligence Guidance) and the OECD Due Diligence Guidance for Responsible Business Conduct (OECD Due Diligence Guidance for RBC).</u></p> <p><u>1. OECD (2016), OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and</u></p>	<p>(b) incorporate in its supply chain due diligence policy standards consistent with the United Nations Guiding Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises, and the OECD Guidance for Responsible Business Conduct, and the standards set out in the model supply chain policy in Annex II to the OECD <u>internationally recognised</u> due diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas¹ (' OECD Due Diligence Guidance) and the OECD Due Diligence Guidance for Responsible Business Conduct (OECD Due Diligence Guidance for RBC). <u>standards listed in Annex X, point 3a;</u></p> <p>1. OECD (2016), OECD Due Diligence</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal	
			High-Risk Areas: Third Edition, OECD Publishing, Paris. Moved from row 458	<i>Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas: Third Edition, OECD Publishing, Paris.</i> provisionally agreed	
Article 45b, first subparagraph, point (c)					
G	536u (c) structure its respective internal management systems to support supply chain due diligence by assigning responsibility to senior management to oversee the supply chain due diligence process as well as maintain records of those systems for a minimum of five years; Moved reference text		(c) structure its respective internal management systems to support supply chain due diligence by assigning responsibility to <u>the most</u> senior management level of <u>the economic operator</u> to oversee the supply chain due diligence process <u>policy</u> as well as maintain records of those systems for a minimum of five <u>ten</u> years; Moved from row 459	(c) structure its respective internal management systems to support supply chain due diligence <u>policy</u> by assigning responsibility to the most senior <u>top management</u> level of the economic operator to oversee the supply chain due diligence policy as well as maintain records of those systems for a minimum of ten years; provisionally agreed	G
Article 45b, first subparagraph, point (d)					
G	536v (d) establish and operate a system of controls and transparency over the supply chain, including a chain of custody or traceability system or		(d) establish and operate a system of controls and transparency over the supply chain, including a chain of custody or traceability system or the identification of upstream	(d) establish and operate a system of controls and transparency over the <u>supply value</u> chain, including a chain of custody or traceability system or the identification of	G

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	<p>the identification of upstream actors in the supply chain.</p> <p>Moved reference text</p>		<p>actors in the supply chain.</p> <p>Moved from row 460</p>	<p><u>identifying</u> upstream actors in the supply chain.</p> <p>provisionally agreed</p>
Article 45b, second subparagraph, introductory part				
	<p>536w</p> <p>Such a system shall be supported by documentation that provides the following information:</p> <p>Moved reference text</p>		<p>Such a system shall be supported, by documentation that provides the following information:</p> <p>Moved from row 461</p>	<p>Such a system shall be supported, by documentation that provides <u>at least</u> the following information:</p>
Article 45b, second subparagraph, point (i)				
	<p>536x</p> <p>(i) description of the raw material, including its trade name and type;</p> <p>Moved reference text</p>		<p>(i) description of the raw material, including its trade name and type;</p> <p>Moved from row 462</p>	<p>(i) description of the raw material, including its trade name and type;</p> <p>provisionally agreed</p>
Article 45b, second subparagraph, point (ii)				
	<p>536y</p> <p>(ii) name and address of the supplier that supplied the raw material present in the batteries to the economic operator that places on the market the batteries containing the raw</p>		<p>(ii) name and address of the supplier that supplied the raw material present in the batteries to the economic operator that places on the market the batteries containing the raw material in</p>	<p>(ii) name and address of the supplier that supplied the raw material present in the batteries to the economic operator that places on the market the batteries containing the raw material in</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	material in question; Moved reference text		question; Moved from row 463	question; provisionally agreed
Article 45b, second subparagraph, point (iii)				
536z	(iii) country of origin of the raw material and the market transactions from the raw material's extraction to the immediate supplier to the economic operator; Moved reference text		(iii) country of origin of the raw material and the market transactions from the raw material's extraction to the immediate supplier to the economic operator that places the battery on the market ; Moved from row 464	(iii) country of origin quantities of the raw material and the market transactions from the raw material's extraction to the immediate supplier to the economic operator that places the battery on the market ; present in the battery placed on the market, expressed in percentage or weight
Article 45b, second subparagraph, point (iiia)				
536aa		(iiia) where the raw material originates from a high-risk area, additional information in accordance with the specific recommendations for upstream economic operators, as set out in the OECD Due Diligence Guidance, where relevant, such as the mine of origin, locations where raw materials are consolidated, traded and processed, and taxes, fees		EC to propose a text

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<u>and royalties paid; [Am. 244]</u> Moved reference text r. 464a		
Article 45b, second subparagraph, point (iv)				
536ab	(iv) quantities of the raw material present in the battery placed on the market, expressed in percentage or weight. Moved reference text		(iv) quantities of the raw material present in the battery placed on the market, expressed in percentage or weight-; Moved from row 465	(iv) quantities of the raw material present in the battery placed on the market, expressed in percentage or weight <u>third-party verification reports done by a notified body and concerning the upstream suppliers as referred to in paragraph 3b;</u>
Article 45b, second subparagraph, point (v)				
536ac			<u>(v) third-party verification reports done by a notified body and concerning the up-stream suppliers.</u>	(v) third-party verification if the reports done by a notified body and concerning the up-stream suppliers <u>referred to in point (iv) are not available:</u> <u>(a) country of origin of the raw material and the market transactions from the raw material's extraction to the immediate supplier to the economic operator;</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			PUBLIC	<u><i>b. where the raw material originates from a conflict-affected and high-risk areas, additional information in accordance with the specific recommendations for upstream economic operators, as set out in the OECD Due Diligence Guidance, where relevant, such as the mine of origin, locations where raw materials are consolidated, traded and processed, and taxes, fees and royalties paid.</i></u>
Article 45b, third subparagraph				
6	536ad	<p><u><i>Without prejudice to the individual responsibility of economic operators for their due diligence processes,</i></u> the requirements set out in the current point (d) may be implemented <u><i>in collaboration with other actors, including</i></u> through participation in industry-led schemes, <u><i>recognised under this Regulation.</i></u></p> <p>Moved reference text r. 466</p>		Moved to row 536g

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 45b, third subparagraph				
	<p>The requirements set out in the current point (d) may be implemented through participation in industry-led schemes.</p> <p>Moved reference text</p>		<p>The requirements set out in the current <u>Third party verification reports referred to in</u> point (d) <u>may be implemented through participation in industry-led schemes</u> <u>(v) shall be made available to the down-stream operators of the supply chain.</u></p> <p>Moved from EC row 466</p>	<p>Third party verification reports referred to in point (v) <u>(iv)</u> shall be made available to the down-stream <u>downstream</u> operators of the supply chain.</p>
Article 45b, first subparagraph, point (e)				
	<p>(e) incorporate its supply chain policy into contracts and agreements with suppliers, including their risk management measures;</p> <p>Moved reference text</p>		<p>(e) incorporate its supply chain <u>due diligence</u> policy into contracts and agreements with suppliers, including their risk management measures;</p> <p>Moved from row 467</p>	<p>(e) incorporate its supply chain due diligence policy into contracts and agreements with suppliers, including <u>their</u> risk management measures;</p> <p>provisionally agreed</p>
Article 45b, first subparagraph, point (f)				
	<p>(f) establish a grievance mechanism as an early-warning risk-awareness system or provide such mechanism through collaborative arrangements with</p>		<p>(f) establish a grievance mechanism as an early-warning risk-awareness system or provide such mechanism through collaborative arrangements with</p>	<p>(f) establish a grievance mechanism, <u>including an early-warning</u> as an early-warning risk-awareness system <u>and a remediation mechanism,</u> or</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	<p>other economic operators or organisations, or by facilitating recourse to an external expert or body, such as an ombudsman.</p> <p>Moved reference text</p>		<p>other economic operators or organisations <u>Insomuch as it may help address grievances received, companies may in addition facilitate, or by facilitating</u> recourse to an external expert or body, such as an ombudsman <u>or an OECD national contact point to the OECD Guidelines for Multinational Enterprises. The grievance mechanism provided by the company shall meet the effectiveness criteria set out in the UN Guiding Principles: legitimacy, accessibility, predictability, equitability, transparency, rights-compatibility, and a source of continuous learning.</u></p> <p>Moved from row 468</p>	<p>provide <u>for such mechanisms</u>such mechanism through collaborative arrangements<u>agreements*</u> with other economic operators or organisations Insomuch as it may help address grievances received, companies may in addition facilitate, or by facilitating recourse to an external expert or body, such as an ombudsman; <u>such mechanisms</u> or an OECD national contact point to the OECD Guidelines for Multinational Enterprises. The grievance mechanism provided by the company shall meet the effectiveness criteria set out in <u>be based on</u> the UN Guiding Principles: legitimacy, accessibility, predictability, equitability, transparency, rights-compatibility, and a source of continuous learning. <u>on Business and Human Rights</u></p> <p><u>* DLA consider if rather due diligence schemes</u></p> <p>provisionally agreed</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal	
Article 45c					
g	536ah		<u>Article 45c</u> <u>Risk management plan</u>	provisionally agreed	g
(3), first subparagraph, introductory part					
g	536ai 3. The economic operator referred to in paragraph 1 shall Moved reference text		3 1. The economic operator referred to in paragraph 1 <u>Article 45a</u> shall: Moved from row 469	1. The economic operator referred to in Article 45a shall: provisionally agreed	g
(3), first subparagraph, point (a)					
	536aj (a) identify and assess the adverse impacts associated to the risk categories listed in Annex X, point 2, in its supply chain on the basis of the information provided pursuant to paragraph 2 against the standards of their supply chain policy; Moved reference text		(a) identify and assess the adverse impacts <u>risks in its supply chain</u> , associated to the risk categories listed in Annex X, point 2, in its supply chain on the basis of the information provided pursuant to paragraph 2 against the standards of their supply chain policy <u>including as described in the OECD Due Diligence Guidance for Responsible Business Conduct, Chapter II, or in a equivalent way</u> ;	(a) identify risks <u>and assess risks adverse impacts</u> in its supply chain, associated to the risk categories listed in Annex X, point 2 as part of its management plan , including as described in the OECD Due Diligence Guidance for Responsible Business Conduct, Chapter II, or in a equivalent way <u>on the basis of the information provided pursuant to Article 45b and any other relevant information that is either publicly</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			Moved from row 470	<u>available or provided by stakeholders, against the standards of its due diligence policy;</u>
Article 45c(1), first subparagraph, point (b)				
536ak			<u>(b) identify and assess any potential or actual adverse impacts associated to the risk, referred to in point (a), in its supply chain on the basis of the information provided pursuant to Article 45b and any other relevant information that is either publicly available or provided by stakeholder engagement, against the standards of its supply chain policy;</u>	(b) identify and assess any potential or actual adverse impacts associated to the risk, referred to in point (a), in its supply chain on the basis of the information provided pursuant to Article 45b and any other relevant information that is either publicly available or provided by stakeholder engagement, against the standards of its supply chain policy; Merged with row above
(3), first subparagraph, point (b), introductory part				
536al	(b) implement a strategy to respond to the identified risks designed so as to prevent or mitigate adverse impacts by:		(b)(c) <u>design and</u> implement a strategy to respond to the identified risks designed so as to prevent or mitigate adverse impacts by:	(c) design and implement a strategy to respond to the identified risks designed so as to prevent or, mitigate <u>and otherwise address</u> adverse

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	Moved reference text		Moved from row 471	impacts by: provisionally agreed
(3), first subparagraph, point (b)(i)				
536am	(i) reporting findings of the supply chain risk assessment to senior management designated for that purpose; Moved reference text		(i) reporting findings of the supply chain risk assessment to the most senior management designated for that purpose level of the economic operator assigned in accordance with point (c) of Article 45b; Moved from row 472	(i) reporting findings of the supply chain risk assessment to the most senior top management level of the economic operator assigned in accordance with point (c) of Article 45b; provisionally agreed
(3), first subparagraph, point (b)(ii)				
536an	(ii) adopting risk management measures consistent with Annex II to the OECD Due Diligence Guidance, considering their ability to influence, and where necessary take steps to exert pressure on suppliers who can most effectively prevent or mitigate the identified risk; Moved reference text		(ii) adopting risk management measures consistent with Annex II to the OECD Due Diligence Guidance and Chapter II of the OECD Due Diligence Guidance for RBC , considering their ability to influence, and where necessary take steps to exert pressure on suppliers who can most effectively prevent or mitigate the identified risk;	(ii) adopting risk management measures consistent with Annex II to the OECD the internationally recognised due diligence standards listed in Annex X, point 3a Guidance and Chapter II of the OECD Due Diligence Guidance for RBC , considering their ability to influence, and where necessary take steps to exert pressure on [business relationships] suppliers who can most effectively prevent

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			Moved from row 473	or mitigate the identified risk; provisionally agreed
(3), first subparagraph, point (b)(iii)				
536ao	<p>(iii) implementing the risk management plan, monitoring and tracking performance of risk mitigation efforts, reporting back to senior management designated for this purpose and considering suspending or discontinuing engagement with a supplier after failed attempts at mitigation, based on relevant contractual arrangements in line with the second subparagraph to paragraph 2 above;</p> <p>Moved reference text</p>		<p>(iii) designing and implementing the risk management plan, monitoring and tracking performance of risk mitigation efforts, reporting back to the most senior management designated for this purpose level of the economic operator assigned in accordance with point (c) of Article 45b, and considering suspending or discontinuing engagement with a supplier after failed attempts at- mitigation, based on relevant contractual contracts and arrangements in line with the second subparagraph to paragraph 2 above referred to in point (e) of Article 45b;</p> <p>Moved from row 474</p>	<p>(iii) designing and implementing the risk management plan, monitoring and tracking performance of risk mitigation efforts, reporting back to the most senior top management level of the economic operator assigned in accordance with point (c) of Article 45b, and considering suspending or discontinuing engagement with a supplier [business relationship] after failed attempts at mitigation, based on relevant contracts and arrangements referred to in point (e) of Article 45b;</p> <p>provisionally agreed</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	(3), first subparagraph, point (b)(iv)			
g	536ap (iv) undertaking additional fact and risk assessments for risks requiring mitigation, or after a change of circumstances. Moved reference text		(iv) undertaking additional fact and risk assessments for risks requiring mitigation, or after a change of circumstances. Moved from row 475	(iv) undertaking additional fact and risk assessments for risks requiring mitigation, or after a change of circumstances. provisionally agreed
	(3), second subparagraph			
g	536aq If the economic operator referred to in paragraph 1 pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with suppliers and with the stakeholders concerned, including local and central government authorities, international or civil society organisations and affected third parties, and agree on a strategy for measurable risk mitigation in the risk management plan.		<u>1a.</u> If the economic operator referred to in paragraph 1 <u>Article 45a</u> pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with suppliers and with the stakeholders concerned, including local and central <u>national</u> government authorities, international or civil society organisations and affected third parties, and agree <u>before deciding</u> on a strategy for measurable risk mitigation in the risk management plan <u>referred to in point (c)(iii) of</u>	If the economic operator referred to in Article 45a pursues risk mitigation efforts while continuing trade or temporarily suspending trade, it shall consult with suppliers and with the stakeholders concerned, including local and national government authorities, international or civil society organisations and affected third parties, before deciding on <u>such as local communities, before establishing</u> a strategy for measurable risk mitigation in the risk management plan referred to

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	Moved reference text		<p>paragraph 3.</p> <p>Moved from row 476</p>	<p>in point (c)(iii) of paragraph 3.</p> <p>provisionally agreed</p>
(3), third subparagraph				
536ar	<p>The economic operator referred to in paragraph 1 shall identify and assess the probability of adverse impacts in the risk categories listed in Annex X, point 2, in its supply chain based on available reports by third-party verification done by a notified body concerning the suppliers in that chain, and, by assessing, as appropriate, its due diligence practices. Those verification reports shall be in accordance with the first subparagraph in paragraph 4. In the absence of such third-party verification reports concerning suppliers, the economic operator referred to in paragraph 1 shall identify and assess the risks in its supply chain as part of its own risk management systems. In such cases, economic operators</p>		<p>1b. The economic operator referred to in paragraph 1Article 45a shall identify and assess the probability of adverse impacts in the risk categories listed in Annex X, point 2, in its supply chain based on available reports by making use of available third-party verification reports done by a notified body and concerning the suppliers in that chain, and, by assessing, as appropriate, itstheir due diligence practices. Those verification reports shall be in accordance with Article 45d. In the absence of such third-party verification reports concerning suppliers, or in case the first subparagraph in paragraph 4. In the absence of such third-party verification reports concerning suppliers are not in accordance with Article 45d, the economic</p>	<p>The economic operator referred to in paragraph 1Article 45a shall identify and assess the probability of adverse impacts in the risk categories listed in Annex X, point 2, in its supply chain based on available reports by making use of available third-party verification reports done by a notified body and concerning the suppliers in that chain, and, by assessing, as appropriate, itstheir due diligence practices. Those verification reports shall be in accordance with Article 45d. In the absence of such third-party verification reports concerning suppliers, or in case the first subparagraph in paragraph 4. In the absence of such third-party verification reports concerning suppliers are not in accordance with Article 45d, the economic operator</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	<p>referred to in paragraph 1 shall carry out third party verifications of its own supply chains due diligence via a notified body in accordance with the first subparagraph in paragraph 4.</p> <p>Moved reference text</p>		<p>operator referred to in <i>paragraph 1 Article 45a</i> shall identify and assess the risks in its supply chain as part of its own risk management systems. In such cases, economic operators referred to in <i>paragraph 1 Article 45a</i> shall carry out third party verifications of its own supply <i>chainschain</i> due diligence via a notified body in accordance with <i>the first subparagraph in paragraph 4 Article 45d</i>.</p> <p>Moved from row 477</p>	<p>referred to in <i>paragraph 1 Article 45a</i> shall identify and assess the risks in its supply chain as part of its own risk management systems. In such cases, economic operators referred to in <i>paragraph 1 Article 45a</i> shall carry out third party verifications of its own supply <i>chainschain</i> due diligence via a notified body in accordance with <i>the first subparagraph in paragraph 4 Article 45d</i>.</p>
(3), fourth subparagraph				
536as	<p>The economic operator referred to in paragraph 1 shall report the findings of the risk assessment referred to in the third subparagraph to its senior management designated for that purpose and a response strategy designed to prevent or mitigate adverse impacts shall be implemented.</p>		<p><i>1c.</i> The economic operator referred to in <i>paragraph 1 Article 45a</i> shall report the findings of the risk assessment referred to in <i>the third subparagraph paragraph 3b</i> to its <i>most</i> senior <i>management designated for that purpose and a response level assigned in accordance with point (c) of Article 45b, and a</i> strategy, <i>referred to in point (c) of</i></p>	<p>The economic operator referred to in Article 45a shall report the findings of the risk assessment referred to in paragraph 3b to its <i>most senior top management</i> level assigned in accordance with point (c) of Article 45b, and a strategy, referred to in point (c) of paragraph 3, shall be implemented.</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	Moved reference text		<p>paragraph 3, designed to prevent or mitigate adverse impacts shall be implemented.</p> <p>Moved from row 478</p>	provisionally agreed
Article 45c(2)				
R	536at	<p><u>3a. Member States shall ensure that they have a liability regime in place under which economic operators can, in accordance with national law, be held liable and provide remediation for any harm arising out of potential or actual adverse impacts on human rights, the environment or good governance that they, or undertakings under their control, have caused or contributed to by acts or omissions. [Am. 255]</u></p> <p>Moved reference text EP r. 478a</p>		
(4), introductory part				
G	536au	4. The economic operator referred to in paragraph 1 shall have their supply chain due diligence policies verified by a	<p>deleted</p> <p>Council mandate moved to Art.</p>	deleted

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	<p>notified body (“third-party verification”).</p> <p>Moved reference text row 479</p>		<p>45(a)(1a) - line 536e</p> <p><i>The economic operator referred to in paragraph 1 shall have its supply chain due diligence policies verified by a notified body (“third-party verification”) in accordance with Article 45d and periodically audited by the notified body to make sure that the supply chain due diligence policies are maintained and applied in accordance with the requirements set out in Articles 45b, 45c and 45e(1). The notified body shall provide the audited economic operator with an audit report.</i></p>	<p>provisionally agreed</p>
Article 45d				
6	536av		<p><u>Article 45d</u></p> <p><u>Third-party verification of supply chain due diligence policies</u></p>	<p><u>Article 45d</u></p> <p><u>Third-party verification of due diligence policies</u></p> <p>provisionally agreed</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
first paragraph, introductory part				
g	536aw The third-party verification by a notified body shall: Moved reference text		4. The third-party verification by a notified body shall: Moved from row 480	The third-party verification by a notified body shall: provisionally agreed
first paragraph, point (a)				
g	536ax (a) include in its scope all activities, processes and systems used by economic operators to implement their supply chain due diligence requirements in accordance with paragraphs 2, 3 and 5; Moved reference text		(a) include in its scope all activities, processes and systems used by economic operators to implement their supply chain due diligence requirements in accordance with paragraphs 2, 3 and 5 Articles 45b, 45c and 45e(1) ; Moved from row 481	(a) include in its scope all activities, processes and systems used by economic operators to implement their supply chain -due diligence requirements in accordance with Articles 45b, 45c and 45e(1); provisionally agreed
first paragraph, point (b)				
g	536ay (b) have as its objective the determination of conformity of the supply chain due diligence practices of economic operators placing batteries on the market with paragraphs 2, 3 and 5; Moved reference text		(b) have as its objective the determination of conformity of the supply chain due diligence practices of economic operators placing batteries on the market with paragraphs 2, 3 and 5 Articles 45b, 45c and 45e(1) ;	(b) have as its objective the determination of conformity of the supply chain -due diligence practices of economic operators placing batteries on the market with Articles 45b, 45c and 45e(1);

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			Moved from row 482	provisionally agreed
Article 45d, first paragraph, point (b bis)				
g	536az		<u>(b bis) where relevant, carry out checks on undertakings and gather information from stakeholders;</u>	(b bis) where relevant, carry out checks on undertakings and gather information from stakeholders; provisionally agreed
Article 45d, first paragraph, point (c)				
g	536ba Moved reference text		(c) make recommendations to the economic operators that place batteries on the market on how to improve their supply chain due diligence practices; Moved from row 483	(c) make recommendations to identify areas for the potential improvement for the economic operators that place batteries on the market on how to improve their supply chain due diligence practices; provisionally agreed
Article 45d, first paragraph, point (d)				
g	536bb		(d) respect the audit principles of independence, competence and accountability, as set out in the OECD Due Diligence Guidance.	(d) respect the audit principles of independence, competence and accountability, as set out in the OECD Due Diligence Guidance. provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	Moved reference text		Moved from row 484	
Article 45d, second paragraph				
536bc			<u>4a. The notified body shall issue a verification report that records the activities undertaken in accordance with paragraph 4 and their outcomes. Where the supply chain due diligence policies of the economic operator referred to in Article 45a comply with the obligations set out in Articles 45b, 45c and 45e(1), the notified body shall issue an approval decision.</u>	4a. The notified body shall issue a verification report that records the activities undertaken in accordance with paragraph 4 and their outcomes. Where the supply chain due diligence policies of the economic operator referred to in Article 45a comply with the obligations set out in Articles 45b, 45c and 45e(1), the notified body shall issue an approval decision.
Article 45e				
536bd			<u>Article 45e</u> <u>Disclosure of information on supply chain due diligence policies</u>	Article 45e Disclosure of information on supply chain due diligence policies
Article 45e(1)				
536be	5. The economic operator referred to in paragraph 1 shall make available upon request to Member States' market		5.1. The economic operator referred to in paragraph 1 <u>Article 45a</u> shall make available upon request to Member States' market	1. The economic operator referred to in Article 45a shall make available upon request to Member States' market

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	<p>surveillance authorities the reports of any third-party verification carried out in accordance with paragraph 4 or evidence of compliance with a supply chain due diligence scheme recognised by the Commission in accordance with Article 72.</p> <p>Moved reference text</p>		<p>surveillance authorities the reports of any third-party or national <u>authorities the</u> verification carried out <u>report or approval decision issued</u> in accordance with <u>Article 45d, the audit reports referred to in</u> paragraph 4 or 1a of Article 45a <u>and available</u> evidence of compliance with a supply chain due diligence scheme recognised by the Commission in accordance with Article 72 <u>45f</u>.</p> <p>Moved from row 485</p>	<p>surveillance authorities or national authorities the verification report or <u>and</u> approval decision issued in accordance with Article 45d, the audit reports referred to in paragraph 1a of Article 45a and available evidence of compliance with a supply chain due diligence scheme recognised by the Commission in accordance with Article 45f.</p> <p>provisionally agreed</p>
Article 45e(2)				
6	<p>536bf</p> <p>6. The economic operator referred to in paragraph 1 shall make available to its immediate downstream purchasers all information gained and maintained pursuant to its supply chain due diligence policies with due regard for business confidentiality and other competitive concerns.</p> <p>Moved reference text</p>		<p>62. The economic operator referred to in paragraph 1 <u>Article 45a</u> shall make available to its immediate downstream purchasers all <u>relevant</u> information gained and maintained pursuant to its supply chain due diligence policies with due regard for business confidentiality and other competitive concerns.</p>	<p>2. The economic operator referred to in Article 45a shall make available to its immediate downstream purchasers all relevant information gained and maintained pursuant to its supply chain due diligence policies with due regard for business confidentiality and other competitive concerns.</p> <p>provisionally agreed</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			Moved from row 486	
Article 45e(3)				
g	<p>536bg</p> <p>The economic operator referred to in paragraph 1 shall on an annual basis, publicly report as widely as possible, including on the internet, on its supply chain due diligence policies. That report shall contain the steps taken by that economic operator to comply with the requirements set out in paragraphs 2 and 3, including findings of significant adverse impacts in the risk categories listed in Annex X, point 2, and how they have been addressed, as well as a summary report of the third-party verifications carried out in accordance with point 4, including the name of the notified body, with due regard for business confidentiality and other competitive concerns.</p> <p>Moved reference text</p>		<p>3. The economic operator referred to in paragraph 1<u>Article 45a</u> shall on an annual basis, publicly report as widely as possible<u>review and make publicly available</u>, including on the internet, report on its supply chain due diligence policies. That report shall contain the <u>data and information on</u> steps taken by that economic operator to comply with the requirements set out in paragraphs 2 and 3<u>Articles 45b and 45c</u>, including findings of significant adverse impacts in the risk categories listed in Annex X, point 2, and how they have been addressed, as well as a summary report of the third-party verifications carried out in accordance with point 4<u>Article 45d</u>, including the name of the notified body, with due regard for business confidentiality and other</p>	<p>The economic operator referred to in Article 45a shall on an annual basis review and make publicly available, including on the internet, report on its supply chain due diligence policies. That report shall contain, <u>in a manner that is easily comprehensible for end-users and clearly identifies the batteries concerned</u>, -the data and information on steps taken by that economic operator to comply with the requirements set out in Articles 45b<u>Articles 45b</u> and 45c, including findings of significant adverse impacts in the risk categories listed in Annex X, point 2, and how they have been addressed, as well as a summary report of the third-party verifications carried out in accordance with Article 45d, including the name of the notified body, with due regard for business confidentiality and other</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			competitive concerns. Moved from row 487	competitive concerns. provisionally agreed
Article 45e(4)				
g	536bh Where the economic operator referred to in paragraph 1 can reasonably conclude that the raw materials listed in Annex X, point 1, that are present in the battery are derived only from recycled sources, it shall publicly disclose its conclusions in reasonable detail, with due regard for business confidentiality and other competitive concerns. Moved reference text		Where the economic operator referred to in paragraph 1 Article 45a can reasonably conclude that the raw materials listed in Annex X, point 1, that are present in the battery are derived only from recycled sources, it shall publicly disclose its conclusions in reasonable detail, with due regard for business confidentiality and other competitive concerns. Moved from row 488	Where the economic operator referred to in Article 45a can reasonably conclude demonstrate that the raw materials listed in Annex X, point 1, that are present in the battery are derived only from recycled sources, it shall publicly disclose its conclusions in reasonable detail, with due regard for business confidentiality and other competitive concerns. provisionally agreed
Article 72				
	Article 72 Supply chain due diligence schemes Moved reference text		Article 72 45f Recognition of supply chain due diligence schemes Moved from row 835	Article 45f Recognition of supply chain due diligence schemes

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 72(1)				
g	<p>536bj</p> <p>1. Governments, industry associations and groupings of interested organisations that have developed and oversee due diligence schemes (“scheme owners”) may apply to the Commission to have their supply chain due diligence schemes recognised by the Commission. The Commission is empowered to adopt implementing acts establishing the information requirements that the application to the Commission shall contain. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).</p> <p><u>Moved reference text</u></p>		<p>1. Governments, industry associations and groupings of interested organisations– that have developed and oversee due diligence schemes (“”scheme owners””) may apply to the Commission to have their supply chain due diligence schemes recognised by the Commission. The Commission is<u>shall be</u> empowered to adopt implementing acts establishing the information requirements that the application to the Commission shall contain. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).</p> <p><u>Moved from row 836</u></p>	<p>1. Governments, industry associations and groupings of interested organisations that have developed and oversee due diligence schemes (”scheme owners”) may apply to the Commission to have their supply chain<u>supply</u> due diligence schemes recognised by the Commission. The Commission shall be empowered to adopt implementing acts establishing the information requirements that the application to the Commission shall contain. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).</p> <p><u>provisionally agreed</u></p>
Article 72(2), introductory part				
g	<p>536bk</p> <p>2. Where, on the basis of the evidence and information provided pursuant to the first</p>		<p>2. Where, on the basis of the evidence and information provided pursuant to the first sub-</p>	<p>2. Where, on the basis of the evidence and information provided pursuant to the</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal	
	<p>sub-paragraph 1, the Commission determines that the supply chain due diligence scheme referred to in paragraph 1, enables that economic operators to comply with the requirements set out in Article 39 of this Regulation, it shall adopt an implementing act granting that scheme a recognition of equivalence with the requirements set out in this Regulation. The OECD Secretariat shall, as appropriate, be consulted prior to the adoption of such implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).</p> <p>Moved reference text</p>		<p>paragraph <u>paragraph 1</u>, the Commission determines that the supply chain due diligence scheme referred to in paragraph 1, enables that economic operators to comply with <u>to fulfil</u> the requirements set out in Article 39 <u>Articles 45a to 45e</u> of this Regulation, it shall adopt an implementing act granting that scheme a recognition of equivalence with the requirements set out in this Regulation. The OECD Secretariat shall, as appropriate, <u>Centre for Responsible Business Conduct</u> shall be consulted prior to the adoption of such implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).</p> <p>Moved from row 837</p>	<p>paragraph 1, the Commission determines that the supply chain due diligence scheme referred to in paragraph 1, enables that economic operators to fulfil the requirements set out in Articles 45a to <u>45c and</u> 45e of this Regulation, it shall adopt an implementing act granting that scheme a recognition of equivalence with the requirements set out in this Regulation. The OECD Centre for Responsible Business Conduct shall be consulted prior to the adoption of such implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).</p> <p>provisionally agreed</p>	
Article 72(2), first paragraph					
6	536bl	When making a determination on the recognition of a due diligence	When making a determination on the recognition of a due diligence	When making a determination on the recognition of a due diligence	6

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	<p>scheme, the Commission shall take into account the diverse industry practices covered by that scheme and shall have regard to the risk-based approach and method used by that scheme to identify risks.</p> <p>Moved reference text</p>		<p>scheme, the Commission shall take into account the diverse industry practices covered by that scheme and shall have regard to the risk-based approach and method used by that scheme to identify risks.</p> <p>Moved from row 838</p>	<p>scheme, the Commission shall take into account the diverse industry practices covered by that scheme and shall have regard to the risk-based approach and method used by that scheme to identify risks.</p> <p>provisionally agreed</p>
Article 72(3)				
536bm	<p>3. The Commission is empowered to adopt implementing acts setting out the criteria and the methodology according to which the Commission shall determine, in accordance with paragraph 2, whether supply chain due diligence schemes ensure that economic operators fulfil the requirements set out in Article 39 of this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3). The Commission shall also, as</p>		<p>3. The Commission isshall be empowered to adopt implementing acts setting out the criteria and the methodology according to which the Commission shall determine, in accordance with paragraph 2, whether supply chain due diligence schemes ensure that economic operators fulfil the requirements set out in Article 39Articles 45a to 45c and 45e of this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3). The Commission</p>	<p>3. The Commission shall beis empowered to adopt implementingdelegated acts setting out the criteria and the methodology according to which the Commission shall determine, in accordance with paragraph 2, whether supply chain due diligence schemes ensure that economic operators fulfil the requirements set out in articles 45a to 45c and 45e of this Regulation. Those implementingdelegated acts shall be adopted in accordance with the examination procedure referred to in Article 74(3). The Commission</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	<p>appropriate, periodically verify that recognised supply chain due diligence schemes continue to fulfil the criteria that led to a recognition of equivalence decision adopted pursuant to paragraph 2.</p> <p>Moved reference text</p>		<p>shall also, as appropriate, periodically verify that recognised supply chain due diligence schemes continue to fulfil the criteria that led to a recognition of equivalence decision adopted pursuant to paragraph 2.</p> <p>Moved from row 839</p>	<p>shall also, as appropriate, periodically verify that recognised <i>supply-chain</i> due diligence schemes continue to fulfil the criteria that led to a recognition of equivalence decision adopted pursuant to paragraph 2.</p>
Article 72(4)				
G 536bn	<p>4. The owner of a supply chain due diligence scheme for which the recognition of equivalence was granted in accordance with paragraph 2 shall inform the Commission without delay of any changes or updates made to that scheme.</p> <p>Moved reference text</p>		<p>4. The owner of a supply chain due diligence scheme for which the recognition of equivalence was granted in accordance with paragraph 2 shall inform the Commission without delay of any changes or updates made to that scheme. <u><i>The Commission shall assess whether such changes or updates affect the basis for the recognition of equivalence of that scheme and take appropriate action.</i></u></p> <p>Moved from row 840</p>	<p>4. The owner of a <i>supply-chain</i> due diligence scheme for which the recognition of equivalence was granted in accordance with paragraph 2 shall inform the Commission without delay of any changes or updates made to that scheme. The Commission shall assess whether such changes or updates affect the basis for the recognition of equivalence of that scheme and take appropriate action.</p> <p>provisionally agreed</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 72(5)				
g	<p>536bo</p> <p>5. If there is evidence of repeated or significant cases where economic operators implementing a scheme recognised in accordance with paragraph 2 have failed to fulfil the requirements set out in Article 39 of this Regulation, the Commission shall examine, in consultation with the owner of the recognised scheme, whether those cases indicate deficiencies in the scheme.</p> <p>Moved reference text</p>		<p>5. If there is evidence of repeated or significant cases where economic operators implementing a scheme recognised in accordance with paragraph 2 have failed to fulfil the requirements set out in Article 3945a to 45e of this Regulation, the Commission shall examine, in consultation with the owner of the recognised scheme, whether those cases indicate deficiencies in the scheme.</p> <p>Moved from row 841</p>	<p>5. If there is evidence of repeated or significant cases where economic operators implementing a scheme recognised in accordance with paragraph 2 have failed to fulfil the requirements set out in Article 45a to 45c and 45e of this Regulation, the Commission shall examine, in consultation with the owner of the recognised scheme, whether those cases indicate deficiencies in the scheme.</p> <p>provisionally agreed</p>
Article 72(6)				
g	<p>536bp</p> <p>6. Where the Commission identifies a failure to comply with the requirements set out in Article 39 of this Regulation or deficiencies in a recognised supply chain due diligence scheme, it may grant the scheme owner an appropriate period of</p>		<p>6. Where the Commission identifies a failure to comply with the requirements set out in Article 39Articles 45a to 45e of this Regulation or deficiencies in a recognised supply chain due diligence scheme, it may grant the scheme owner an appropriate</p>	<p>6. Where the Commission identifies a failure to comply with the requirements set out in Articles 45a to 45c and 45e of this Regulation or deficiencies in a recognised supply chain due diligence scheme, it may grant the scheme owner an appropriate</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	<p>time to take remedial action.</p> <p>Moved reference text</p>		<p>period of time to take remedial action.</p> <p>Moved from row 842</p>	<p>period of time to take remedial action.</p> <p>provisionally agreed</p>
Article 72(7)				
536bq	<p>7. Where the scheme owner fails or refuses to take the necessary remedial action, and where the Commission has determined that the failure or deficiencies referred to in paragraph 6 compromise the ability of the economic operator referred to in Article 39(1) implementing a scheme to comply with the requirements set out in Article 39 of this Regulation or where repeated or significant cases of non-compliance by economic operators implementing a scheme are due to deficiencies in the scheme, the Commission shall adopt an implementing act withdrawing the recognition of equivalence of the scheme. Those implementing acts shall be</p>		<p>7. Where the scheme owner– fails or refuses to take the necessary remedial action, and where the Commission has determined that the failure or deficiencies referred to in paragraph 6 compromise the ability of the economic operator referred to in Article 39(1) <u>45a(1)</u> implementing a scheme to comply with the requirements set out in Article 39 <u>Articles 45a to 45e</u> of this Regulation or where repeated or significant cases of non-compliance by economic operators implementing a scheme are due to deficiencies in the scheme, the Commission shall adopt an implementing act withdrawing the recognition of equivalence of the scheme. Those implementing acts shall be adopted in accordance</p>	<p>7. Where the scheme owner fails or refuses to take the necessary remedial action, and where the Commission has determined that the failure or deficiencies referred to in paragraph 6 compromise the ability of the economic operator referred to in Article 45a(1) implementing a scheme to comply with the requirements set out in Articles 45a to <u>45c and</u> 45e of this Regulation or where repeated or significant cases of non-compliance by economic operators implementing a scheme are due to deficiencies in the scheme, the Commission shall adopt an implementing act withdrawing the recognition of equivalence of the scheme. Those implementing acts shall be adopted in accordance</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	<p>adopted in accordance with the examination procedure referred to in Article 74(3).</p> <p>Moved reference text</p>		<p>with the examination procedure referred to in Article 74(3).</p> <p>Moved from row 843</p>	<p>with the examination procedure referred to in Article 74(3).</p> <p>provisionally agreed</p>
Article 72(8)				
g 536br	<p>8. The Commission shall establish and keep up-to-date a register of recognised supply chain due diligence schemes. That register shall be made publicly available on the internet.</p> <p>Moved reference text</p>		<p>8. The Commission shall establish and keep up-to-date a register of recognised supply chain due diligence schemes. That register shall be made publicly available on the internet.</p> <p>Moved from row 844</p>	<p>8. The Commission shall establish and keep up-to-date a register of recognised supply chain-due diligence schemes. That register shall be made publicly available on the internet.</p> <p>provisionally agreed</p>
Chapter VII				
g 537	<p>Chapter VII</p> <p>End-of-life management of batteries</p>		<p>Chapter VII</p> <p>End-of-life Management of waste batteries</p>	<p>Chapter VII</p> <p>Management of waste batteries</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 5				
g 537a	<p>Article 5</p> <p>Competent authority</p> <p>Moved reference text</p>		<p>Article 545g</p> <p>Competent authority</p> <p>Moved from row 206</p>	<p>Article 45g</p> <p>Competent authority</p>
Article 5(1)				
g 537b	<p>1. Member States shall designate one or more competent authorities responsible for carrying out obligations arising from Chapter VII and monitoring and verifying compliance of the producers and producer responsibility organisations with the requirements of that Chapter.</p> <p>Moved reference text</p>		<p>1. Member States shall designate one or more competent authorities responsible for carrying out obligations arising from Chapter VII this Chapter and monitoring and verifying compliance of the producers and producer responsibility organisations with the those requirements. of that Chapter.</p> <p>Moved from row 207</p>	<p>1. Member States shall designate one or more competent authorities responsible for carrying out obligations arising from this Chapter and monitoring and verifying compliance of the producers and producer responsibility organisations with those requirements.</p>
Article 5(1), point (a)				
537c		<p><u>Each Member State shall also designate one contact point, among the competent authorities referred to in the first subparagraph, for the purpose of communicating with the</u></p>		<p>To be further discussed.</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		Commission pursuant to paragraph 3. Moved reference text 207a		
Article 5(2), introductory part				
6	537d 2. Member States shall lay down the details of the competent authority's or authorities' organisation and operation, including the administrative and procedural rules to ensure: Moved reference text		2. Member States shall lay down the details of the competent authority's or authorities' organisation and operation, including the administrative and procedural rules to ensure: Moved from row 208	2. Member States shall lay down the details of the competent authority's or authorities' organisation and operation, including the administrative and procedural rules to ensure:
Article 5(2), point (a)				
6	537e (a) the registration of producers in accordance with Article 46; Moved reference text		(a) the registration of producers in accordance with Article 46; Moved from row 209	(a) the registration of producers in accordance with Article 46;
Article 5(2), point (b)				
6	537f (b) the authorisation of producers and producer responsibility organisations in accordance with Article 47 and the authorisation and monitoring regarding the requirements under		(b) the authorisation of producers and producer responsibility organisations in accordance with Article 47 and the authorisation and monitoring regarding the	(b) the authorisation of producers and producer responsibility organisations in accordance with Article 47b;

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	Article 48; Moved reference text		requirements under Article 48 47b ; Moved from row 210	
Article 5(2), point (c)				
6	537g (c) the oversight of implementation of extended producer responsibility obligations in accordance with Article 47; Moved reference text		(c) the oversight of implementation of extended producer responsibility obligations in accordance with Article 47 47a ; Moved from row 211	(c) the oversight of implementation of extended producer responsibility obligations in accordance with Article 47; 6
Article 5(2), point (d)				
6	537h (d) the collection of data on batteries in accordance with Article 61; Moved reference text		(d) the collection of data on batteries and waste batteries in accordance with Article 61; Moved from row 212	(d) the collection of data on batteries and waste batteries in accordance with Article 61; 6
Article 5(2), point (e)				
6	537i (e) making information available in accordance with Article 62. Moved reference text		(e) making information available in accordance with Article 62. Moved from row 213	(e) making information available in accordance with Article 62. 6

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 5(3)				
537j	<p>3. By [three months after the date of entry into force of this Regulation], Member States shall notify the Commission of the names and addresses of the competent authorities designated pursuant to paragraph 1. Member States shall inform the Commission without undue delay of any changes to the names or addresses of those competent authorities.</p> <p>Moved reference text</p>		<p>deleted</p> <p>Moved from row 214</p>	<p>Needs to be further discussed together with 537c.</p>
Article 46				
538	<p>Article 46</p> <p>Register of producers</p>		<p>Article 46</p> <p>Register of producers</p>	<p>Article 46</p> <p>Register of producers</p>
Article 46(1)				
539	<p>1. Member States shall establish a register of producers which shall serve to monitor compliance of producers with the</p>		<p>1. Member States shall establish a register of producers which shall serve to monitor compliance of producers with the requirements</p>	<p>1. Member States shall establish a register of producers which shall serve to monitor compliance of producers with the requirements</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	requirements of this Chapter. The register shall be managed by the competent authority.		of this Chapter. The register shall be managed by the competent authority.	of this Chapter. provisionally agreed
Article 46(2), introductory part				
540	2. Producers shall be obliged to register. They shall to that end submit an application to the competent authority of the Member State where they make a battery available on the market for the first time. Where a producer has appointed a producer responsibility organisation in accordance with Article 47(2), the obligations under this article shall be met by that organisation mutatis mutandis unless otherwise specified.		2. Producers shall be obliged to register <u>in the register referred to in paragraph 1.</u> They shall to that end submit an application <u>for registration in each</u> to the competent authority of the Member State where they make a battery available on the market for the first time. Where a producer has appointed a producer responsibility organisation in accordance with Article 47(2) 47a(1) , the obligations under this article shall be met by that organisation <u>mutatis mutandis</u> mutatis mutandis unless otherwise specified <u>by the Member State.</u>	2. Producers shall be obliged to register in the register referred to in paragraph 1. They shall to that end submit an application for registration in each Member State where they make a battery available on the market for the first time. Where a producer has appointed a producer responsibility organisation in accordance with Article 47a(1) [47a(1)] , the obligations under this article shall be met by that organisation <i>mutatis mutandis</i> unless otherwise specified by the Member State. provisionally agreed
Article 46(2) introductory part paragraph 2				
540a			<u>The obligations under this Article may, on producer's behalf, be met</u>	The obligations under this Article may, on producer's behalf, be met

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<u>by an authorised representative for the EPR.</u>	by an authorised representative for the EPR. provisionally agreed
Article 46(2) introductory part paragraph 3				
540b			<u>Producers shall not make available batteries, including those incorporated in appliances, light means of transport or vehicles, on the market of a Member State, if they or, in case of authorisation, their authorised representatives for the EPR, are not registered in such Member State.</u>	Producers shall not make available batteries, including those incorporated in appliances, light means of transport or vehicles, on the market of a Member State, if they or, in case of authorisation, their authorised representatives for the EPR, are not registered in such Member State. provisionally agreed
Article 46(2), introductory part fourth paragraph				
541	In its application for registration, the producer shall provide the following information to the competent authority:		<u>2b. In itsThe application for registration, the producer shall provideinclude the following information to the competent authority.</u>	2b. The application for registration shall include the following information: provisionally agreed

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Article 46(2), introductory part fourth paragraph, point (a)				
g	542 (a) name and address of the producer including postal code and place, street and number, country, telephone and fax numbers, if any, internet address and e-mail address;		(a) name and <u>brand names (if available) under which the producer operate in the Member State and</u> address of the producer including postal code and place, street and number, country, telephone and fax numbers , if any, internet <u>web</u> address and e-mail address, <u>indicating a single contact point</u> ;	(a) name and brand names (if available) under which the producer operate in the Member State and address of the producer including postal code and place, street and number, country, telephone, if any, web address and e-mail address, indicating a single contact point; <u>provisionally agreed</u>
Article 46(2), introductory part fourth paragraph, point (b)				
g	543 (b) national identification code of the producer, including its trade register number or equivalent official registration number including European or national tax number;		(b) national identification code of the producer, including its trade register number or equivalent official registration number <u>and the including</u> European or national tax <u>identification</u> number;	(b) national identification code of the producer, including its trade register number or equivalent official registration number and the European or national tax identification number; <u>provisionally agreed</u>
Article 46(2), introductory part fourth paragraph, point (c), introductory part				
g	544 (c) in the case of an authorisation in accordance with Article 47(2), the producer responsibility		<u>deleted</u>	<u>Moved to row 558b</u>

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	organisation shall, in addition to the information required under points (a) and (b), provide		Moved to row 558b	
<i>Article 46(2), introductory part fourth paragraph, point (c)(i)</i>				
545	(i) the name and contact details, including postal code and place, street and number, country, telephone and fax numbers, internet address and e-mail address of the producers represented;		deleted Moved to row 558c	Moved to row 558c
<i>Article 46(2), introductory part fourth paragraph, point (c)(ii)</i>				
546	(ii) the represented producer's mandate;		deleted Moved to row 558d	Moved to row 558d
<i>Article 46(2), introductory part fourth paragraph, point (c)(iii)</i>				
547	(iii) where the authorised representative represents more than one producer, separate indications of the name and the contact details of each one of the represented producers.		deleted Moved to row 558f	Moved to row 558i

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Article 46(2), introductory part fourth paragraph, point (d)				
548	(d) the type of batteries that the producer intends to make available on the market for the first time within the territory of a Member State, namely portable batteries, industrial batteries, electric vehicle batteries, or automotive batteries;	(d) the type of batteries that the producer intends to make available on the market for the first time within the territory of a Member State, namely portable batteries, <u>light means of transport batteries</u> , industrial batteries, electric vehicle batteries, or automotive batteries;	(c) <u>the category, or categories</u> , the type of batteries that the producer intends to make available on the market for the first time within the territory of a Member State, namely portable batteries, industrial batteries, <u>LMT batteries</u> , electric vehicle batteries, or automotive <u>SLI</u> batteries;	(c) the category, or categories, of batteries that the producer intends to make available on the market for the first time within the territory of a Member State, namely portable batteries, industrial batteries, LMT batteries, electric vehicle batteries, or SLI batteries, <u>and their type</u> ; <i>By adding 'and their type', row 548a can be deleted</i>
Article 46(2), introductory part fourth paragraph, point (da)				
548a		<u>(da) the chemistry of batteries that the producer intends to make available on the market for the first time within the territory of a Member State;</u>		<u>deleted</u> <i>Can be deleted as 'and their type' was added to row 548</i>
Article 46(2), introductory part fourth paragraph, point (e)				
549	(e) the brand under which the producer intends to supply the batteries in the Member State;		<u>deleted</u>	<i>Moved to row 542</i>

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Article 46(2), introductory part fourth paragraph, point (f), introductory part				
550	(f) information on how the producer meets its responsibilities set out in Article 47 and the requirements under Article 48 and Article 49 respectively:	(f) information on how the producer meets its responsibilities set out in Article 47 and the requirements under Article 48, Article 48a and Article 49 respectively:	(f) (d) information on how the producer meets its responsibilities set out in Article 47 and the requirements under Article 48 and Article Articles 48, 48a and 49 respectively:	(d) information on how the producer meets its responsibilities set out in Article 47 and the requirements under Articles 48, 48a and 49 respectively: provisionally agreed
Article 46(2), introductory part fourth paragraph, point (f)(i), introductory part				
551	(i) for portable batteries, the requirements of this point (f) shall be met by providing:	(i) for portable batteries and light means of transport batteries , the requirements of this point (f) shall be met by providing:	(i) for portable batteries or LMT batteries , the requirements of this point (f) (d) shall be met by providing:	(i) for portable batteries or LMT batteries, the requirements of this point (d) shall be met by providing:
Article 46(2), introductory part fourth paragraph, point (f)(i), first indent				
552	- a declaration demonstrating the measures put in place by the producer to attain the producer responsibility obligations set out in Article 47, the measures put in place to meet the separate collection obligations set out in Article 48(1)with regard to the amount of batteries the producer supplies and the system to	- a declaration demonstrating the measures put in place by the producer to attain the producer responsibility obligations set out in Article 47, the measures put in place to meet the separate collection obligations set out in Article 48(1) and in Article 48a (1) with regard to the amount of batteries the producer supplies	- a declaration demonstrating information in written form on the measures put in place by the producer to attain the producer responsibility obligations set out in Article 47, the measures put in place to meet the separate collection obligations set out in Article 48(1) Articles 48(1) or 48a(1) with regard to the	- information in written form on the measures put in place by the producer to attain the producer responsibility obligations set out in Article 47, the measures put in place to meet the separate collection obligations set out in Articles 48(1) or 48a(1) with regard to the amount of batteries the producer makes available on the

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	ensure that the data reported to the competent authorities is reliable;	and the system to ensure that the data reported to the competent authorities is reliable;	amount of batteries the producer supplies <u>makes available on the market in the Member State</u> and the system to ensure that the data reported to the competent authorities is reliable;	market in the Member State and the system to ensure that the data reported to the competent authorities is reliable; <u>provisionally agreed</u>
Article 46(2), introductory part fourth paragraph, point (f)(i), second indent				
553	- where applicable, the name and contact details, including postal code and place, street and number, country, telephone and fax numbers, internet address and e-mail address and the national identification code of the producer responsibility organisation entrusted by the producer to fulfil its extended producer responsibility obligations in accordance with Article 47(2), including the trade register number or an equivalent official registration number of the producer responsibility organisation including the European or national tax number of the producer responsibility organisation, and the represented	- where applicable, the name and contact details, including postal code and place, street and number, <u>country</u> address, telephone and fax numbers <u>number</u> , internet address and e-mail address and the national identification code of the producer responsibility organisation entrusted by the producer to fulfil its extended producer responsibility obligations in accordance with Article 47(2) <u>and (4)</u> , including the trade register number or an equivalent official registration number of the producer responsibility organisation including the European or national tax number of the producer responsibility organisation, and the epresented	- where applicable, the name and contact details, including postal code and place, street and number, country, telephone and fax numbers, <u>internet,</u> <u>web</u> address and e-mail address and the national identification code of the producer responsibility organisation entrusted by the producer to fulfil its extended producer responsibility obligations in accordance with <u>paragraphs 2 and 4 of Article 47(2) 47a(2)</u> , including the trade register number or an equivalent official registration number of the producer responsibility organisation including <u>and</u> the European or national tax <u>identification</u> number of the	- where applicable, the name and contact details, including postal code and place, street and number, country, telephone, web address and e-mail address and the national identification code of the producer responsibility organisation entrusted by the producer to fulfil its extended producer responsibility obligations in accordance with paragraphs 2 and 4 of Article 47a(2), including the trade register number or an equivalent official registration number and the European or national tax identification number of the producer responsibility organisation, and the represented producer's mandate;

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	producer's mandate;	producer's mandate;	producer responsibility organisation, and the epresented producer's mandate;	provisionally agreed
Article 46(2), introductory part fourth paragraph, point (f)(i), third indent				
553a		<u>- where the producer responsibility organisation represents more than one producer, it shall indicate separately how each one of the represented producers meets the responsibilities set out in Article 47.</u>		Moved to row 558e
Article 46(2), introductory part fourth paragraph, point (f)(ii), introductory part				
554	(ii) for automotive, industrial and electric vehicle batteries, the requirements of this point (f) shall be met by providing:		(ii) for automotive SLI batteries, industrial batteries and electric vehicle batteries, the requirements of this point (f) shall be met by providing:	(ii) for SLI batteries, industrial batteries and electric vehicle batteries, the requirements of this point (f) shall be met by providing:
Article 46(2), introductory part fourth paragraph, point (f)(ii), first indent				
555	- a declaration providing information on the measures put in place by the producer to attain the producer responsibility		a declaration providing information information in written form on the measures put in place by the producer to attain the	- information in written form on the measures put in place by the producer to attain the producer responsibility obligations set out in

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	obligations set out in Article 47, the measures put in place to meet the collection obligations set out in Article 49(1) with regard to the amount of batteries the producer supplies and the system to ensure that the data reported to the competent authorities is reliable;		producer responsibility obligations set out in Article 47, the measures put in place to meet the collection obligations set out in Article 49(1) with regard to the amount of batteries the producer supplies <u>makes available on the market in the Member State</u> and the system to ensure that the data reported to the competent authorities is reliable;	Article 47, the measures put in place to meet the collection obligations set out in Article 49(1) with regard to the amount of batteries the producer makes available on the market in the Member State and the system to ensure that the data reported to the competent authorities is reliable;
Article 46(2), introductory part fourth paragraph, point (f)(ii), second indent				
556	- where applicable, the national identification code of the producer responsibility organisation entrusted by the producer to fulfil its extended producer responsibility obligations in accordance with paragraphs 2 and 4 of Article 47, including the trade register number or an equivalent official registration number of the producer responsibility organisation including the European or national tax number of the producer responsibility	- where applicable, the <u>name and contact details, including postal address, telephone number, and e-mail and web address and the</u> national identification code of the producer responsibility organisation entrusted by the producer to fulfil its extended producer responsibility obligations in accordance with paragraphs 2 and 4 of Article 47, including the trade register number or an equivalent official registration number of the producer responsibility organisation	- where applicable, the <u>name and contact details, including postal code and place, street and number, country, telephone, web address and e-mail address and the</u> national identification code of the producer responsibility organisation entrusted by the producer to fulfil its extended producer responsibility obligations in accordance with paragraphs 2 and 4 of Article 47, including the trade register number or an equivalent official registration number of the producer	- where applicable, the name and contact details, including postal code and place, street and number, country, telephone, web address and e-mail address and the national identification code of the producer responsibility organisation entrusted by the producer to fulfil its extended producer responsibility obligations in accordance with paragraphs 2 and 4 of Article 47, including the trade register number or an equivalent official registration number and the European or

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	organisation, and the represented producer's mandate;	including the European or national tax number of the producer responsibility organisation, and the represented producer's mandate;	responsibility organisation including and the European or national tax <u>identification</u> number of the producer responsibility organisation, and the represented producer's mandate;.	national tax identification number of the producer responsibility organisation, and the represented producer's mandate.
Article 46(2), introductory part fourth paragraph, point (f)(ii), third indent				
557	- where the producer responsibility organisation represents more than one producer, it shall indicate separately how each one of the represented producers meets the responsibilities set out in Article 47.		-(e) where a statement by the producer responsibility organisation represents more than one producer, it shall indicate separately how each one of the represented producers meets the responsibilities set out in Article 47 <u>or, where applicable, producer's authorised representative or the producer responsibility organisation appointed in accordance with Article 47a(1), stating that the information provided is true.</u> Moved to row 558e	Moved to row 558e

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 46(2), introductory part fourth paragraph, point (g)				
558	(g) a declaration by the producer or the producer responsibility organisation appointed in accordance with Article 47(2) stating that the information provided is true.		(g) (e) a declaration statement by the producer or, <u>where applicable, producer's authorised representative or</u> the producer responsibility organisation appointed in accordance with Article 47(2) <u>47a(1)</u> , stating that the information provided is true.	(e) a statement by the producer or, where applicable, producer's authorised representative or the producer responsibility organisation appointed in accordance with Article 47a(1), stating that the information provided is true.
Article 46(2a)				
558a		<u>2a. Producers supplying batteries by means of distance communication shall be registered in the Member State they sell to. Where such producers are not registered in the Member State they sell to, they shall be registered through their authorised representative.</u>		Covered by row 540b
Article 46(2c), introductory part				
558b	(c) in the case of an authorisation in accordance with Article 47(2), the producer responsibility		(e) 2c. In the case of an authorisation in accordance with Article 47(2) <u>47a(1)</u> , the producer	c. In the case of an authorisation in accordance with Article 47a(1), the producer responsibility

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	<p>organisation shall, in addition to the information required under points (a) and (b), provide</p> <p>Moved reference text</p>		<p>responsibility organisation shall, in addition to the information required under points (a) and (b) paragraph 2b, provide:</p> <p>Moved from row 544</p>	<p>organisation shall, in addition to the information required under paragraph 2b, provide:</p> <p>provisionally agreed</p>
Article 46(2c), point (a)				
6	<p>558c</p> <p>(i) the name and contact details, including postal code and place, street and number, country, telephone and fax numbers, internet address and e-mail address of the producers represented;</p> <p>Moved reference text</p>		<p>(i)(a) the namenames and contact details, including postal code and place, street and number, country, telephone and fax numbers, internet addresscodes and places, streets and numbers, countries, telephones, web addresses and e-mail addressaddresses of the producers— represented;</p> <p>Moved from row 545</p>	<p>(a) the names and contact details, including postal codes and places, streets and numbers, countries, telephones, web addresses and e-mail addresses of the producers represented;</p> <p>provisionally agreed</p>
Article 46(2c), point (b)				
6	<p>558d</p> <p>(ii) the represented producer's mandate;</p> <p>Moved reference text</p>		<p>(ii)(b) the mandate of each represented producer's mandate, where applicable;</p> <p>Moved from row 546</p>	<p>(b) the mandate of each represented producer, where applicable;</p> <p>provisionally agreed</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 46(2c), point (c)				
558e	<p>- where the producer responsibility organisation represents more than one producer, it shall indicate separately how each one of the represented producers meets the responsibilities set out in Article 47.</p> <p>Moved reference text</p>		<p>-(c) where the producer responsibility organisation represents more than one producer, it shall indicate separately how each one of the represented producers <u>information indicating separately how each one of the represented producers meets the responsibilities set out in Article 47 or information how the producer responsibility organisation meets the responsibilities set out in the case the producer responsibility organisation is appointed according to Article 47a(1).</u></p> <p>Moved from row 557</p>	<p>(c) information indicating separately how each one of the represented producers meets the responsibilities set out in Article 47 or information how the producer responsibility organisation meets the responsibilities in the case the producer responsibility organisation is appointed according to Article 47a(1).</p>
Article 46(2c), point (c)				
558f	<p>(iii) where the authorised representative represents more than one producer, separate indications of the name and the contact details of each one of the represented producers.</p>		<p>deleted</p> <p>Moved from row 547</p>	<p>Moved to row 558i</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	Moved reference text			
Article 46(2d)				
g	558g		<p><u>2d. Without prejudice to paragraph 2b, the information laid down in point (d) of that paragraph shall be provided either in the application for the registration under paragraph 2b or in the application for authorisation under Article 47b. In the latter case, the application for registration shall include at least information on either individual or collective fulfilment of the extended producer responsibility.</u></p>	<p>2d. Without prejudice to paragraph 2b, the information laid down in point (d) of that paragraph shall be provided either in the application for the registration under paragraph 2b or in the application for authorisation under Article 47b. In the latter case, the application for registration shall include at least information on either individual or collective fulfilment of the extended producer responsibility.</p> <p>provisionally agreed</p>
Article 46(2e)				
g	558h		<p><u>2e. Member States may request additional information or documents, as necessary, to efficiently use the register referred to paragraph 1.</u></p>	<p>2e. Member States may request additional information or documents, as necessary, to efficiently use the register referred to paragraph 1.</p> <p>provisionally agreed</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	Article 46(2f)		584	
G	558i		<p><u>2f. In the case that obligations under this Article are, on producer's behalf, met by an authorised representative for the EPR that represents more than one producer, in addition to the information required under paragraph 2, it shall provide separate indications of the name and the contact details of each one of the represented producers.</u></p> <p>Moved from row 547</p>	<p>2f. In the case that obligations under this Article are, on producer's behalf, met by an authorised representative for the EPR that represents more than one producer, in addition to the information required under paragraph 2, it shall provide separate indications of the name and the contact details of each one of the represented producers.</p> <p>provisionally agreed</p>
	Article 46(2g)			
G	558j		<p><u>2g. Member State may decide that the registration procedure pursuant to Article 46 and the authorization procedure pursuant to Article 47b constitute a single procedure, provided that the application meets the requirements set out in Article 46(2b) to (2f).</u></p>	<p>2g. Member State may decide that the registration procedure pursuant to Article 46 and the authorization procedure pursuant to Article 47b constitute a single procedure, provided that the application meets the requirements set out in Article 46(2b) to (2f).</p> <p>provisionally agreed</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 46(3), introductory part				
G	559	3. The competent authority:	3. The competent authority:	3. The competent authority: provisionally agreed
Article 46(3), point (a)				
G	560	(a) shall receive applications for the registration of producers referred to in paragraph 2 via an electronic data-processing system the details of which shall be made available on the competent authorities' website;	(a) shall receive applications for the registration of producers referred to in paragraph 2 2b via an electronic data-processing system the details of which shall be made available on the competent authorities' website;	(a) shall receive applications for the registration of producers referred to in paragraph 2b via an electronic data-processing system the details of which shall be made available on the competent authorities' website; provisionally agreed
Article 46(3), point (b)				
Y	561	(b) shall grant registrations and provide a registration number within a maximum period of six weeks from the moment that all the information laid down in paragraph 2 is provided;	(b) shall grant registrations and provide a registration number within a maximum period of six twelve weeks from the moment that all the information laid down in paragraph 2 paragraphs 2, 2b and 2c is provided;	(b) shall grant registrations and provide a registration number within a maximum period of twelve weeks from the moment that all the information laid down in paragraphs 2, 2b and 2c is provided;

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 46(3), point (c)				
G	562 (c) may lay down modalities with respect to the requirements and process of registration without adding substantive requirements to the ones laid down in paragraph 2;		(c) may lay down modalities with respect to the requirements and process of registration without adding substantive requirements to the ones laid down in paragraph 2 <u>paragraphs 2, 2b and 2c</u> ;	(c) may lay down modalities with respect to the requirements and process of registration without adding substantive requirements to the ones laid down in paragraphs 2, 2b and 2c; provisionally agreed
Article 46(3), point (d)				
G	563 (d) may charge cost-based and proportionate fees to producers for the processing of applications referred to in paragraph 2.		(d) may charge cost-based and proportionate fees to producers for the processing of applications referred to in paragraph 2.	(d) may charge cost-based and proportionate fees to producers for the processing of applications referred to in paragraph 2. provisionally agreed
Article 46(3), point (da)				
G	563a	<u>(da) may refuse the registration provided by the producer in the event of non-compliance or insufficient compliance with the obligation laid down in paragraph 2.</u>		<u>deleted,</u> covered in 563b

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 46(3a)				
G	563b		<u>3a. Competent authority may refuse or withdraw the producer's registration where the information outlined in paragraph 2b and related documentary evidence is not provided or is not sufficient or in case the producer no longer meets the requirements set in paragraph 2b.</u>	3a. Competent authority may refuse or withdraw the producer's registration where the information outlined in paragraph 2b and related documentary evidence is not provided or is not sufficient or in case the producer no longer meets the requirements set in paragraph 2b. provisionally agreed
Article 46(4)				
Y	564	4. The producer, or, where applicable, the producer responsibility organisation appointed in accordance with Article 47(2) on behalf of the producers it represents shall without undue delay notify the competent authority of any changes to the information contained in the registration and of any permanent cessation as regards the making available on the market within the territory of	4. The producer, or, where applicable, <u>producer's authorised representative or</u> the producer responsibility organisation appointed in accordance with Article 47(2) on behalf of the producers it represents– shall without undue delay notify the competent authority of any changes to the information contained in the <u>application for</u> registration and of any permanent cessation as regards the making	4. The producer, or, where applicable, producer's authorised representative or the producer responsibility organisation appointed on behalf of the producers it represents shall without undue delay notify the competent authority of any changes to the information contained in the <u>application for</u> registration and of any permanent cessation as regards the making available on the market within the

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	the Member State of the batteries referred to in the registration in accordance with paragraph 1(d).		available on the market within the territory of the Member State of the batteries referred to in the registration in accordance with paragraph 1(d) <u>2b(d)</u> . <u>A producer shall be excluded from the register if it has ceased to exist.</u>	territory of the Member State of the batteries referred to in the registration in accordance with paragraph 2b(d). A producer shall be excluded from the register if it has ceased to exist.
Article 46(4a)				
G	564a	<u>4a. Battery producers shall provide to online marketplaces information about their registration or authorised representative in the Member States they sell to.</u>		<u>deleted</u> covered elsewhere provisionally agreed
Article 47				
G	565	Article 47 Extended Producer Responsibility	Article 47 Extended Producer Responsibility	Article 47 Extended Producer Responsibility
Article 47(1), introductory part				
Y	566	1. Producers of batteries shall have extended producer responsibility for batteries that they make available on the	1. Producers of batteries shall have extended producer responsibility for batteries that they make available on the market	1. Producers of batteries shall have extended producer responsibility for batteries that they make available on the market

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	market for the first time within the territory of a Member State, to ensure the attainment of the waste management obligations set out in this Chapter. This responsibility shall include the obligation to:		for the first time within the territory of a Member State, to ensure the attainment of the waste management obligations set out in this Chapter. This responsibility shall include the obligation to: <u>that shall be in compliance with the requirements of Article 8 and Article 8a of Directive 2008/98/EC and of this Chapter.</u>	for the first time within the territory of a Member State that shall be in compliance with the requirements of Article 8 and Article 8a of Directive 2008/98/EC and of this Chapter.
Article 47(2) (new)				
G 566a			<u>2. An economic operator making available on the market for the first time within the territory of a Member State a battery that results from preparing for reuse, preparing for repurpose, repurposing or remanufacturing operations shall be considered as the producer of such battery for the purpose of this Regulation and shall have an extended producer responsibility.</u>	2. An economic operator making available on the market for the first time within the territory of a Member State a battery that results from preparing for reuse, preparing for repurpose, repurposing or remanufacturing operations shall be considered as the producer of such battery for the purpose of this Regulation and shall have an extended producer responsibility. provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 47(3) (new)				
566b			<u>3. A producer referred to in Article 2, point (37)(iv) shall appoint an authorised representative for the EPR in each Member State it sells batteries. Such appointment shall be by written mandate.</u>	3. A producer referred to in Article 2, point (37)(iv) shall appoint an authorised representative for the EPR in each Member State it sells batteries. Such appointment shall be by written mandate. provisionally agreed
Article 47(4) (new)				
566c			<u>4. The financial contributions paid by the producer shall cover the following costs for the products that the producer makes available on the market in the Member State concerned:</u>	4. The financial contributions paid by the producer shall cover the following costs for the products that the producer makes available on the market in the Member State concerned: provisionally agreed
Article 47(1), point (a) [COM, EP] / Article 47(4), point (a) [Council]				
567	(a) organise the separate collection of waste batteries in accordance with Article 48 and Article 49 and the subsequent transport, preparation for repurposing and	(a) <u>organise cover at least the costs referred to in point (a) of paragraph 4 of Article 8a of Directive 2008/98/EC, including the costs of organising</u> the separate collection of waste	(a) <u>organise the costs of</u> separate collection of waste batteries in accordance with Article 48 and Article 49 and the subsequent transport, preparation for repurposing and remanufacturing,	(a) costs of separate collection of waste batteries and their subsequent transport and treatment and recycling, taking into account any revenues from preparing for re-use or preparing

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	remanufacturing, treatment and recycling of waste batteries, including the necessary safety measures, in accordance with Article 56;	batteries in accordance with Article 48, Article 48a and Article 49 and the subsequent transport, preparation for repurposing and remanufacturing, treatment, preparation for reuse and recycling of waste batteries, including and the necessary safety measures, in accordance with Article 56;	treatment and recycling of waste batteries, including the necessary safety measures, in accordance with Article 56 and their subsequent transport and treatment and recycling, taking into account any revenues from preparing for re-use or preparing for repurpose or from the value of secondary raw material from recycled waste batteries;	for repurpose or from the value of secondary raw material from recycled waste batteries; provisionally agreed
Article 47(1), point (b)				
568	b) report on obligations relating to batteries made available on the market for the first time within the territory of a Member State in accordance with Article 61;		deleted Moved to row 571a	
Article 47(1), point (c)				
569	(c) promote the separate collection of batteries, including by covering the costs of carrying out surveys to identify batteries discarded inappropriately by end-users in accordance with Article	(c) promote the separate collection of batteries, including by covering the costs of data gathering and of carrying out surveys regularly to identify batteries discarded inappropriately	(c) (b) promote the separate collection of batteries, including by covering the costs of carrying out surveys to identify batteries discarded inappropriately by end-users compositional survey of	(b) costs of carrying out compositional survey of collected mixed municipal waste in accordance with Articles 48(12) and 48a(6);

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	48(1);	by end-users in accordance with Article 48(1);	<u>collected mixed municipal waste</u> in accordance with Article 48(1) <u>Articles 48(12) and 48a(6);</u>	provisionally agreed
Article 47(1), point (d)				
570	(d) provide information including end-of-life information about batteries in accordance with Article 60;		(d)(c) provide costs of providing information including end-of-life information about on prevention and management of waste batteries in accordance with Article 60;	(c) costs of providing information on prevention and management of waste batteries in accordance with Article 60; provisionally agreed
Article 47(1), point (da)				
570a		<u>(da) set up awareness campaigns and/or economic incentives including those listed in Annex IV a to Directive 2008/98/EC to encourage end-users to discard waste batteries in a manner that is in line with the information on prevention and management of waste batteries made available to them in accordance with Article 60(1);</u>		deleted covered in r. 570 and 646

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	Article 47(1), point (e)			
G	571 (e) finance the activities referred to in points (a) to (d).	(e) finance the activities referred to in points (a) to (e) (da).	deleted	deleted
	Article 47(1), point (d) (new)			
G	571a		<u>(d) costs of data gathering and reporting to the competent authorities in accordance with Article 61.</u>	(d) costs of data gathering and reporting to the competent authorities in accordance with Article 61. provisionally agreed
	Article 47(5) (new)			
Y	571b		<u>5. In case of making available batteries that have been subject to preparing for re-use, preparing for repurpose, repurposing or remanufacturing, both the producers of the original batteries and the producers of batteries that are placed on the market as a result of the abovementioned operations, may establish and adjust a cost sharing mechanism based on the actual attribution of the costs between the different</u>	5. In case of making available batteries that have been subject to preparing for re-use, preparing for repurpose, repurposing or remanufacturing, both the producers of the original batteries and the producers of batteries that are placed on the market as a result of the abovementioned operations, may establish and adjust a cost sharing mechanism based on the actual attribution of the costs between the different

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<u>producers, to share the costs referred to in points (a), (c) and (d). Where a battery, in accordance with paragraph 2 of this article, is subject to more than one extended producer responsibility, the first producer making that battery available on the market shall not bear additional costs as a result of such mechanism. The Commission shall facilitate the exchange of information and sharing of best practices among Member States on such cost sharing mechanisms.</u>	producers, to share the costs referred to in points (a), (c) and (d). Where a battery, in accordance with paragraph 2 of this article, is subject to more than one extended producer responsibility, the first producer making that battery available on the market shall not bear additional costs as a result of such mechanism. The Commission shall facilitate the exchange of information and sharing of best practices among Member States on such cost sharing mechanisms.
Article 47a				
g	571c		<u>Article 47a</u> <u>Producer Responsibility Organisation</u>	Article 47a Producer Responsibility Organisation provisionally agreed
Article 47a(1)				
y	572	2. Producers may entrust a producer responsibility organisation authorised in	2.1. Producers may entrust a producer responsibility organisation authorised in	1. Producers may entrust a producer responsibility organisation authorised in

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	accordance with paragraph 6 to carry out the extended producer responsibility obligations on their behalf.		accordance with paragraph 6 Article 47b to carry out the extended producer responsibility obligations on their behalf. Member States may adopt measures to make the entrustment of a producer responsibility organisation mandatory . Such measures shall be justified on the basis of the specific characteristics of a certain category of batteries placed on the market and related waste management characteristics.	accordance with Article 47b to carry out the extended producer responsibility obligations on their behalf. Member States may adopt measures to make the entrustment of a producer responsibility organisation mandatory. Such measures shall be justified on the basis of the specific characteristics of a certain category of batteries placed on the market and related waste management characteristics.
Article 47(3), introductory part				
G	573	3. Producers and, where appointed in accordance with paragraph 2, producer responsibility organisations acting on their behalf shall:	deleted	deleted
Article 47(3), point (a)				
G	574	(a) have the necessary organisational and financial means to fulfil the extended producer responsibility	(a) have the necessary organisational and financial or financial and organisational means to fulfil the extended	deleted


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	obligations referred to in paragraph 1;	producer responsibility obligations referred to in paragraph 1;		
Article 47(3), point (b), introductory part				
575	(b) put in place an adequate self-control mechanism, supported by regular independent audits, to regularly appraise:		<u>deleted</u>	<u>deleted</u>
Article 47(3), point (b)(i)				
576	(i) their financial management, including compliance with the requirements laid down in paragraph 1(e) and point (a) of this paragraph;		<u>deleted</u>	<u>deleted</u>
Article 47(3), point (b)(ii)				
577	(ii) the quality of data collected and reported in accordance with paragraph 1(b) of this Article and with the requirements of Regulation (EC) No 1013/2006.		<u>deleted</u>	<u>deleted</u>

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Article 47a(2), introductory part					
G	578	4. In the case of a collective exercise of extended producer responsibility, producer responsibility organisations shall ensure that the financial contributions paid to them by producers:		42. In the case of a collective exercise fulfilment of extended producer responsibility obligations ,– producer responsibility organisations shall ensure that– the financial contributions paid to them by producers:	2. In the case of a collective fulfilment of extended producer responsibility obligations, producer responsibility organisations shall ensure that the financial contributions paid to them by producers: provisionally agreed
Article 47a(2), point (a)					
Y	579	(a) are modulated as a minimum by battery type and battery chemistry and, as appropriate, taking into account the rechargeability and the level of recycled content in the manufacture of batteries;	(a) are modulated as a minimum in accordance with the criteria set out in point (b) of Article 8a(4) of Directive 2008/98/EC and by battery type and battery chemistry and, as appropriate, taking into account the rechargeability, durability , and the level of recycled content in the manufacture of batteries, as well as the possibility of them being remanufactured or repurposed, and their carbon footprint;	a) are modulated in accordance with the requirements laid down in point (b) of paragraph 4 of Article 8a Directive 2008/98/EC and , as a minimum by battery type category and battery chemistry and, as appropriate , taking into account as appropriate the rechargeability and , the level of recycled content in the manufacture of batteries and the fact that the batteries were subject to preparing for reuse, preparing for repurpose,	(a) are modulated in accordance with the requirements laid down in point (b) of paragraph 4 of Article 8a Directive 2008/98/EC and, as a minimum by battery category and battery chemistry and, taking into account as appropriate the rechargeability, the level of recycled content in the manufacture of batteries and the fact that the batteries were subject to preparing for reuse, preparing for repurpose, repurposing or remanufacturing.

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			<u>repurposing or remanufacturing;</u>	<u>and their carbon footprint;</u>
Article 47a(2), point (b)				
Y	580 (b) are adjusted to take account of any revenues by the producer responsibility organisations from reuse and from sales of secondary raw materials from the batteries and waste batteries;	(b) are adjusted to take account of any revenues by the producer responsibility organisations from reuse, <u>remanufacturing,</u> <u>repurposing</u> and from sales of secondary raw materials from the batteries and waste batteries;	b) are adjusted to take account of any revenues by the producer responsibility organisations from <u>preparing for</u> reuse and from sales <u>or preparing for repurpose or from the value</u> of secondary raw materials from the batteries <u>and recycled</u> waste batteries;	(b) are adjusted to take account of any revenues by the producer responsibility organisations from preparing for reuse of, preparing for repurpose <u>repurposing,</u> <u>repurposing or remanufacturing</u> <u>and</u> or from the value of secondary raw materials from recycled waste batteries;
Article 47a(2), point (c)				
G	581 (c) ensure equal treatment of producers regardless of their origin or size, without placing a disproportionate regulatory burden on producers, including small and medium sized enterprises, of small quantities of batteries.		(c) ensure equal treatment of producers regardless of their origin or size, without placing a disproportionate regulatory burden on producers, including small and medium sized enterprises, of small quantities of batteries.	(c) ensure equal treatment of producers regardless of their origin or size, without placing disproportionate burden on producers, including small and medium sized enterprises, of small quantities of batteries. <u>provisionally agreed</u>

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Article 47(5)				
582	5. Where, in accordance with Articles 48(2), 49(3), 53(1), 56(1), and paragraphs 1, 2 and 3 of Article 61, activities to carry out obligations referred to in points (a) to (d) of paragraph 1 are carried out by a third party other than a producer or a producer responsibility organisation, the costs to be covered by producers shall not exceed the costs that are necessary to provide those activities in a cost-efficient way. Such costs shall be established in a transparent way between the producers and the third parties concerned and adjusted to take account of any revenues from reuse and from sales of secondary raw materials from the batteries and waste batteries.	5. Where, in accordance with Articles 48(2), 48a(2) , 49(3), 53(1), 56(1), and paragraphs 1, 2 and 3 of Article 61, activities to carry out obligations referred to in points (a) to (d) of paragraph 1 are carried out by a third party other than a producer or a producer responsibility organisation, the costs to be covered by producers shall not exceed the costs that are necessary to provide those activities in a cost-efficient way. Such costs shall be established in a transparent way between the producers and the third parties concerned and adjusted to take account of any revenues from reuse, <u>remanufacturing</u> , <u>repurposing</u> and from sales of secondary raw materials from the batteries and waste batteries.	deleted	deleted provisionally agreed
Article 47(6), first subparagraph				
583	6. Producer responsibility organisations shall apply for an	6. <u>A producer or a</u> producer responsibility		

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	<p>authorisation from the competent authority. The authorisation shall be granted only where it is demonstrated that the measures put in place by the producer responsibility organisation are sufficient to meet the obligations set out in this Article with regard to the amount of batteries made available on the market for the first time within the territory of a Member State by the producers on whose behalf it acts. The competent authority shall in regular intervals, verify whether the conditions for the authorisation laid down in paragraphs 1, 3, 4 and 5 continue to be met. The competent authorities shall fix the details of the authorisation procedure and the modalities for verifying compliance, including the information to be provided by producers to that end.</p>	<p>organisations<u>organisation acting on its behalf</u> shall apply for an authorisation from the competent authority. The authorisation shall be granted only where it is demonstrated that the measures put in place by the producer <u>or producer</u> responsibility organisation are sufficient <u>and that it has the necessary financial or financial and organisational means</u> to meet the obligations set out in this Article<u>Chapter</u> with regard to the amount of batteries made available on the market for the first time within the territory of a Member State by the producers on whose behalf it acts <u>and are in line with the attainment of the targets on separate collection of waste batteries, the level of recycling and recycling efficiencies laid down in this Regulation</u>. The competent authority shall in regular intervals, <u>and at least every three years,</u> verify whether the conditions for the</p>	<p>deleted</p> <p>Moved to Article 47b(1) & (2)(a) - row 596c-e</p>	<p>deleted</p> <p>Moved to row 596c-e</p> <p>provisionally agreed</p>

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		<p>authorisation laid down in paragraphs 1, 3, 4 and 5 continue to be met. The competent authorities shall fix the details of the authorisation procedure and the modalities for verifying compliance, including the information to be provided by producers to that end <u>authorisation may be revoked if the collection targets set out in Article 48(4) or Article 48a(5) are not met or if the producer or producer responsibility organisation is in breach of Article 49(1), (2) or (3).</u></p>		
Article 47(6), second subparagraph				
584	<p>Producer responsibility organisations shall notify the competent authority without undue delay of any changes to the information contained in the application for an authorisation, of any changes that concern the terms of the authorisation and of the permanent cessation of</p>	<p>The producer or the producer responsibility organisations <u>organisation acting on its behalf</u> shall notify the competent authority without undue delay of any changes to the information contained in the application for an authorisation, of any changes that concern the terms of the authorisation and of</p>	<p style="text-align: center;"><u>deleted</u></p> <p>Moved to row 596i</p>	

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	operations.	the permanent cessation of operations.		
<i>Article 47a(3)</i>				
585	Where, in the territory of a Member State, multiple producer responsibility organisations are authorised to fulfil extended producer responsibility obligations on behalf of producers, they shall carry out their extended producer responsibility obligations in a coordinated manner so as to ensure a coverage across the whole territory of the Member State of the activities under paragraph 1(a). Member States shall entrust the competent authority or appoint an independent third party to oversee that producer responsibility organisations fulfil their obligation to coordinate in accordance with the previous sentence.		<p>3. Where, in the territory of a Member State, multiple producer responsibility organisations are authorised to fulfil extended producer responsibility obligations on behalf of producers, they shall carry out their extended producer responsibility obligations in a coordinated manner so as to ensure a coverage across the whole territory of the Member State of the activities under paragraph 1(a) <u>in accordance with Articles 48(1), 48a(1) and 49(1).</u> Member States shall entrust the competent authority or appoint an independent third party to oversee that producer responsibility organisations fulfil their obligation to coordinate in accordance with the previous sentence <u>in coordinated manner.</u></p>	<p>3. Where, in the territory of a Member State, multiple producer responsibility organisations are authorised to fulfil extended producer responsibility obligations on behalf of producers, they shall ensure a coverage across the whole territory of the Member State of the activities in accordance with Articles 48(1), 48a(1) and 49(1). Member States shall entrust the competent authority or appoint an independent third party to oversee that producer responsibility organisations fulfil their obligation in coordinated manner.</p> <p>provisionally agreed</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 47(7)				
586	7. In order to demonstrate compliance with paragraph 3(a), producers or, where appointed in accordance with paragraph 2, producer responsibility organisations acting on their behalf, shall provide a guarantee which may take the form of a recycling insurance or a blocked bank account, or participation by the producer in a producer responsibility organisation.		deleted Moved to row 596	deleted
Article 47a(4)				
587	8. Producer responsibility organisations shall ensure the confidentiality of the data in its possession as regards proprietary information or information directly attributable to individual producers or their authorised representatives.		84 . Producer responsibility organisations shall ensure the confidentiality of the data in its possession as regards proprietary information or information directly attributable to individual producers or their authorised representatives.	4. Producer responsibility organisations shall ensure the confidentiality of the data in its possession as regards proprietary information or information directly attributable to individual producers or their authorised representatives. provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 47a(5), introductory part				
588	9. Producer responsibility organisations shall publish the following information on their websites by the end of each year, subject to commercial and industrial confidentiality:		<p><u>95. In addition to the information referred to in point (e) of paragraph 3 of Article 8a of Directive 2008/98/EC,</u> producer responsibility organisations shall publish the following information on their websites by the end of at least each year, subject to commercial and industrial confidentiality; <u>the information on the rate of separate collection of waste batteries, recycling efficiencies and levels of recovered materials achieved based on the amount of batteries made available on the market for the first time in the Member State by the producers which entrusted the producer responsibility organisation.</u></p>	<p>5. In addition to the information referred to in point (e) of paragraph 3 of Article 8a of Directive 2008/98/EC, producer responsibility organisations shall publish on their websites at least each year, subject to commercial and industrial confidentiality, the information on the rate of separate collection of waste batteries, recycling efficiencies and levels of recovered materials achieved based on the amount of batteries made available on the market for the first time in the Member State by the producers which entrusted the producer responsibility organisation.</p> <p>provisionally agreed</p>
Article 47a(5), point (a)				
589	(a) ownership of the producer			

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	responsibility organisation;		<u>deleted</u>	<u>deleted</u>
Article 47a(5), point (b)				
590	(b) list of producers that have entrusted the producer responsibility organisation to carry out their extended producer responsibility obligations on their behalf;		<u>deleted</u>	<u>deleted</u>
Article 47a(5), point (c)				
591	(c) the rate of separate collection of waste batteries, the level of recycling and recycling efficiencies achieved based on the amount of batteries made available on the market for the first time in the Member State by their member producers;	(c) the rate of separate collection of waste batteries, the level of recycling, the recycling efficiencies <u>and levels of recovered materials</u> achieved based on the amount of batteries made available on the market for the first time in the Member State by their member producers;	<u>deleted</u>	<u>deleted</u>
Article 47a(5), point (d)				
592	(d) the financial contributions paid by their member producers per battery or per weight of batteries, indicating also fee		<u>deleted</u>	<u>deleted</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	modulation categories applied in accordance with paragraph 4(a).			
Article 47a(5), point (da)				
g	592a	<u>(da) the selection procedure for waste management operators.</u>		<u>deleted</u>
Article 47a(6)				
	10. The competent authorities shall verify compliance of producers, including those that supply batteries by means of distance contracts and, where appointed in accordance with paragraph 2, producer responsibility organisations acting on their behalf, with the obligations set out in this Article.		10-6. The competent authorities shall verify compliance of producers, including those that supply batteries by means of distance contracts and, where appointed in accordance with <u>In addition to information referred to in</u> paragraph 2-5 , producer responsibility organisations acting on their behalf, with the obligations set out in this <u>shall make publicly available information on the selection procedure for waste management operators referred to in</u> Article <u>47a(8)</u> .	6. In addition to information referred to in paragraph 5, producer responsibility organisations shall make publicly available information on the selection procedure for waste management operators referred to in Article 47a(8). To be moved to Art. 45g

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 47(10a)				
G	593a	<u>10a. Where an operator carries out re-use, repurposing or remanufacturing of a battery, the extended producer responsibility for that battery shall be transferred from the producer to that operator.</u>		<u>deleted</u>
Article 47(11)				
G	594	11. Member States shall establish a mechanism to ensure a regular dialogue between relevant stakeholders involved in the fulfilment of extended producer responsibility obligations for batteries, including producers and distributors, private or public waste operators, local authorities, civil society organisations and, where applicable, social economy actors, re-use and repair networks and preparing for re-use operators.	<u>deleted</u>	<u>deleted</u> provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 47a(7)				
595	12. Where necessary to avoid distortion of the internal market, the Commission is empowered to adopt an implementing act laying down criteria for the application of paragraph 4(a). That implementing act cannot concern the a precise determination of the level of the contributions. That implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).		12 7. Where necessary to avoid distortion of the internal market, the Commission shall be is empowered to adopt an implementing act laying down criteria for the application of paragraph 4(a)2(a) . That implementing act cannot concern the a precise determination of the level of the contributions. That implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).	7. Where necessary to avoid distortion of the internal market, the Commission shall be is empowered to adopt an implementing act laying down criteria for the application of paragraph 2(a). That implementing act cannot concern the a precise determination of the level of the contributions. That implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3). provisionally agreed
Article 47(13)				
596	13. Articles 8 and 8a of Directive 2008/98/EC shall not apply to batteries.	13. Articles 8 and The <u>requirements on extended producer responsibility and the general minimum requirements for extended producer responsibility schemes provided for in Article</u> 8a of Directive	deleted	Deleted

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		2008/98/EC shall not apply to <u>batteries</u> <u>be considered as minimum requirements and shall be supplemented by the provisions laid down in this Regulation.</u>		
Article 47a(8)				
G	596a		<u>8. Waste management operators referred to in Article 48(2a), 48a(5), Article 49(4), Article 50(3), Article 52(1), Article 53(2) and Article 54 shall be subject to a non-discriminatory selection procedure, based on transparent award criteria, by producer responsibility organisations, without placing disproportionate burden on small and medium sized enterprises.</u>	8. Waste management operators referred to in Article 48(2a), 48a(5), Article 49(4), Article 50(3), Article 52(1), Article 53(2) and Article 54 shall be subject to a non-discriminatory selection procedure, based on transparent award criteria, by producer responsibility organisations, without placing disproportionate burden on small and medium sized enterprises. provisionally agreed
Article 47b				
G	596b		<u>Article 47b</u> <u>Authorisation on fulfilment of</u>	Article 47b Authorisation on fulfilment of

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<u>extended producer responsibility</u>	extended producer responsibility provisionally agreed
Article 47b (1)				
g	596c		<u>1. A producer, in the case of individual fulfilment of extended producer responsibility obligations, and producer responsibility organisations appointed in the case of collective fulfilment of extended producer responsibility obligations, shall apply for an authorisation from the competent authority.</u> Moved from row 583	1. A producer, in the case of individual fulfilment of extended producer responsibility obligations, and producer responsibility organisations appointed in the case of collective fulfilment of extended producer responsibility obligations, shall apply for an authorisation from the competent authority.
Article 47b (2)				
g	596d		<u>2. The authorisation shall be granted only where it is demonstrated that:</u> Further moved from row 583	2. The authorisation shall be granted only where it is demonstrated that:
Article 47b, (2), point (a)				
g	596e		<u>(a) requirements laid down in points (a) to (d) of paragraph 3 of</u>	(a) requirements laid down in points (a) to (d) of paragraph 3 of

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<p><u>Article 8a of the Directive 2008/98/EC are complied with and the measures put in place by the producer or producer responsibility organisation are sufficient to meet the obligations set out in this Chapter with regard to the amount of batteries made available on the market for the first time within the territory of a Member State by the that producer or that producers on whose behalf the producer responsibility organisation acts; and.</u></p> <p>Further moved from row 583</p>	<p>Article 8a of the Directive 2008/98/EC are complied with and the measures put in place by the producer or producer responsibility organisation are sufficient to meet the obligations set out in this Chapter with regard to the amount of batteries made available on the market for the first time within the territory of a Member State by the that producer or that producers on whose behalf the producer responsibility organisation acts; and.</p> <p>provisionally agreed</p>
Article 47b, (2), point (b)				
596f			<p><u>(b) where it is demonstrated, by providing documentary evidence, that the requirements of paragraphs 1, 2 and 3 of Article 48 or requirements of paragraphs 1, 2 and 4 of Article 48a are met and that all the arrangements are in place to allow attaining and maintaining durably at least the</u></p>	<p>(b) where it is demonstrated, by providing documentary evidence, that the requirements of paragraphs 1, 2 and 3 of Article 48 or requirements of paragraphs 1, 2 and 4 of Article 48a are met and that all the arrangements are in place to allow attaining and maintaining durably at least the</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<u>collection target referred to in Article 48(4) and Article 48a(3), respectively.</u> Moved from row 620	collection target referred to in Article 48(4) and Article 48a(3), respectively. provisionally agreed
Article 47b, (2), point (c)				
g	596g		<u>(c) requirement laid down in paragraph 7 of Article 47b is complied with.</u>	<u>deleted</u> provisionally agreed
Article 47b (3)				
	596h		<u>3. Member State shall, in its measures laying down administrative and procedural rules referred to in Article 45g(2)(b), include the details of the authorisation procedure, which can be different for either individual or collective fulfilment of the extended producer responsibility, and the modalities for verifying compliance, including the information to be provided by producers or producers responsibility</u>	3. Member State shall, in its measures laying down administrative and procedural rules referred to in Article 45g(2)(b), include the details of the authorisation procedure, which can be different for either individual or collective fulfilment of the extended producer responsibility, and the modalities for verifying compliance, including the information to be provided by producers or producers responsibility organisations to that

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<p><u>organisations to that end. The authorisation procedure shall include requirement on the verification of the arrangements put in place to ensure compliance with the requirements laid down in paragraphs 1 and 2 of Article 48 and paragraphs 1, 2 and 4 of Article 48a, and timeframes for this verification, which shall not exceed twelve weeks from the submission of a complete application dossier. This verification may be done by an independent expert that shall issue a verification report on the result of verification.</u></p> <p>Moved from row 621</p>	<p>end. The authorisation procedure shall include requirement on the verification of the arrangements put in place to ensure compliance with the requirements laid down in paragraphs 1 and 2 of Article 48 and paragraphs 1, 2 and 4 of Article 48a, and timeframes for this verification, which shall not exceed twelve weeks from the submission of a complete application dossier. This verification may be done by an independent expert that shall issue a verification report on the result of verification.</p>
Article 47b (4)				
596i			<p><u>4. The producer or the producer responsibility organisations shall notify the competent authority without undue delay of any changes to the information contained in the application for an authorisation, of any changes</u></p>	<p>4. The producer or the producer responsibility organisations shall notify the competent authority without undue delay of any changes to the information contained in the application for an authorisation, of any changes that</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<p><u>that concern the terms of the authorisation or of the permanent cessation of operations.</u></p> <p>Moved from row 584</p>	<p>concern the terms of the authorisation or of the permanent cessation of operations.</p> <p>provisionally agreed</p>
Article 47b (5)				
596j			<p><u>5. The self-control mechanism provided in point (d) of paragraph 3 of Article 8a of the Directive 2008/98/EC shall be carried out regularly, and at least every three years, in order to verify that the provisions in point (d) of paragraph 3 of Article 8a of the Directive 2008/98/EC and whether the conditions for the authorisation continue to be met. The producer or the producer responsibility organisations shall present upon request, the self-control report and, if necessary, the draft corrective action plan to the competent authority, which shall make its observations known. When the competent authority makes its observation known, the producer or the</u></p>	<p>The self-control mechanism provided in point (d) of paragraph 3 of Article 8a of the Directive 2008/98/EC shall be carried out regularly, and at least every three years, <u>and upon request by the competent authority</u>, in order to verify that the provisions in point (d) of paragraph 3 of Article 8a of the Directive 2008/98/EC <u>are complied with</u> and whether the conditions for the authorisation <u>referred to in paragraph 2 of this Article</u> continue to be met. The producer or the producer responsibility organisation shall, present upon request, <u>present</u> the self-control report and, <u>if where</u> necessary, the draft corrective action plan to the competent authority. <u>Without prejudice to</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<p><u>producer responsibility organisations shall draw up the corrective action plan, taking into account the observations of the competent authority.</u></p> <p>Covers rows 575 & 622</p>	<p><u>the competencies under paragraph 6 of this Article, the competent authority may make observations on the self-control report and on the draft corrective action plan, and, if any, shall communicate them to the producer or the producer responsibility organisation.</u> which shall make its observations known. When the competent authority makes its observation known, tThe producer or the producer responsibility organisation shall draw up <u>and implement</u> the corrective action plan considering in accordance with those observations.”</p>
Article 47b (6)				
G	596k		<p><u>6. The competent authority may on its own discretion decide to revoke the relevant authorisation if collection targets set out in Article 48(4) or Article 48a(3) are not met or the producer or producer responsibility organisation no longer fulfils the</u></p>	<p>6. The competent authority may on its own discretion decide to revoke the relevant authorisation if collection targets set out in Article 48(4) or Article 48a(3) are not met or the producer or producer responsibility organisation no longer fulfils the</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<p><u>requirements with regard to the organisation of the collection and treatment of waste batteries or fails in relation to reporting to the competent authority or notification of any changes that concern the terms of the authorisation, or has ceased operations.</u></p> <p>Covers row 622</p>	<p>requirements with regard to the organisation of the collection and treatment of waste batteries or fails in relation to reporting to the competent authority or notification of any changes that concern the terms of the authorisation, or has ceased operations.</p> <p>provisionally agreed</p>
Article 47b (7)				
5961			<p><u>7. A producer, in the case of individual fulfilment of extended producer responsibility obligations, and producer responsibility organisations appointed in the case of collective fulfilment of extended producer responsibility, shall provide a guarantee intended to cover the costs related to waste management operations due by the producer, or the producer responsibility organisation, in case of non compliance with the extended producer responsibility</u></p>	<p>7. A producer, in the case of individual fulfilment of extended producer responsibility obligations, and producer responsibility organisations appointed in the case of collective fulfilment of extended producer responsibility, shall provide a guarantee intended to cover the costs related to waste management operations due by the producer, or the producer responsibility organisation, in case of non compliance with the extended producer responsibility</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<p><u>obligations, including in case of permanent cessation of its operations or insolvency. Member state may specify additional requirements on this guarantee.</u></p> <p><u>In case of State run producer responsibility organisation, such guarantee may not be provided by the organisation itself and may have the form of a public fund, financed by producers' fees, for which the Member State running the organisation is jointly and severely liable.</u></p> <p>Moved from row 586</p>	<p>obligations, including in case of permanent cessation of its operations or insolvency. Member state may specify additional requirements on this guarantee.</p> <p>In case of State run producer responsibility organisation, such guarantee may not be provided by the organisation itself and may have the form of a public fund, financed by producers' fees, for which the Member State running the organisation is jointly and severelyseverally liable.</p>
Article 48				
6	597	Article 48 Collection of waste portable batteries	Article 48 Collection of waste portable batteries	Article 48 Collection of waste portable batteries provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal		
	Article 48(1), introductory part					
Y	598	1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall ensure the collection of all waste portable batteries, regardless of their nature, brand or origin in the territory of a Member State where they make batteries available on the market for the first time. For that purpose they shall:	1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall ensure the <u>separate</u> collection of all waste portable batteries, regardless of their nature, <u>chemical composition</u> , brand or origin in the territory of a Member State where they make batteries available on the market for the first time. For that purpose they shall:	1. Producers or, where appointed in accordance with Article 47(2) 47a(1), producer responsibility organisations acting on their behalf, shall ensure the collection of all waste portable batteries, regardless of their nature <u>chemical composition</u> , <u>condition</u> , brand or origin, in the territory of a Member State where they make batteries available on the market for the first time. For that purpose they shall:	1. Producers or, where appointed in accordance with Article 47a(1), producer responsibility organisations, shall ensure the <u>separate</u> collection of all waste portable batteries, regardless of their <u>nature</u> , chemical composition, condition, brand or origin, in the territory of a Member State where they make batteries available on the market for the first time. For that purpose they shall:	Y
	Article 48(1), point (a)					
G	599	(a) establish waste portable battery collection points;	(a) establish waste portable battery <u>take-back and</u> collection points;	(a) establish waste portable battery take-back <u>take-back</u> and collection systems, which include collection points; <u>provisionally agreed</u>	G	
	Article 48(1), point (b)					
G	600	(b) offer the collection of waste portable batteries, free of charge, to the entities referred to in		(b) offer the collection of waste portable batteries, free of charge, to the entities referred to in	G	

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	paragraph 2(a) and provide for the collection of waste portable batteries from all entities that have made use of that offer (“connected collection points”);		paragraph 2(a) and provide for the collection of waste portable batteries from all entities that have made use of that offer (“connected collection points”);	paragraph 2(a) and provide for the collection of waste portable batteries from all entities that have made use of that offer (“connected collection points”);
Article 48(1), point (c)				
601	(c) provide for the necessary practical arrangements for collection and transport, including the provision free of charge of suitable collection and transport containers meeting the requirements of Directive 2008/98/EC to the connected collection points;		(c) provide for the necessary practical arrangements for collection and transport, including the provision, free of charge, of suitable collection and transport containers meeting the requirements of Directive 2008/98/EC 2008/68/EC ¹ to the connected collection points; <u>1. Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13)</u>	(c) provide for the necessary practical arrangements for collection and transport, including the provision, free of charge, of suitable collection and transport containers meeting the requirements of Directive 2008/68/EC ¹ to the connected collection points; ^{1.} Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13) provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 48(1), point (d)				
G	602	(d) ensure the collection free of charge of the waste portable batteries collected by the connected collection points, with a frequency that is proportionate to the area covered and the volume and hazardous nature of the waste portable batteries usually collected through those collection points;	(d) ensure the collection, free of charge, of the waste portable batteries collected by the connected collection points, with a frequency that is proportionate to the area covered and the volume and hazardous nature of the waste portable batteries usually collected through those collection points;	(d) ensure the collection, free of charge, of the waste portable batteries collected by the connected collection points, with a frequency that is proportionate to the area covered and the volume and hazardous nature of the waste portable batteries usually collected through those collection points;
Article 48(1), point (da)				
	602a		<u>(da) ensure the collection, free of charge, of the waste portable batteries removed from waste electrical and electronic equipment in waste electrical and electronic equipment treatment and recycling facilities, with a frequency that is proportionate to the volume and hazardous nature of the waste portable batteries usually removed in those treatment and recycling facilities;</u>	(da) ensure the collection, free of charge, of the waste portable batteries removed from waste electrical and electronic equipment in waste electrical and electronic equipment treatment and recycling facilities, with a frequency that is proportionate to the volume and hazardous nature of the waste portable batteries usually removed in those treatment and recycling facilities;

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 48(1), point (e)				
603	(e) ensure that the waste portable batteries collected from the connected collection points are subsequently subject to treatment and recycling in a permitted facility by a waste management operator in accordance with Article 56.		(e) ensure that the waste portable batteries collected from the connected collection points <u>and from waste electrical and electronic equipment treatment and recycling facilities</u> are subsequently subject to treatment and recycling in a permitted facility by a waste management operator in accordance with Article 56.	(e) ensure that the waste portable batteries collected from the connected collection points and from waste electrical and <u>removed from</u> electronic equipment <u>treatment and recycling in treatment</u> facilities are subsequently subject to treatment and recycling in a permitted facility by a waste management operator in accordance with Article 56.
Article 48(2), introductory part				
604	2. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall ensure that the network of connected collection points :		2. Producers or, where appointed in accordance with Article 47(2) <u>47a(1)</u> , producer responsibility organisations acting on their behalf , shall ensure that the <u>take back and collection system for waste portable battery network of connected collection points</u> :	2. Producers or, where appointed in accordance with Article 47a(1), producer responsibility organisations, shall ensure that the take-back <u>take-back</u> and collection system for waste portable battery batteries : provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 48(2), point (a), introductory part				
605	(a) consists of collection points provided by them in cooperation with:		(a) consists of collection points provided by them in cooperation with <u>one or more of the following:</u>	(a) consists of collection points provided by them in cooperation with one or more of the following: provisionally agreed
Article 48(2), point (a)(i)				
606	(i) distributors in accordance with Article 50;		(i) distributors in accordance with Article 50;	(i) distributors in accordance with Article 50;
Article 48(2), point (a)(ii)				
607	(ii) waste electrical and electronic equipment and end-of-life vehicle treatment and recycling facilities in accordance with Article 52;		(ii) waste electrical and electronic equipment and end-of-life vehicle treatment and recycling facilities in accordance with Article 52;	(ii) end-of-life vehicle treatment and recycling facilities in accordance with Article 52;
Article 48(2), point (a)(iii)				
608	(iii) public authorities or third parties carrying out waste management on their behalf in accordance with Article 53;		(iii) public authorities, or third parties carrying out waste management on their behalf, in accordance with Article 53;	(iii) public authorities ₇ or third parties carrying out waste management on their behalf ₇ in accordance with Article 53;

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal	
Article 48(2), point (a)(iv)					
G	609	(iv) voluntary collection points in accordance with Article 54;	(iv) voluntary collection points in accordance with Article 54;	(iv) voluntary collection points in accordance with Article 54;	G
Article 48(2), point (a)(v)					
G	609a		<u>(v) waste electrical and electronic equipment treatment and recycling facilities in accordance with Directive 2012/19/EC.</u>	(v) waste electrical and electronic equipment treatment and recycling facilities in accordance with Directive 2012/19/EC.	G
Article 48(2), point (b)					
G	610	(b) covers the whole territory of the Member State taking into account population size, expected volume of waste portable batteries, accessibility and vicinity to end-users, not being limited to areas where the collection and subsequent management of waste portable batteries is profitable.	(b) covers the whole territory of the Member State taking into account population size, expected volume of waste portable batteries, accessibility and vicinity to end-users, not being limited to areas where the collection and subsequent management of waste portable batteries is profitable.	(b) covers the whole territory of the Member State taking into account population size, expected volume of waste portable batteries, accessibility and vicinity to end-users, not being limited to areas where the collection and subsequent management of waste portable batteries is profitable.	G
Article 48(3)					
G	611	3. End users, when discarding waste portable batteries at	. End users, when discarding shall <u>be able to discard</u> waste portable	3. End users <u>End-users</u> , when discarding waste portable	G
				3. End users, when discarding <u>End users shall be able to discard</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	collection points referred to in paragraph 2, shall not be charged or be obliged to buy a new battery.	batteries— at collection points referred to in paragraph 2, <u>and</u> shall not be charged or be obliged to buy a new battery <u>or to have bought the battery from the producers who set up the collection points.</u>	batteries— at collection points referred to in paragraph 2, shall not be charged or be obliged to buy a new battery.	waste portable batteries at collection points referred to in paragraph 2, <u>and</u> shall not be charged or be obliged to buy a new battery <u>or to have bought the battery from the producers who set up the collection points.</u> provisionally agreed
Article 48(4), first subparagraph, introductory part				
612	4. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall attain, and maintain durably, at least the following collection targets of waste portable batteries, calculated as percentages of the portable batteries, excluding batteries from light means of transport, made available on the market for the first time in a Member State by the respective producer or collectively by the producers covered by a producer	4. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall attain, and maintain <u>durably yearly</u> , at least the following collection targets of waste portable batteries, calculated as percentages of the portable batteries, <u>excluding batteries from light means of transport</u> , made available on the market for the first time in a Member State by the respective producer or collectively by the producers covered by a producer	4. Producers or, where appointed in accordance with Article 47(2) <u>47a(1)</u> , producer responsibility organisations acting on their behalf , shall attain, and maintain durably, at least the following collection targets of waste portable batteries, calculated as percentages of the portable batteries, excluding batteries from light means of transport, made available on the market for the first time in a Member State by the respective producer or collectively by the producers covered by a producer responsibility	4. Producers or, where appointed in accordance with Article 47a(1), producer responsibility organisations, shall attain, and maintain durably, at least the following collection targets of waste portable batteries, <u>made available on the market for the first time in a Member State by the respective producer or collectively by the producers covered by a producer responsibility organisation:</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	responsibility organisation:	responsibility organisation:	organisation:	
Article 48(4), first subparagraph, point (a)				
613	(a) 45 % by 31 December 2023 ;		(a) 45 % by 31-December-2023 <u>24 months after entry into force of the Regulation</u> ;	(a) 45 % by 24 months after entry into force of the Regulation <u>31 December 2023</u> ;
Article 48(4), first subparagraph, point (b)				
614	(b) 65 % by 31 December 2025;		(b) 65 % by 31-December-2025 <u>72 months after entry into force of the Regulation</u> ;	(b) 65 % by <u>72 months after entry into force of the Regulation</u> ;
Article 48(4), first subparagraph, point (c)				
615	(c) 70 % by 31 December 2030.		(c) 70 % by 31-December-2030 <u>96 months after entry into force of the Regulation</u> .	(c) 70 % by <u>96 months after entry into force of the Regulation</u>
Article 48(4), second subparagraph				
616	Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall calculate the collection rate referred to in this paragraph in accordance with		Producers or, where appointed in accordance with Article 47(2) <u>47a(1)</u> , producer responsibility organisations acting on their behalf , shall calculate the collection rate referred to in this paragraph in accordance with	Producers or, where appointed in accordance with Article 47a(1), producer responsibility organisations, shall calculate the collection rate referred to in this paragraph in accordance with

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	Annex XI.		Annex XI.	Annex XI.
Article 48(4a)				
R	616a	<p><u>4a. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall attain, and maintain yearly, at least the following collection targets for waste portable batteries of general use, calculated as percentages of the portable batteries of general use, made available on the market for the first time in a Member State by the respective producer or collectively by the producers covered by a producer responsibility organisation:</u></p> <p><u>(a) 45% by 31 December 2023;</u></p> <p><u>(b) 70% by 31 December 2025;</u></p> <p><u>(c) 80 % by 31 December 2030.</u></p>		Council mandate: no subtarget for portable batteries of general use

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 48(5)				
G	617	5. Collection points set up in accordance with paragraphs 1 and paragraph 2(a) shall not be subject to the registration or permit requirements of Directive 2008/98/EC.	5. Collection points set up in accordance with paragraphs 1 and <u>points (i), (iii) and (iv) of paragraph 2(a)</u> shall not be subject to the registration or permit requirements of Directive 2008/98/EC.	5. Collection points set up in accordance with paragraphs 1 and points (i), (iii) and (iv) of paragraph 2(a) shall not be subject to the registration or permit requirements of Directive 2008/98/EC. provisionally agreed
Article 48(6)				
Y	618	6. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations shall request an authorisation from the competent authority that shall verify compliance of the arrangements put in place to ensure compliance with the requirements of this Article. In case the authorisation is requested by a producer responsibility organisation, the request for authorisation shall clearly identify the active	6. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations shall request an authorisation from the competent authority that shall verify compliance of the arrangements put in place to ensure compliance <u>Member State may adopt measures to require that the collection points mentioned in paragraph 2 may collect waste portable batteries only if they have concluded a contract</u> with the requirements of this Article.	Member State may adopt measures to require that the collection points mentioned in paragraph 2 may collect waste portable batteries only if they have concluded a contract with the producers or, where appointed in accordance with Article 47a(1), producer responsibility organisations.

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	member producers that it is representing.		case the authorisation is requested by a <u>producers or, where appointed in accordance with Article 47a(1),</u> producer responsibility organisation, the request for authorisation shall clearly identify the active member producers that it is representing <u>organisations.</u>	
Article 48(7)				
G	619 7. The producer responsibility organisation shall ensure the confidentiality of the data in its possession as regards proprietary information or information directly attributable to individual producers. The competent authority may in its authorisation, establish conditions to be met to that end.		<u>deleted</u>	<u>deleted</u> Covered in row 587
Article 48(8)				
G	620 8. The authorisation under paragraph 6 may be granted only where it is demonstrated, by providing documentary evidence,			

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	that the requirements of paragraphs 1, 2 and 3 of this Article are met and that all the arrangements are in place to allow attaining and maintaining durably at least the collection target referred to in paragraph 4. Where the authorisation is requested by a producer responsibility organization, it shall be obtained as part of the authorisation referred to in Article 47(6).		<i>deleted</i> <i>Moved to row 596f</i>	<i>deleted</i>
Article 48(9)				
621	9. The competent authority shall establish the details of the procedure to grant the authorisation under paragraph 6 to ensure compliance with the requirements set out in paragraphs 1 to 4 and Article 56. This shall include the requirement of an independent experts' report for an ex-ante verification of the arrangements for collection under this article being made in a way to ensure compliance with		<i>deleted</i> <i>Moved to row 596h</i>	<i>Moved to 596h</i>


	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	the requirements under this Article. It shall also include timeframes for verification of the respective steps and the decision to be taken by the competent authority, which shall not exceed six weeks from the submission of a complete application dossier.			
<i>Article 48(10)</i>				
622	10. The competent authority shall review regularly, and at least every three years, whether the conditions for the authorisation under paragraph 6 still are met. The authorisation may be revoked when the collection target set out in paragraph 4 is not met or the producer or producer responsibility organisation is in material breach of its obligations according to paragraphs 1 to 3.		<u>deleted</u> Covered in rows 596j&k	<u>deleted</u>
<i>Article 48(11)</i>				
623	11. The producer or, where appointed in accordance with		11-7. <u>Every five years the Member States shall carry out a</u>	7. Every five years the Member States shall carry out a


	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	<p>Article 47(2), the producer responsibility organisation acting on its behalf, shall immediately notify the competent authority of any changes to the conditions covered by the application for authorisation referred to in paragraph 7, of any changes that concern the terms of the authorisation under paragraph 8, and of the permanent cessation of operations.</p>		<p><u><i>compositional survey of collected mixed municipal waste and waste electric and electronic equipment streams to determine the share of waste portable batteries therein. The first survey shall be carried out by 24 months after the date of entry into force of this Regulation. On the basis of the information obtained, the competent authorities may require, that the producers of portable batteries or producer responsibility organisations take corrective action to increase their network of connected collection points and carry out information campaigns in accordance with Article 60(1)</i></u> <i>The producer or, where appointed in accordance with Article 47(2), the producer responsibility organisation acting on its behalf, shall immediately notify the competent authority of any changes to the conditions covered by the application for authorisation referred to in paragraph 7, of any changes that</i></p>	<p>compositional survey of collected mixed municipal waste and waste electric and electronic equipment streams to determine the share of waste portable batteries therein. The first survey shall be carried out by <u>1 January</u> [24 months after the date of entry into force of this Regulation]. On the basis of the information obtained, the competent authorities may require, that the producers of portable batteries or producer responsibility organisations take corrective action to increase their network of connected collection points and carry out information campaigns in accordance with Article 60(1).</p> <p>provisionally agreed</p>


	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<i>concern the terms of the authorisation under paragraph 8, and of the permanent cessation of operations.</i>	
Article 48(8)				
623a			<u>8. Due to the expected development of the market and increase of the estimated lifetime of rechargeable portable batteries, in order to better capture the actual volume of portable batteries waste available for collection, the Commission shall be empowered to adopt, by 48 months after entry into force of the Regulation delegated acts in accordance with Article 73 to amend the methodology to calculate the collection rate of portable batteries laid down in Annex XI and amend the target laid down in paragraph 4 to adapt the rate to the new methodology while maintaining equivalent ambition and timelines.</u>	8. Due to the expected development of the market and increase of the estimated lifetime of rechargeable portable batteries, in order to better capture the actual volume of portable batteries waste available for collection, the Commission shall be empowered to adopt, by 48 months after entry into force of the Regulation delegated acts in accordance with Article 73 to amend the methodology to calculate the collection rate of portable batteries laid down in Annex XI and amend the target laid down in paragraph 4 to adapt the rate to the new methodology while maintaining equivalent ambition and timelines.


	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 48(12)				
624	<p>12. Every five years the Member States shall carry out a compositional survey at least at NUTS 2 level of collected mixed municipal waste and waste electric and electronic equipment streams to determine the share of waste portable batteries therein. The first survey shall be carried out by 31 December 2023. On the basis of the information obtained, the competent authorities may require, when granting or reviewing an authorisation under paragraphs 6 and 10 that the producers of portable batteries or producer responsibility organisations take corrective action to increase their network of connected collection points and carry out information campaigns in accordance with Article 60(1) in proportion to the share of waste portable batteries in mixed municipal waste and waste electric and electronic equipment streams detected in</p>		<p>deleted</p>	<p>deleted</p> <p>see row 623</p> <p>provisionally agreed</p>


	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	the survey.			
Article 48a				
624a		<p><u>Article 48a</u></p> <p><u>Collection of light means of transport waste batteries</u></p>		<p><u>deleted</u></p> <p>See 624c+</p> <p>provisionally agreed</p>
Article 48a(1)				
624b		<p><u>1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall ensure collection of all light means of transport waste batteries regardless of their nature, chemical composition, brand or origin, in the territory of the Member State in which they make batteries available on the market for the first time.</u></p> <p><u>2. Producers of light means of transport waste batteries or, where appointed in accordance with Article 47(2), producer</u></p>		<p>See 624c+</p>


	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p><u>responsibility organisations acting on their behalf, shall take back, free of charge and without an obligation on the end user to buy a new battery, or to have bought the waste battery from them, all light means of transport waste batteries regardless of their chemical composition, brand or origin in the territory of the Member State in which they make batteries available on the market for the first time. For that purpose, they shall take back light means of transport waste batteries from end-users or from take-back and collection points provided in cooperation with:</u></p> <p><u>(a) distributors of light means of transport batteries in accordance with Article 50(1);</u></p> <p><u>(b) independent operators that repair light means of transport;</u></p> <p><u>(c) public authorities, or third parties carrying out waste management on their behalf, in</u></p>		


	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p><u>accordance with Article 53.</u></p> <p><u>3. The take-back arrangements put in place in accordance with paragraph 2 shall cover the whole territory of a Member State taking into account population size and density, the expected volume of light means of transport waste batteries, accessibility for and proximity to end-users. The take-back arrangements shall not be limited to areas where the collection and subsequent management of light means of transport waste batteries is most profitable.</u></p> <p><u>4. End users, when discarding light means of transport waste batteries at collection points referred to in paragraph 2, shall, in all circumstances, be able to return any waste light means of transport battery at any collection point and to do so free of charge or without being obliged to buy a new battery.</u></p> <p><u>5. Producers or, where</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p><u>appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall attain, and maintain yearly, at least the following collection targets for light means of transport batteries, calculated as percentages of the quantities of light means of transport batteries, made available on the market for the first time in a Member State by the respective producer or collectively by the producers covered by a producer responsibility organisation:</u></p> <p><u>(a) 75 % by 31 December 2025;</u></p> <p><u>(b) 85 % by 31 December 2030.</u></p> <p><u>Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall calculate the collection rate referred to in the first subparagraph in accordance with the delegated act adopted in</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p><u>accordance with Article 55(2b).</u></p> <p><u>6. Collection points set up in accordance with paragraphs 1 and 2 of this Article shall not be subject to the registration or permit requirements of Directive 2008/98/EC.</u></p> <p><u>7. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations shall request an authorisation from the competent authority that is to verify compliance with the arrangements put in place to ensure compliance with this Article. Where the authorisation is requested by a producer responsibility organisation, the request for authorisation shall clearly identify the active member producers that it is representing.</u></p> <p><u>8. The producer responsibility organisation shall ensure that the data in its possession as regards proprietary information or information directly attributable</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p><u>to individual producers remain confidential. The competent authority may, in its authorisation, establish conditions to be met to that end.</u></p> <p><u>9. The authorisation under paragraph 6 may be granted only where it is demonstrated, by providing documentary evidence, that the requirements of paragraphs 1, 2 and 3 of this Article are met and that all the arrangements are in place to allow at least the collection target referred to in paragraph 5 to be attained and maintained durably. Where the authorisation is requested by a producer responsibility organisation, it shall be obtained as part of the authorisation referred to in Article 47(6).</u></p> <p><u>10. The competent authority shall establish the details of the procedure to grant the authorisation under paragraph 7 to ensure compliance with the</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p><u>requirements set out in paragraphs 1 to 4 of this Article and Article 56. This shall include the requirement of an independent experts' report for an ex-ante verification of the arrangements for collection under this Article being made in a way to ensure compliance with the requirements under this Article. It shall also include timeframes for verification of the respective steps and the decision to be taken by the competent authority, which shall not exceed six weeks from the submission of a complete application dossier.</u></p> <p><u>11. The competent authority shall review regularly, and at least every three years, whether the conditions for the authorisation under paragraph 7 continue to be met. The authorisation may be revoked when the collection target set out in paragraph 4 is not met or the producer or producer responsibility organisation is in material breach</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p><u>of its obligations under paragraphs 1 to 3.</u></p> <p><u>12. The producer or, where appointed in accordance with Article 47(2), the producer responsibility organisation acting on its behalf, shall immediately notify the competent authority of any changes to the conditions covered by the application for authorisation referred to in paragraph 7, of any changes that concern the terms of the authorisation under paragraph 8, and of the permanent cessation of operations.</u></p> <p><u>13. Every five years the Member States shall carry out a compositional survey at least at NUTS 2 level of collected mixed municipal waste and waste electric and electronic equipment streams to determine the share of waste portable batteries therein. The first survey shall be carried out by 31 December 2023. On the basis of the information obtained,</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p><u>the competent authorities may require, when granting or reviewing an authorisation under paragraphs 7 and 10 that the producers of portable batteries or producer responsibility organisations take corrective action to increase their network of connected collection points and carry out information campaigns in accordance with Article 60(1) in proportion to the share of waste portable batteries in mixed municipal waste and waste electric and electronic equipment streams detected in the survey.</u></p>		
Article 48a				
G	624c		<p><u>Article 48a</u> <u>Collection of waste LMT batteries</u></p>	<p>Article 48a Collection of waste LMT batteries</p> <p>Article 48a in rows 624c+ will be revised reflecting a structure of Article 48. It should be considered work in progress.</p> <p>provisionally agreed</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 48a(1), introductory part				
624d			<p><u>1. Producers of LMT batteries or producer responsibility organisations, shall take back, free of charge and without an obligation on the end user to buy a new battery, nor to have bought the battery from them, all waste LMT batteries regardless of their chemical composition, condition, brand, or origin in the territory of a Member State where they make batteries available on the market for the first time. For that purpose, they shall take back waste LMT batteries, from end-users or from take back and collection systems which include collection points provided in cooperation with:</u></p>	<p>1. Producers of LMT batteries or producer responsibility organisations, shall take back, free of charge and without an obligation on the end user to buy a new battery, nor to have bought the battery from them, all waste <u>or, where appointed in accordance with Article 47a(1), producer responsibility organisations, shall ensure the collection of all</u> LMT batteries, regardless of their <u>nature,</u> chemical composition, condition, brand, or origin, in the territory of a Member State where they make batteries available on the market for the first time. For that purpose, they shall take back waste LMT batteries, from end-users or from take back and collection systems which include collection points provided in cooperation with:</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 48a(1), point (a)				
624e			<u>(a) distributors of LMT batteries in accordance with Article 50(1);</u>	(a) distributors of LMT batteries in accordance with Article 50(1) <u>establish waste LMT battery take back and collection systems, which include collection points;</u>
Article 48a(1), point (b)				
624f			<u>(b) waste electrical and electronic equipment treatment and recycling facilities referred to in Article 52 for the waste LMT batteries arising from their operations;</u>	(b) <u>offer the collection of</u> waste electrical and electronic equipment treatment and recycling facilities <u>LMT batteries, free of charge, to the entities</u> referred to in Article 52 <u>paragraph 2(a) and provide</u> for the <u>collection of</u> waste LMT batteries arising from their operations <u>from all entities that have made use of that offer ("connected collection points");</u>
Article 48a(1), point (c)				
624g			<u>(c) public waste management authorities, or third parties carrying out waste management on their behalf, in accordance with Article 53.</u>	(c) public waste management authorities, or third parties carrying out waste management on their behalf, in accordance with Article 53 <u>provide for the</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
				<p><u>necessary practical arrangements for collection and transport, including the provision, free of charge, of suitable collection and transport containers meeting the requirements of Directive 2008/68/EC¹ to the connected collection points;</u></p> <hr/> <p><u>1. [1] Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods (OJ L 260, 30.9.2008, p. 13)</u></p>
Article 48a(1), first subparagraph				
624h			<p><u>Member State may adopt measures to require that he entities referred to in points (a), (b) and (c) of the first subparagraph may collect waste LMT batteries only if they have a contract with the producers or their producer responsibility organisations.</u></p>	<p><u>2. Member State may adopt measures to require that he entities referred to in (d) ensure the collection, free of charge, of the waste LMT batteries collected by the connected collection points (a), (b) and (c), with a frequency that is proportionate to the area covered and the volume and hazardous nature of the first subparagraph may collect waste</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
				<p><u>LMT batteries usually collected through those collection points;</u></p> <p><u>(e) ensure that the</u> waste LMT batteries only if they have a contract with the producers or their producer responsibility organisations <u>collected from the connected collection points and from waste electrical and electronic equipment treatment and recycling facilities are subsequently subject to treatment and recycling in a permitted facility by a waste management operator in accordance with Article 56.</u></p>
Article 48a(2)				
624i			<p><u>2. The take back arrangements put in place in accordance with paragraph 1 shall cover the whole territory of a Member State taking into account population size and density, expected volume of waste LMT batteries, accessibility and vicinity to end-users, not being limited to areas</u></p>	<p>2. <u>Producers or, where appointed in accordance with Article 47(247a(1), producer responsibility organisations acting on their behalf, shall ensure that the network of connected</u> The take back arrangements put in place <u>and collection points system</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<p><u>where the collection and subsequent management of waste LMT batteries is most profitable.</u></p>	<p><u>for waste LMT battery :</u></p> <p><u>(a) consists of collection points provided by them in cooperation with one or more of the following :</u></p> <p><u>(i) distributors</u> in accordance with paragraph 1 shall cover <u>Article 50;</u></p> <p><u>(ii) end-of-life vehicle treatment and recycling facilities in accordance with Article 52;</u></p> <p><u>(iii) public authorities, or third parties carrying out waste management on their behalf, in accordance with Article 53;</u></p> <p><u>(iv) voluntary collection points in accordance with Article 54;</u></p> <p><u>(v) waste electrical and electronic equipment treatment and recycling facilities in accordance with Directive 2012/19/EC.</u></p> <p><u>(b) covers</u> the whole territory of the Member State taking into account population size and</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
				<i>density</i> , expected volume of waste LMT batteries, accessibility and vicinity to end-users, not being limited to areas where the collection and subsequent management of waste LMT batteries is most profitable.
Article 48a(3)				
624j			<u>3. Producers or, where appointed in accordance with Article 47a(2), producer responsibility organisations, shall attain, and maintain durably, at least the following collection targets of waste LMT batteries:</u>	3. Producers or, where appointed in accordance with Article 47a(2), producer responsibility organisations, shall attain, and maintain durably, at least the following collection targets of waste LMT batteries: <u>End -users, when discarding waste LMT batteries at collection points referred to in paragraph 2, shall not be charged or be obliged to buy a new battery.</u>
Article 48a(3), first indent				
624k			<u>- 54 % by 96 months after entry into force of the Regulation.</u>	See r. 624m

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 48a(3), first subparagraph				
624l			<u>Producers or producer responsibility organisations shall calculate the collection rate referred to in this paragraph in accordance with Annex XI.</u>	See r. 624m
Article 48a(4), introductory part				
624m			<u>4. Producers of LMT batteries or producer responsibility organisations, shall:</u>	4. Producers of <u>Producers, where appointed in accordance with Article 47a(2), producer responsibility organisations, shall attain, and maintain durably, at least the following collection targets of waste</u> LMT batteries: <u>54 % by 72 96 months after entry into force of the Regulation</u> <u>Producers</u> or producer responsibility organisations, shall: <u>calculate the collection rate referred to in this paragraph in accordance with Annex XI.</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 48a(4), point (a)				
624n			<u><i>(a) provide the collection points referred to in paragraph 1 with suitable collection infrastructure for the separate collection of waste LMT batteries meeting the applicable safety requirements and cover the necessary costs incurred by those collection points in relation to the take back activities. The containers for collection and temporary storage of such waste batteries at the collection points shall be adequate to provide for the volume and hazardous nature of waste LMT batteries that are likely to be collected through those collection points;</i></u>	Text of Article 48 is work in progress, see also explanation in row 624c
Article 48a(4), point (b)				
624o			<u><i>(b) collect waste LMT batteries from the collection points referred to in paragraph 1 with a frequency that is proportionate to the storage capacity of the separate collection infrastructure</i></u>	Text of Article 48 is work in progress, see also explanation in row 624c

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<u>and the volume and hazardous nature of waste batteries that are usually collected through those collection points;</u>	
Article 48a(4), point (c)				
624p			<u>(c) provide for the delivery of waste LMT batteries collected from end-users and from the collection points referred to in paragraph 1 to facilities for treatment and recycling in accordance with Article 56.</u>	Text of Article 48 is work in progress, see also explanation in row 624c
Article 48a(5)				
624q			<u>5. The entities referred to in points (a), (b) and (c) of paragraph 1 may hand over collected waste LMT batteries to waste management operators referred to in Article 47a(8) for treatment and recycling in accordance with Article 56. In such cases, the obligation of producers pursuant to paragraph 4(c) shall be deemed to be met.</u>	5. The entities referred to in <u>Collection</u> points (a), (b) and (c) of paragraph 1 may hand over collected waste LMT batteries to waste management operators referred to in Article 47a(8) for treatment and recycling in accordance with Article 56. In such cases, the obligation of producers pursuant to paragraph 4(c) shall be deemed to be met <u>set up in accordance with paragraphs 1</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
				<u>and points (i), (iii) and (iv) of paragraph 2(a) shall not be subject to the registration or permit requirements of Directive 2008/98/EC.</u>
Article 48a(6)				
624r			<p><u>6. In the compositional survey carried out in accordance with Article 48(7) Member States shall determine the share of waste LMT batteries in the collected mixed municipal waste. On the basis of the information obtained, the competent authorities may require that the producers of LMT batteries or producer responsibility organisations take corrective action to increase their network of connected collection points and carry out information campaigns in accordance with Article 60(1).</u></p>	<p>6. In the compositional survey carried out in accordance with Article 48(7) Member States shall determine the share of Member State may adopt measures to require that the collection points mentioned in paragraph 2 may collect waste LMT batteries in the collected mixed municipal waste. On the basis of the information obtained, the competent authorities may require that the producers of LMT batteries or only if they have concluded a contract with the producers or, where appointed in accordance with Article 47a(1), producer responsibility organisations take corrective action to increase their network of connected collection points and carry out information</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
				<i>campaigns in accordance with Article 60(1).</i>
Article 48a(7)				
624s			<p><u>7. Due to the expected development of the market and increase of the estimated lifetime of LMT batteries, in order to better capture the actual volume of waste LMT batteries available for collection, the Commission shall be empowered to adopt, by 48 months after entry into force of the Regulation, delegated acts in accordance with Article 73 to amend the methodology to calculate the collection rate of waste LMT batteries laid down in Annex XI and amend the target laid down in paragraph 3, accordingly.</u></p>	<p><u>7. In the compositional survey carried out in accordance with Article 48(7) Member States shall determine the share of waste LMT batteries in the collected mixed municipal waste. On the basis of the information obtained, the competent authorities may require that the producers of LMT batteries or producer responsibility organisations take corrective action to increase their network of connected collection points and carry out information campaigns in accordance with Article 60(1).</u></p> <p>8. Due to the expected development of the market and increase of the estimated lifetime of LMT batteries, in order to better capture the actual volume of waste LMT batteries available for collection, the Commission shall</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			PUBLIC	be empowered to adopt, by 48 months after entry into force of the Regulation, delegated acts in accordance with Article 73 to amend the methodology to calculate the collection rate of waste LMT batteries laid down in Annex XI and amend the target laid down in paragraph 3, accordingly.
Article 49				
625	Article 49 Collection of waste automotive batteries, industrial batteries and electric vehicle batteries		Article 49 Collection of waste automotive SLI batteries, industrial batteries and electric vehicle batteries	Article 49 Collection of waste SLI batteries, industrial batteries and electric vehicle batteries provisionally agreed
Article 49(-1)				
625a		<u>-1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall ensure the collection of all waste automotive batteries, industrial batteries and electric</u>		To be intergrated in r. 626

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<u>vehicle batteries, regardless of their nature, chemical composition, brand or origin in the territory of the Member State in which they make batteries available on the market for the first time.</u>		
Article 49(1), first subparagraph, introductory part				
626	1. Producers of automotive batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations, shall take back, free of charge and without an obligation on the end user to buy a new battery, nor to have bought the battery from them, all waste automotive batteries, industrial batteries and electric vehicle batteries of the respective type that they have made available on the market for the first time in the territory of that Member State. For that purpose they shall accept to take back waste automotive batteries,	1. Producers of automotive batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations, shall take back, free of charge and without an obligation on the end user to buy a new battery, nor to have bought the battery from them, all waste automotive batteries, industrial batteries and electric vehicle batteries of the respective type that they have made available on the market for the first time in the territory of that Member State. For that purpose they shall accept to take back waste automotive batteries,	1. Producers of automotive SLI batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article 47(2) 47a(1), producer responsibility organisations, shall take back, free of charge and without an obligation on the end user to buy a new battery, nor to have bought the battery from them, all waste automotive SLI batteries, industrial batteries and electric vehicle batteries <u>regardless of their chemical composition, condition, brand, or origin</u> of the respective type <u>category</u> that they have made available on the market for the first time in the territory of that	1. Producers of SLI batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article 47a(1), producer responsibility organisations, shall take back, free of charge and without an obligation on the end user to buy a new battery, nor to have bought the battery from them, all waste SLI batteries, industrial batteries and electric vehicle batteries regardless of their <u>nature</u> , chemical composition, condition, brand, or origin of the respective category that they have made available on the market for the first time in the territory of that Member State.

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	industrial batteries and electric vehicle batteries from end-users, or from collection points provided in cooperation with:	industrial batteries and electric vehicle batteries from end-users, or from <u>take-back and</u> collection points provided in cooperation with:	Member State. For that purpose they shall– accept to take back waste <u>automotiveSLI</u> batteries, industrial batteries and electric vehicle batteries from end-users, or from <u>take back and collection systems which include</u> collection points provided in cooperation with:	For that purpose they shall accept to take back waste SLI batteries, industrial batteries and electric vehicle batteries from end-users, or from take back and collection systems which include collection points provided in cooperation with: To integrate row 625a
Article 49(1), first subparagraph, point (a)				
627	(a) distributors of automotive, industrial and electric vehicle batteries in accordance with Article 50(1);		(a) distributors of <u>automotiveSLI batteries</u> , industrial <u>batteries</u> and electric vehicle batteries in accordance with Article 50(1);	(a) distributors of SLI batteries, industrial batteries and electric vehicle batteries in accordance with Article 50(1);
Article 49(1), first subparagraph, point (aa)				
627a		<u>(aa) independent operators carrying out re-use, remanufacturing or repurposing of automotive batteries, industrial batteries and electric vehicle batteries;</u>		<u>(aa) operators carrying out re-use, remanufacturing or repurposing of automotive batteries, industrial batteries and electric vehicle batteries;</u> provisionally agreed

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Article 49(1), first subparagraph, point (b)					
6	628 (b) waste electrical and electronic equipment and end-of-life vehicle treatment and recycling facilities referred to in Article 52 for the waste automotive, industrial and electric vehicle batteries arising from their operations;		(b) waste electrical and electronic equipment and end-of-life vehicle treatment and recycling facilities referred to in Article 52 for the waste automotive SLI batteries , industrial batteries and electric vehicle batteries arising from their operations;	(b) waste electrical and electronic equipment and end-of-life vehicle treatment and recycling facilities referred to in Article 52 for the waste SLI batteries, industrial batteries and electric vehicle batteries arising from their operations;	6
Article 49(1), first subparagraph, point (c)					
6	629 (c) public authorities or third parties carrying out waste management on their behalf in accordance with Article 53.		(c) public authorities, or third parties carrying out waste management on their behalf, in accordance with Article 53.	(c) public authorities, or third parties carrying out waste management on their behalf, in accordance with Article 53.	6
Article 49(1), second subparagraph					
Y	629a		<u>Member State may adopt measures to require that he entities referred to in points (a), (b) and (c) of the first subparagraph may collect waste SLI batteries, industrial batteries and electric vehicle batteries only if they have a contract with the producers or</u>	Member State may adopt measures to require that he entities referred to in points (a), (b) and (c) of the first subparagraph may collect waste SLI batteries, industrial batteries and electric vehicle batteries only if they have a contract with the producers or	Y

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			<u>their producer responsibility organisations.</u>	their producer responsibility organisations.
Article 49(1), third subparagraph				
630	Where waste industrial batteries require prior dismantling at the premises of private, non-commercial users, the obligation of the producer to take back those batteries shall include covering the costs of dismantling and collecting waste batteries at the premises of those users.	Where waste industrial batteries require prior dismantling at the premises of private, non-commercial users, the obligation of the producer, <u>or, where appointed in accordance with Article 47(2), producer responsibility organisations,</u> to take back those batteries shall include covering the costs of dismantling and collecting waste batteries at the premises of those users-	Where waste industrial batteries require prior dismantling at the premises of private, non-commercial users, the obligation of the producer to take back those <u>waste</u> batteries shall <u>not</u> include covering the costs of dismantling <u>and collecting</u> waste batteries at the premises of those users.	EC to provide a new drafting proposal for this sub-paragraph and possibly a recital to reflect that the costs of dismantling industrial waste batteries at the premises of private, non-commercial users should not be born by these users.
Article 49(2)				
631	2. The take back arrangements put in place in accordance with paragraph 1 shall cover the whole territory of a Member State taking into account population size and density, expected volume of waste automotive, industrial and electric vehicle		2. The take back arrangements put in place in accordance with paragraph 1 shall cover the whole territory of a Member State taking into account population size and density, expected volume of waste <u>automotive SLI batteries</u> , industrial <u>batteries</u> and electric vehicle	2. The take back arrangements put in place in accordance with paragraph 1 shall cover the whole territory of a Member State taking into account population size and density, expected volume of waste SLI batteries, industrial batteries and electric vehicle batteries,

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	batteries, accessibility and vicinity to end-users, not being limited to areas where the collection and subsequent management of waste automotive, industrial and electric vehicle batteries is most profitable.		batteries, accessibility and vicinity to end-users, not being limited to areas where the collection and subsequent management of waste automotive <u>SLI batteries</u> , industrial <u>batteries</u> and electric vehicle batteries is– most profitable.	accessibility and vicinity to end-users, not being limited to areas where the collection and subsequent management of waste SLI batteries, industrial batteries and electric vehicle batteries is most profitable. provisionally agreed
Article 49(3), introductory part				
632	3. Producers of automotive batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations, shall:		3. Producers of automotive <u>SLI</u> batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article 47(2) <u>47a(1)</u> , producer responsibility organisations, shall:	3. Producers of SLI batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article 47a(1), producer responsibility organisations, shall: provisionally agreed
Article 49(3), point (a)				
633	(a) provide the collection points referred to in paragraph 1 with suitable collection infrastructure for the separate collection of waste automotive batteries, industrial batteries and electric vehicle batteries meeting the	(a) provide the <u>take-back and</u> collection points referred to in paragraph 1 with suitable collection infrastructure for the separate collection of waste automotive batteries, industrial batteries and electric vehicle	(a) provide the collection points <u>take back and collection systems</u> referred to in paragraph 1 with suitable collection infrastructure for the separate collection of waste automotive <u>SLI</u> batteries, industrial batteries and electric	(a) provide the take back and collection systems referred to in paragraph 1 with suitable collection infrastructure for the separate collection of waste SLI batteries, industrial batteries and electric vehicle batteries meeting

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	<p>applicable safety requirements and cover the necessary costs incurred by those collection points in relation to the take back activities. The containers to collect and temporarily store such batteries at the collection point shall be adequate to provide for the volume and hazardous nature of waste automotive batteries, industrial batteries and electric vehicle batteries that are likely to be collected through those collection points;</p>	<p>batteries meeting the applicable safety requirements and cover the necessary costs incurred by those <u>take-back and</u> collection points in relation to the take back activities. The containers to collect and temporarily store such batteries at the collection point— shall be adequate to provide for the volume and hazardous nature of waste automotive batteries, industrial batteries and electric vehicle batteries that are likely to be collected through those <u>take-back and</u> collection points;</p>	<p>vehicle batteries meeting the applicable safety requirements and cover the necessary costs incurred by those collection points <u>take back and collection systems</u> in relation to the take back activities. The containers to collect and temporarily store such for <u>collection and temporary storage of such waste</u> batteries at the <u>take back and</u> collection point <u>systems</u> shall be adequate to provide for the volume and hazardous nature of waste automotive <u>SLI</u> batteries, industrial batteries and electric vehicle batteries that are likely to be collected through those collection points;</p>	<p>the applicable safety requirements and cover the necessary costs incurred by those take back and collection systems in relation to the take back activities. The containers for collection and temporary storage of such waste batteries at the take back and collection systems shall be adequate to provide for the volume and hazardous nature of waste SLI batteries, industrial batteries and electric vehicle batteries that are likely to be collected through those collection points;</p> <p>provisionally agreed</p>
Article 49(3), point (b)				
634	<p>(b) collect waste automotive batteries, industrial batteries and electric vehicle batteries from the collection points referred to in paragraph 1 with a frequency that is proportionate to the storage capacity of the separate collection infrastructure and the</p>		<p>(b) collect waste automotive <u>SLI</u> batteries, industrial batteries and electric vehicle batteries from the <u>take back and</u> collection points <u>systems</u> referred to in paragraph 1 with a frequency that is proportionate to the storage capacity of the separate collection</p>	<p>(b) collect waste SLI batteries, industrial batteries and electric vehicle batteries from the take back and collection systems referred to in paragraph 1 with a frequency that is proportionate to the storage capacity of the separate collection infrastructure</p>

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	volume and hazardous nature of waste batteries that are usually collected through those collection points;		infrastructure and the volume and hazardous nature of waste batteries that are usually collected through those <u>take back and collection points systems</u> ;	and the volume and hazardous nature of waste batteries that are usually collected through those take back and collection systems; <u>provisionally agreed</u>
Article 49(3), point (c)				
6	635 (c) provide for the delivery of waste automotive batteries, industrial batteries and electric vehicle batteries collected from end-users and from the collection points referred to in paragraph 1 to facilities for treatment and recycling in accordance with Article 56.		(c) provide for the delivery of waste automotive <u>SLI</u> batteries, industrial batteries and electric vehicle batteries collected from end-users and from the collection points <u>take back and collection systems</u> referred to in paragraph 1 to facilities for treatment and recycling in accordance with Article 56 <u>56 and Article 59</u> .	(c) provide for the delivery of waste SLI batteries, industrial batteries and electric vehicle batteries collected from end-users and from the take back and collection systems referred to in paragraph 1 to facilities for treatment and recycling in accordance with Article 56 and Article 59. <u>provisionally agreed</u>
Article 49(4)				
6	636 4. The entities referred to in points (a), (b) and (c) of paragraph 3 may hand over collected waste automotive batteries, industrial batteries and electric vehicle batteries to		4. The entities referred to in points (a), (b) and (c) of paragraph 3 <u>1</u> may hand over collected waste automotive <u>SLI</u> batteries, industrial batteries and electric vehicle batteries to authorised waste	4. The entities referred to in points (a), (b) and (c) of paragraph 1 may hand over collected waste SLI batteries, industrial batteries and electric vehicle batteries to authorised waste management

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	authorised waste management operators for treatment and recycling in accordance with Article 56. In such cases, the obligation of producers pursuant to paragraph 3(c) shall be deemed to be met.		management operators <i>referred to in Article 47a(8)</i> for treatment and recycling in accordance with Article 56. In such cases, the obligation of producers pursuant to paragraph 3(c) shall be deemed to be met.	operators referred to in Article 47a(8) for treatment and recycling in accordance with Article 56. In such cases, the obligation of producers pursuant to paragraph 3(c) shall be deemed to be met. provisionally agreed
Article 49(4a)				
636a		<i>4a. Member States shall collect information, including substantiated estimates, on an annual basis, on the quantities and categories of automotive batteries, industrial batteries and electric vehicle batteries placed on their markets, available for collection in comparison to the amounts collected through all routes, prepared for re-use, recycled and recovered within the Member State, and on batteries in vehicles/ industrial products exported, by weight and by chemistry.</i>		To be discussed with Art. 62

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Article 50				
637	Article 50 Obligations of distributors		Article 50 Obligations of distributors	Article 50 Obligations of distributors
Article 50(1)				
638	<p>1. Distributors shall take back waste batteries from the end-user at no charge and without an obligation to buy a new battery, regardless of their chemical composition or origin. Take back for portable batteries shall be provided at or in the immediate vicinity of their retail outlet. Take back for waste automotive batteries, industrial batteries and electric vehicle batteries shall be provided at or in the vicinity of their retail outlet. This obligation is limited to the types of waste batteries which the distributor has, or had, as new batteries in its offer and, for portable batteries, to the quantity that non professional end-users normally</p>	<p>1. Distributors shall take back waste batteries from the end-user at no charge and/or without an obligation to buy a new<u>have bought the</u> battery <u>from the same distributor</u>, regardless of their chemical composition or origin. Take back for portable batteries shall be provided at or in the immediate vicinity of their retail outlet. Take back for waste <u>light means of transport batteries</u>, automotive batteries, industrial batteries and electric vehicle batteries shall be provided at or in the vicinity of their retail outlet. This obligation is limited to the types of waste batteries which the distributor has, or had, as new batteries in its offer and, for</p>	<p>1. Distributors shall take back waste batteries from the end-user at no-free of charge and without an obligation <u>on the end-user</u> to buy a new battery, regardless of their chemical composition, <u>brand</u> or origin. Take back for <u>waste</u> portable batteries shall be provided at or in the immediate vicinity of their retail outlet. Take back for waste automotive<u>LMT batteries, SLI</u> batteries, industrial batteries and electric vehicle batteries shall be provided at or in the vicinity of their retail outlet. This obligation is limited to the types-categories of waste batteries which the distributor has, or had, as new batteries in its offer and, for <u>waste</u> portable batteries, to</p>	<p>1. Distributors shall take back waste batteries from the end-user free of charge and without an obligation on the end-user to buy <u>or to have bought</u> a new battery, regardless of their chemical composition, brand or origin. Take back for waste portable batteries shall be provided at or in the immediate vicinity of their retail outlet. Take back for waste LMT batteries, SLI batteries, industrial batteries and electric vehicle batteries shall be provided at or in the vicinity of their retail outlet. This obligation is limited to the categories of waste batteries which the distributor has, <u>or had</u>, as new batteries in its offer and, for waste portable batteries, to</p>

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	discard.	portable batteries, to the quantity that non-professional <u>non-professional</u> end-users normally discard.	the quantity that non professional end-users normally discard.	the quantity that non <u>professional</u> non-professional end-users normally discard. provisionally agreed
Article 50(2)				
639	2. The take back obligation laid down in paragraph 1 does not apply to waste products containing batteries. It shall apply in addition to the separate collection obligation for waste appliances and end-of-life vehicles laid down in Directives 2000/53/EC and 2012/19/EU.		2. The take back obligation laid down in paragraph 1 does not apply to waste products containing batteries. It shall apply in addition to the separate collection obligation for waste appliances and end-of-life vehicles laid down in Directives 2000/53/EC and 2012/19/EU.	2. The take back obligation laid down in paragraph 1 does not apply to waste products containing batteries. provisionally agreed
Article 50(3)				
640	3. Distributors shall hand over waste batteries that they have taken back to the producers or producer responsibility organisations who are responsible for the collection of those batteries in accordance with Articles 48 and 49 respectively , or to an waste	3. Distributors shall hand over waste batteries that they have taken back to the producers or producer responsibility organisations who are responsible for the collection of those batteries in accordance with Articles 48, <u>48a</u> and 49 respectively , -or to an waste	3. Distributors shall hand over waste batteries that they have taken back to the producers or producer responsibility organisations who are responsible <u>for to ensure</u> the collection of those batteries in accordance with Articles 48, <u>48a</u> and 49 respectively , or to an waste	3. Distributors shall hand over waste batteries that they have taken back to the producers or producer responsibility organisations who are responsible to ensure the collection of those batteries in accordance with Articles 48, 48a and 49 respectively , or to an waste

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	management operator with a view to their treatment and recycling in accordance with Article 56.	management operator with a view to their treatment and recycling in accordance with Article 56. <u>Member States may restrict the possibility for distributors to hand over waste batteries according to their type, to producers or producer responsibility organisations, or to waste management operators. Member States shall ensure that such restrictions do not have an adverse impact on the collection and recycling systems.</u>	management operator <u>referred to in Article 47a(8)</u> with a view to their treatment and recycling in accordance with <u>the requirements of</u> Article 56.	management operator referred to in Article 47a(8) with a view to their treatment and recycling in accordance with the requirements of Article 56. provisionally agreed
Article 50(4)				
641	4. The obligations under this article shall apply mutatis mutandis to operators supplying batteries by means of distance contracts to end users. Those operators shall provide for a sufficient number of collection points covering the whole territory of a Member State and taking into account population size and density, expected volume of waste automotive,	4. The obligations under this article shall apply mutatis mutandis to operators supplying batteries by means of distance contracts to end users. Those operators shall provide for a sufficient number of collection points covering the whole territory of a Member State and taking into account population size and density, expected volume of waste <u>of portable, light means of</u>	4. The obligations under this article shall apply <u>mutatis mutandis to distributors</u> mutatis mutandis to operators supplying batteries by means of distance contracts to end -users. Those operators <u>distributors</u> shall provide for a sufficient number of collection points covering the whole territory of a Member State and taking into account population size and density, expected volume	4. The obligations under this article shall apply <i>mutatis mutandis</i> to distributors supplying batteries by means of distance contracts to end -users. Those distributors shall provide for a sufficient number of collection points covering the whole territory of a Member State and taking into account population size and density, expected volume of, respectively, waste <u>portable</u>

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	industrial and electric vehicle batteries, accessibility and vicinity to end users allowing end users to return batteries.	<u>transport</u> , automotive, industrial and electric vehicle batteries, accessibility and vicinity to end users allowing end users to return batteries.	of, <u>respectively</u> , waste automotive <u>LMT batteries, SLI batteries</u> , industrial <u>batteries</u> and electric vehicle batteries, accessibility and vicinity to end -users allowing end -users to return batteries.	<u>batteries</u> , LMT batteries, SLI batteries, industrial batteries and electric vehicle batteries, accessibility and vicinity to end -users allowing end -users to return batteries.
Article 50(4a)				
641a		<u>4a. In the case of sales with delivery, distributors shall offer to take back batteries free of charge. When ordering a battery, the end user of the battery shall be informed of the arrangements for having the used battery taken back</u>		<u>Deleted</u>
Article 50(4a)				
641b			<u>4a. In the case of sales with delivery, distributors shall offer to take back waste LMT batteries, industrial batteries, SLI batteries and electric vehicle batteries free of charge at the point of delivery to the end-user or at a local collection point. The end-user shall be informed of the</u>	4a. In the case of sales with delivery, distributors shall offer to take back waste <u>portable batteries</u> , LMT batteries, industrial batteries, SLI batteries and electric vehicle batteries free of charge at the point of delivery to the end-user or at a local collection point. The end-user shall be informed of

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<u>arrangements for taking back of a waste battery when ordering a battery.</u>	the arrangements for taking back of a waste battery when ordering a battery.
Article 50(4b)				
641c			<u>4b. Online marketplaces shall only offer for sale in a Member State batteries, including those incorporated in appliances, light means of transport or vehicles, from producers registered in that Member State in accordance with Article 46 and which comply with the extended producer responsibility requirements in accordance with article 47.</u>	4b. Online marketplaces shall only offer for sale in a Member State batteries, including those incorporated in appliances, light means of transport or vehicles, from producers registered in that Member State in accordance with Article 46 and which comply with the extended producer responsibility requirements in accordance with article 47.
Article 50a				
641d		<u>Article 50a</u> <u>Deposit return systems for batteries</u>		EP wishes to discuss at political level, the Presidency prefers to discuss at technical level first and suggests keeping GA

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 50a				
641e		<p><u>By 31 December 2025, the Commission shall assess the feasibility and potential benefits of establishment of Union-wide deposit return systems for batteries, in particular for portable batteries of general use. To that end, the Commission shall submit a report to the European Parliament and to the Council and consider taking appropriate measures, including the adoption of legislative proposals. Member States, when implementing national deposit return systems for batteries, shall notify the Commission of those measures. National deposit return systems shall not prevent the adoption of harmonised Union-wide systems.</u></p>		<p>EP wishes to discuss at political level, the Presidency prefers to discuss at technical level first and suggests keeping GA</p>
Article 51				
642	Article 51		Article 51	Article 51

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	Obligations of end users		Obligations of end-users <u>end-users</u>	Obligations of end-users provisionally agreed
Article 51(1)				
643	1. End users shall discard waste batteries separately from other waste streams, including from mixed municipal waste.		1. End-users <u>End-users</u> shall discard waste batteries separately from other waste streams, including from mixed municipal waste.	1. End-users shall discard waste batteries separately from other waste streams, including from mixed municipal waste. provisionally agreed
Article 51(2)				
644	2. End users shall discard waste batteries in designated separate collection points set up by or in accordance with the specific arrangements concluded with the producer or a producer responsibility organisation, in accordance with Articles 48 and 49.	2. End users shall discard waste batteries in designated separate collection points set up by or in accordance with the specific arrangements concluded with the producer or a producer responsibility organisation, in accordance with Articles 48, <u>48a</u> and 49.	2. End-users <u>End-users</u> shall discard waste batteries in designated separate collection points set up by or in accordance with the specific arrangements concluded with the producer or a producer responsibility organisation, in accordance with Articles 48, <u>48a</u> and 49.	2. End-users shall discard waste batteries in designated separate collection points set up by or in accordance with the specific arrangements concluded with the producer or a producer responsibility organisation, in accordance with Articles 48, 48a and 49. provisionally agreed

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Article 51(3)				
6	645 3. Waste portable batteries incorporated in appliances that are readily removable by the end user without the use of professional tools shall be removed and discarded by end users in accordance with paragraph 1.		deleted	deleted provisionally agreed
Article 51(4)				
6	646 4. Waste batteries incorporated in vehicles or appliances and that are not readily removable by the end-user, shall be discarded by the end user in accordance with the Directives 2000/53/EC and 2012/19/EU, where applicable.		4. Waste batteries incorporated in vehicles or appliances and that are not readily removable by the end-user, shall be discarded by the end user in accordance with the Directives 2000/53/EC and 2012/19/EU, where applicable <u>Producers or producer responsibility organisations may set up awareness campaigns or offer incentives to encourage end-users to discard waste batteries in a manner compliant with the Directives 2000/53/EC and 2012/19/EU, where applicable</u> <u>information to end-users on prevention and management of waste batteries</u>	Producers or producer responsibility organisations <u>may</u> set up awareness campaigns or offer incentives to encourage end-users to discard waste batteries in a manner compliant with the information to end-users on prevention and management of waste batteries in Article 60(1).

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			in Article 60(1).	
Article 52				
647	Article 52 Obligations of treatment facilities		Article 52 Obligations of treatment and recycling facilities	Article 52 Obligations of treatment and recycling facilities provisionally agreed
Article 52, first paragraph				
648	Operators of waste treatment facilities subject to Directives 2000/53/EC and 2012/19/EU shall hand over waste batteries resulting from the treatment of end-of-life vehicles and waste electrical and electronic equipment to the producers of the relevant batteries or, where appointed in accordance with Article 47(2) of this Regulation, producer responsibility organisations acting on their behalf or to waste management operators with a view to their treatment and recycling in accordance with the	Operators of waste treatment facilities subject to Directives 2000/53/EC and 2012/19/EU shall hand over waste batteries resulting from the treatment of end-of-life vehicles and waste electrical and electronic equipment to the producers of the relevant batteries or, where appointed in accordance with Article 47(2) of this Regulation, producer responsibility organisations acting on their behalf or to authorised waste management operators with a view to their treatment and recycling in accordance with the	1. Operators of waste treatment and/or facilities subject to Directives 2000/53/EC and/or 2012/19/EU shall hand over waste batteries resulting from the treatment and recycling of end-of-life vehicles and/or waste electrical and electronic equipment to the producers of the relevant category of batteries or, where appointed in accordance with Article 47(2) of this Regulation 47a(1) , producer responsibility organisations, or to waste management operators referred to in Article 47a(8) acting on their behalf or to waste management operators with a	1. Operators of waste treatment and recycling facilities subject to Directives 2000/53/EC or 2012/19/EU shall hand over waste batteries resulting from the treatment and recycling of end-of-life vehicles or waste electrical and electronic equipment to the producers of the relevant category of batteries or, where appointed in accordance with Article 47a(1), producer responsibility organisations, or to waste management operators referred to in Article 47a(8) with a view to their treatment and recycling in accordance with the requirements

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	requirements of Article 56 of this Regulation. The operators of waste treatment facilities shall keep records of those transactions.	requirements of Article 56 of this Regulation. <u>Member States may restrict the possibility for operators of waste treatment facilities subject to Directive 2000/53/EC or Directive 2012/19/EU to hand over waste batteries, according to their type, either to producers or producer responsibility organisations, or to another waste management operator. Member States shall ensure that such restrictions do not have an adverse impact on the collection and recycling systems.</u> The operators of waste treatment facilities shall keep records of those transactions.	view to their treatment and recycling in accordance with the requirements of Article 56 of this Regulation. The operators of waste treatment facilities shall keep records of those transactions.	of Article 56. provisionally agreed
Article 52(2)				
648a			<u>2. The operators of waste treatment and recycling facilities referred to in paragraph 1 shall keep records of those transactions.</u>	2. The operators of waste treatment and recycling facilities referred to in paragraph 1 shall keep records of those transactions. provisionally agreed

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Article 53				
649	Article 53 Participation of public waste management authorities		Article 53 Participation of public waste management authorities	
Article 53(1)				
650	1. Waste batteries originating from private, non-commercial users may be discarded in separate collection points set up by public waste management authorities.	1. Waste batteries originating from private, non-commercial users may be discarded in separate collection points set up by public waste management authorities. <u><i>When set up for a specific battery type, the public waste management authorities shall not refuse to take back any waste batteries of that type, including re-used, repurposed and remanufactured batteries.</i></u>	1. Waste batteries originating from private, non-commercial users <u>end-users</u> may be discarded in separate collection points set up by public waste management authorities.	1. Waste batteries originating from private, non-commercial end-users may be discarded in separate collection points set up by public waste management authorities. <u>provisionally agreed</u>
Article 53(2)				
651	2. Public waste management authorities shall hand over collected waste batteries to the producers or, where appointed in accordance with Article 47(2), to producer responsibility	2. Public waste management authorities shall hand over collected waste batteries to the producers or, where appointed in accordance with Article 47(2), to producer responsibility	2. Public waste management authorities shall hand over collected waste batteries to the producers or, where appointed in accordance with Article 47(2) <u>47a(1)</u> , to producer responsibility	2. Public waste management authorities shall hand over collected waste batteries to the producers or, where appointed in accordance with Article 47a(1), to producer responsibility

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	<p>organisations acting on their behalf, or to waste management operators with a view to treatment and recycling of those waste batteries in accordance with the requirements of Article 56 or carry out their treatment and recycling themselves in accordance with the requirements of Article 56.</p>	<p>organisations acting on their behalf, or to waste management operators with a view to treatment and recycling of those waste batteries in accordance with the requirements of Article 56 or carry out their treatment and recycling themselves in accordance with the requirements of Article 56.</p> <p><u><i>Member States may restrict the ability of public waste management authorities to hand over waste batteries, according to their type, either to producers or producer responsibility organisations, or to a waste management operator, or to carry out their treatment and recycling themselves. Member States shall ensure that such restrictions do not have an adverse impact on the collection and recycling systems.</i></u></p>	<p>organisations acting on their behalf, or to waste management operators <u>referred to in Article 47a(8)</u> with a view to <u>their</u> treatment and recycling of those waste batteries in accordance with the requirements of Article 56, or carry out their treatment and recycling themselves in accordance with the requirements of Article 56.</p>	<p>organisations, or to waste management operators referred to in Article 47a(8) with a view to their treatment and recycling of those waste batteries in accordance with the requirements of Article 56, or carry out their treatment and recycling themselves in accordance with the requirements of Article 56.</p> <p>provisionally agreed</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 54				
652	Article 54 Participation of voluntary collection points		Article 54 Participation of voluntary collection points	
Article 54(1)				
652a			<u>1. Voluntary collection points for waste portable batteries shall handover collected waste portable batteries to- the producers of portable batteries or third parties acting on their behalf, including producer responsibility organisations, or to waste management operators referred to in Article 47a(8) with a view to their treatment and recycling in accordance with the requirements of Article 56.</u>	1. Voluntary collection points for waste portable batteries shall handover collected waste portable batteries to- the producers of portable batteries or third parties acting on their behalf, including producer responsibility organisations, or to waste management operators referred to in Article 47a(8) with a view to their treatment and recycling in accordance with the requirements of Article 56. provisionally agreed
Article 54(2)				
653	Voluntary waste portable battery collection points shall hand over waste portable batteries to- the	Voluntary waste portable battery collection points shall hand over waste portable batteries to- the	2. Voluntary waste-portable battery-collection points <u>collection points for waste LMT batteries</u>	2. Voluntary collection points for waste LMT batteries shall handover collected waste LMT

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	producers of portable batteries or third parties acting on their behalf, including producer responsibility organisations, or to waste management operators with a view to their treatment and recycling in accordance with the requirements of Article 56.	producers of portable batteries or third parties acting on their behalf, including producer responsibility organisations, or to <u>authorised</u> waste management operators with a view to their treatment and recycling in accordance with the requirements of Article 56. <u>Member States may restrict the ability for voluntary waste portable battery collection points to hand over those waste portable batteries either to producers or producer responsibility organisations, or to a waste management operator. Member States shall ensure that such restrictions do not have an adverse impact on the collection and recycling systems.</u>	shall hand over <u>handover collected</u> waste portable LMT batteries to the producers of portable LMT batteries or third parties acting on their behalf, including producer responsibility organisations, or to waste management operators <u>referred to in Article 47a(8)</u> with a view to their treatment and recycling in accordance with the requirements of Article 56.	batteries to- the producers of LMT batteries or third parties acting on their behalf, including producer responsibility organisations, or to waste management operators referred to in Article 47a(8) with a view to their treatment and recycling in accordance with the requirements of Article 56. <u>provisionally agreed</u>
Article 54a				
653a			<u>Article 54a</u> <u>Restrictions regarding hand over of waste portable batteries and waste LMT batteries</u>	Article 54a Restrictions regarding hand over of waste portable batteries and waste LMT batteries

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
				provisionally agreed
Article 54a(1)				
653b			<p><u>1. Member States may restrict the possibility of distributors, operators of waste treatment and recycling facilities referred to in Article 52, public waste management authorities referred to in Article 53 and voluntary collection points referred to in Article 54 to hand over collected waste portable batteries and waste LMT batteries either to producers or producer responsibility organisations, or to a waste management operator to carry out treatment and recycling in accordance with Article 56.</u></p>	<p>1. Member States may restrict the possibility of distributors, operators of waste treatment and recycling facilities referred to in Article 52, public waste management authorities referred to in Article 53 and voluntary collection points referred to in Article 54 to hand over collected waste portable batteries and waste LMT batteries either to producers or producer responsibility organisations, or to a waste management operator to carry out treatment and recycling in accordance with Article 56.</p> <p><u>Member States shall ensure that such restrictions do not have an adverse impact on the collection and recycling systems.</u></p> <p>provisionally agreed</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 54a(2)				
653c			<u>2. Member States may also adopt measures allowing the possibility for public waste management authorities referred to in Article 53(1) to carry out their treatment and recycling in accordance with Article 56 themselves.</u>	2. Member States may also adopt measures allowing the possibility for public waste management authorities referred to in Article 53(1) to carry out their treatment and recycling in accordance with Article 56 themselves. provisionally agreed
Article 55				
654	Article 55 Collection rates for waste portable batteries	Article 55 Collection rates for waste portable batteries <u>and waste light means of transport batteries</u>	Article 55 Collection rates for waste portable <u>and waste LMT</u> batteries	Article 55 Collection rates for waste portable and waste LMT batteries The Presidency proposes a new approach to the collection rates for Member States, detail still to be discussed at the technical level
Article 55(1), introductory part				
655	1. Member States shall achieve the following minimum collection targets for waste portable		1. Member States shall achieve the following minimum collection targets for waste portable	<u>1. Member State shall monitor producers' or, where appointed in accordance with Article 47a(1),</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	batteries, excluding waste batteries from light means of transport:		batteries, excluding waste batteries from light means of transport:	<u>producer responsibility organisations' collection rates to verify their compliance with the collection targets referred to in Article 48(4), first subparagraph, points (a) to (c) with 6 respect to waste portable batteries and referred to in Article 48a(3), first indent with respect to waste LMT batteries, calculated in accordance with Annex XI. The monitoring shall be based in particular on the information reported to the competent authorities in accordance with Article 61, including the verification of that information, the verification of compliance with the calculation methodology set out in Annex XI and the results of the compositional survey referred to in paragraph 2 and any other information available to the Member State.</u>
Article 55(1), point (a)				
656	(a) 45 % by 31 December 2023;		(a) 45 % by 31 December 2023 <u>24 months after entry into force of</u>	

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<u>the Regulation</u> ;	<u>deleted</u>
Article 55(1), point (b)				
657	(b) 65 % by 31 December 2025;	(b) 65 <u>70</u> % by 31 December 2025;	(b) 65 % by 31 December 2025 <u>72 months after entry into force of the Regulation</u> ;	<u>deleted</u>
Article 55(1), point (c)				
658	(c) 70 % by 31 December 2030.	(c) 70 <u>80</u> % by 31 December 2030.	(c) 70 % by 31 December 2030 <u>96 months after entry into force of the Regulation</u> .	<u>deleted</u>
Article 55(1a)				
658a		<u>1a. Member States shall achieve the following minimum collection targets for waste portable batteries of general use:</u> <u>(a) 45 % by 31 December 2023;</u> <u>(b) 70 % by 31 December 2025;</u> <u>(c) 80 % by 31 December 2030.</u>		<u>deleted</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 55(2)				
659	<p>2. Member States shall calculate the collection rates set out in paragraph 1 in accordance with the methodology set out in Annex XI.</p>		<p>2. Member States shall calculate the collection rates set out in paragraph 1 in accordance with the methodology set out in <u>Part A of</u> Annex XI.</p>	<p><u>2. Every five years, Member States shall carry out a compositional survey of collected mixed municipal waste and waste electric and electronic equipment streams to determine the share of waste portable batteries and waste LMT batteries therein. The first survey shall be carried out by 1 January [24 months after the date of entry into force of this Regulation for the preceding calendar year]. On the basis of the information obtained, the competent authorities may require, that the producers of portable batteries, producers of LMT batteries or producer responsibility organisations take corrective action to increase their network of connected collection points and carry out information campaigns in accordance with Article 60(1).</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 55(2a)				
659a		<p><u>2a. Member States shall achieve the following minimum collection targets for waste light means of transport batteries:</u></p> <p><u>(a) 75 % by 31 December 2025;</u></p> <p><u>(b) 85 % by 31 December 2030.</u></p>		<u>deleted</u>
Article 55(2b)				
659b		<p><u>2b. The Commission shall, by 31 December 2023, adopt a delegated act in accordance with Article 73 to supplement this Regulation by establishing detailed rules regarding the calculation and verification of collection targets for waste light means of transport batteries with a view to reflecting the quantity of waste batteries available for collection.</u></p>		<u>deleted</u>
Article 55(3)				
660	3. The Commission shall, by 31 December 2030, review the	3. The Commission shall, by 31 December 2030 <u>2024</u> , review the	3. The Commission <u>Member States</u> shall, by 31 December 2030,	<u>3. Without prejudice to the self-control mechanism provided in</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	<p>target laid down in paragraph 1(c) and, as part of that review consider the setting of a collection target for batteries powering light means of transport, in the light of the evolution of the market share, as a separate target or as part of a review of the target laid down in paragraph 1(c) and in Article 48(4). This review may also consider introducing a calculation methodology for the calculation of the separate collection rate with a view to reflecting the quantity of waste batteries available for collection. To that end, the Commission shall submit a report to the European Parliament and the Council on the outcome of the review accompanied, if appropriate, by a legislative proposal.</p>	<p>target laid down in paragraph 1(c) and, as part of that review consider the setting of a collection target for batteries powering light means of transport, in the light of the evolution of the market share, as a separate target or as part of a review of the target laid down in paragraph 1(c) and in Article 48(4). This review <u>may shall</u> also consider introducing a calculation methodology for the calculation of the separate collection rate with a view to reflecting the quantity of waste <u>portable</u> batteries available for collection. To that end, the Commission shall submit a report to the European Parliament and the Council on the outcome of the review accompanied, if appropriate, by a legislative proposal.</p>	<p>review the target laid down in paragraph 1(c) and, as part of that review consider the setting of a collection target for batteries powering light means of transport, in the light of the evolution <u>targets for waste LMT batteries calculated as the average percentage of the market share, as a separate target or as part of a review of the target laid down in paragraph 1(c) and in Article 48(4).</u> This review may also consider introducing a calculation methodology <u>waste LMT batteries made available on the market</u> for the calculation of the separate collection rate with a view to reflecting the quantity of waste batteries available for collection. To that end, the Commission shall submit a report to the European Parliament and the Council on the outcome <u>first time in the 3 preceding years in a Member State:</u></p> <p><u>54% 96 months after entry into</u></p>	<p><u>Article 47b(5), where a Member State finds that a producer or, where appointed in accordance with Article 47a(1), producer responsibility organisation does not meet the collection targets referred to in Article 48(4), first subparagraph, points (a) to (c), with respect to waste portable batteries or referred to in Article 48a(3), first indent, with respect to waste LMT batteries, calculated in accordance with Annex XI, it shall require that producer or producer responsibility organisation to take appropriate corrective actions.</u></p>


	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<i>force</i> of the <i>review accompanied, if appropriate, by a legislative proposal</i> <u>Regulation</u> .	
Article 55(4)				
661	4. The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the methodology to calculate the collection rate for portable batteries laid down in Annex XI.	4. <i>The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the methodology to calculate the collection rate for portable batteries laid down in Annex XI.</i> <u>deleted</u>	4. <i>The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend</i> <u>Member States shall calculate the collection rates set out in paragraph 2a in accordance with</u> the methodology <i>to calculate the collection rate for portable batteries laid down</i> <u>set out</u> in Annex XI.	<u>4. The producer or producer responsibility organisation shall present a draft corrective action plan to the competent authority, which may make observations on the draft plan and, if any, shall communicate them to the producer or the producer responsibility organisation.</u>
Article 55(5)				
661a			<u>5. Due to the expected development of the market and increase of the estimated lifetime of rechargeable portable batteries and LMT batteries, in order to better capture the actual volume of portable batteries waste and LMT batteries waste available for collection. The Commission shall be empowered to adopt, by 48</u>	<u>5. When the competent authority makes its observation known, the producer or the producer responsibility organisations shall draw up the corrective action plan, taking into account such observation. The content of the corrective action plan and the compliance with it by the producer or the producer</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<u>months after entry into force of the Regulation, delegated acts in accordance with Article 73 to amend the methodology to calculate the collection rate for portable batteries and LMT laid down in Annex XI and amend the targets laid down in paragraphs 1 and 3.</u>	<u>responsibility organisation shall be taken into account when evaluating whether the conditions for the authorisation continue to be met.</u>
Article 56				
662	Article 56 Treatment and recycling		Article 56 Treatment and recycling	Article 56 Treatment and recycling
Article 56(1)				
663	1. Collected waste batteries shall not be landfilled or incinerated.	1. Collected waste batteries shall not be landfilled or incinerated <u>disposed of or be the subject of an energy recovery operation.</u>	1. Collected waste batteries shall not be landfilled or incinerated.	1. Collected waste batteries shall not be landfilled or incinerated. <u>disposed of or be the subject of an energy recovery operation.</u> provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 56(2)				
664	2. Without prejudice to Directive 2010/75/EU, permitted facilities shall ensure that all treatment and recycling processes for waste batteries comply, as a minimum, with Part A of Annex XII and with best available techniques as defined in Article 3(10) of Directive 2010/75/EU.		2. Without prejudice to Directive 2010/75/EU, permitted facilities shall ensure that all treatment and recycling processes <u>operations</u> for waste batteries comply, as a minimum, with Part A of Annex XII and with best available techniques as defined in Article 3(10) of Directive 2010/75/EU.	2. Without prejudice to Directive 2010/75/EU, permitted facilities shall ensure that all treatment and recycling <u>operations</u> for waste batteries comply, as a minimum, with Part A of Annex XII and with best available techniques as defined in Article 3(10) of Directive 2010/75/EU. provisionally agreed
Article 56(3)				
665	3. In addition to Article 51(3), where batteries are collected while still incorporated in a waste appliance, they shall be removed from the collected waste appliance in accordance with the requirements laid down in Directive 2012/19/EU.		3. In addition to Article 51(3), Where batteries are collected while still incorporated <u>into an end-of-life vehicle, in a waste light mean of transport</u> , in a waste appliance, <u>a waste light mean of transport or an end-of-life vehicle</u> , they shall be removed from the collected waste appliance, <u>waste light means of transport or end-of-life vehicle</u> in accordance with, <u>where applicable</u> , the requirements laid down in	3. Where batteries are collected while still incorporated into an end-of-life vehicle, in a waste light mean of transport, in a waste appliance, a waste light mean of transport or an end-of-life vehicle, they shall be removed from the collected waste appliance, waste light means of transport or end-of-life vehicle in accordance with, where applicable, the requirements laid down in Directive 2000/53/EC or

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			Directive 2000/53/EC or 2012/19/EU.	2012/19/EU. provisionally agreed
Article 56(4)				
666	4. The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the treatment and recycling requirements for waste batteries laid down in Part A of Annex XII in light of technical and scientific progress and emerging new technologies in waste management.		4. The Commission is <i>shall be</i> empowered to adopt delegated acts in accordance with Article 73 to amend the treatment and recycling requirements for waste batteries laid down in Part A of Annex XII in light of technical and scientific progress and emerging new technologies in waste management.	4. The Commission shall be <i>is</i> empowered to adopt delegated acts in accordance with Article 73 to amend the treatment and recycling requirements for waste batteries laid down in Part A of Annex XII in light of technical and scientific progress and emerging new technologies in waste management. provisionally agreed
Article 56(4a)				
666a		<u><i>4a. Member States may set up incentive schemes for economic operators that achieve higher yields than the respective thresholds set out in Parts B and C of Annex XII.</i></u>		<u><i>4a. Member States may set up incentive schemes for economic operators that achieve higher yields than the respective thresholds set out in Parts B and C of Annex XII.</i></u> provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Article 77(3)				
880a			<u>3. Taking into account the revision of Regulation (EC) No 1906/2006, the Commission shall in its report include a specific evaluation on the need for a legislative proposal to amend Articles 6, 71, 71a and 7b.</u>	3. Taking into account the revision of Regulation (EC) No 1906/2006, the Commission shall in its report include a specific evaluation on the need for a legislative proposal to amend Articles 6, 71, 71a and 7b 71b. provisionally agreed
Article 77(3a)				
880b		<u>8a. In the event that future Union legislation laying down general rules for sustainable corporate governance and due diligence is adopted, the provisions set out in paragraphs 2 to 5 of this Article and in Annex X shall be considered as complementary to such future Union legislation.</u> <u>Within 6 months of the entry into force of future Union legislation laying down general rules for sustainable corporate governance and due diligence, the Commission shall assess whether</u>		<u>3a. The Commission shall assess whether any amendment to Chapter VIa is necessary in the light of the adoption, if any, of Union legislative acts laying down rules on sustainable corporate governance and due diligence, including obligations for companies regarding human rights adverse impacts and environmental adverse impacts with respect to their own operations, the operations of their subsidiaries, branches and subcontractors, and their value</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
		<p><u>that new Union legislation requires amendment of paragraphs 2 to 5 of this Article or of Annex X, or both, and adopt, where appropriate, a delegated act in accordance with Article 73 to amend those provisions accordingly.</u></p> <p><u>That delegated act shall be without prejudice to the obligations set out in paragraphs 2 to 5 of this Article or in Annex X that are specific to economic operators that place batteries on the market. Any additional due diligence obligation on economic operators that is laid down in that delegated act shall be such as to ensure at least the same level of protection provided for by this regulation without creating any undue administrative burden.</u></p> <p>Reference text EP 492b</p>		<p><u>chain operations.</u></p> <p><u>The Commission shall publish a report containing the results of such assessment by 12 months after entry into force of any of the legislative acts referred to in the first subparagraph, or by the date of the general review clause in the batteries regulation, whichever is the earliest. Where appropriate, the Commission shall accompany its report with a legislative proposal amending Chapter VIa.</u></p> <p>Moved from row 492b</p> <p>Proposal to ensure alignment with future legislation, in particular CSDD</p>
Article 77(4)				
880c			<p><u>4. By 60 months after entry into force of the Regulation, the</u></p>	<p>4. By 60 months after entry into force of the Regulation, the</p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<p><u><i>Commission shall submit a report to the European Parliament and the Council on how the Regulation should further apply to LMT batteries, in particular in relation to carbon footprint, recycled content and performance and durability requirements, and supply chain due diligence policies. The report shall be accompanied by a legislative proposal.</i></u></p>	<p>Commission shall submit a report to the European Parliament and the Council on how the Regulation should further apply to LMT batteries, in particular in relation to carbon footprint, recycled content and performance and durability requirements, and supply chain due diligence policies. The report shall be accompanied by a legislative proposal.</p>
Article 77(5) new				
880d				<p><u><i>By 31 December 2029, the Commission shall submit a report to the European Parliament and the Council assessing the feasibility and the technical consequences of extending the scope of the definition of LMT battery in Article 2(9), in particular by including batteries powering non-wheeled vehicles. The report shall be accompanied, where appropriate, by a legislative proposal.</i></u></p>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
				See row 143
Annex X				
1100	Annex X List of raw materials and risk categories		Annex X List of raw materials and risk categories	Annex X List of raw materials and risk categories provisionally agreed
Annex X, point (1), introductory part				
1101	1. Raw materials:		1. Raw materials:	1. Raw materials: provisionally agreed
Annex X, point (1)(a)				
1102	(a) cobalt;		(a) cobalt;	(a) cobalt; provisionally agreed
Annex X, point (1)(aa)				
1102a		<u>(aa) iron;</u>		<u>deleted</u>
Annex X, point (1)(ab)				
1102b		<u>(ab) copper;</u>		<u>deleted</u>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	Annex X, point (1)(ac)			
	1102c	<u>(ac) bauxite;</u>		<u>deleted</u>
	Annex X, point (1)(b)			
G	1103	(b) natural graphite;	(b) natural graphite;	(b) natural graphite; provisionally agreed
	Annex X, point (1)(c)			
G	1104	(c) lithium;	(c) lithium;	(c) lithium; provisionally agreed
	Annex X, point (1)(d)			
G	1105	(d) nickel;	(d) nickel;	(d) nickel; provisionally agreed
	Annex X, point (1)(e)			
G	1106	(e) chemical compounds based on the raw materials listed in points (a) to (f) which are necessary for the manufacturing of the active materials of batteries.	(e) chemical compounds based on the raw materials listed in points (a) to (f) (fd) which are necessary for the manufacturing of the active materials of batteries.	(e) chemical compounds based on the raw materials listed in points (a) to (f) (fd) which are necessary for the manufacturing of the active materials of batteries. provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Annex X, point (2), introductory part				
1107	2. Social and environmental risk categories:		2. Social and environmental risk categories:	2. Social and environmental risk categories: provisionally agreed
Annex X, point (2)(a)				
1108	(a) air;	(a) air, <u>including air pollution</u> ;	(a) air ; <u>environment, considering direct, induced, indirect and cumulative environmental pollution, including but not limited to:</u>	(a) environment, <u>climate and human health</u> considering direct, induced, indirect and cumulative environmental pollution effects , including but not limited to: provisionally agreed
Annex X, point (2), point (a)(i)				
1108a			<u>(i) air, including but not limited to air pollution, including greenhouse gas emissions;</u>	(i) air, including but not limited to air pollution, including greenhouse gas emissions; provisionally agreed
Annex X, point (2), point (a)(ii)				
1108b			<u>(ii) water, including seabed and marine environment and including but not limited to water pollution, water use, water</u>	(ii) water, including seabed and marine environment and including but not limited to water pollution, water use, water quantities

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
			<u>quantities (flooding or draughts) and access to water;</u>	(flooding or draughts) and access to water; provisionally agreed
Annex X, point (2), point (a)(iii)				
G	1108c		<u>(iii) soil, including but not limited to soil pollution, soil erosion, land use and land degradation;</u>	(iii) soil, including but not limited to soil pollution, soil erosion, land use and land degradation; provisionally agreed
Annex X, point (2), point (a)(iv)				
G	1108d		<u>(iv) biodiversity, including but not limited to damage to habitats, wildlife, flora and ecosystems, including ecosystem services;</u>	(iv) biodiversity, including but not limited to damage to habitats, wildlife, flora and ecosystems, including ecosystem services; provisionally agreed
Annex X, point (2), point (a) (v)				
G	1108e		<u>(v) hazardous substances;</u>	(v) hazardous substances; provisionally agreed

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	Annex X, point (2), point (a)(vi)			
G	1108f		<u>(vi) noise and vibration;</u>	(vi) noise and vibration; provisionally agreed
	Annex X, point (2), point (a)(vii)			
G	1108g		<u>(vii) plant safety;</u>	(vii) plant safety; provisionally agreed
	Annex X, point (2), point (a)(viii)			
G	1108h		<u>(viii) energy use;</u>	(viii) energy use; provisionally agreed
	Annex X, point (2), point (a)(ix)			
G	1108i		<u>(ix) waste and residues;</u>	(ix) waste and residues; provisionally agreed
	Annex X, point (2)(b)			
Y	1109	(b) water, <u>including access to water, pollution and depletion of freshwater, drinking water, oceans and seas;</u>	(b) water; <u>labour rights and industrial relations, including but not limited to:</u>	(b) <u>human rights,</u> labour rights and industrial relations, including but not limited to:

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	Annex X, point (2), point (b)(i)			
G	1109a		<u>(i) occupational health and safety,</u>	(i) occupational health and safety, provisionally agreed
	Annex X, point (2), point (b)(ii)			
G	1109b		<u>(ii) child labour,</u>	(ii) child labour, provisionally agreed
	Annex X, point (2), point (b)(iii)			
G	1109c		<u>(iii) forced labour,</u>	(iii) forced labour, provisionally agreed
	Annex X, point (2), point (b)(iv)			
G	1109d		<u>(iv) discrimination,</u>	(iv) discrimination, provisionally agreed
	Annex X, point (2), point (b)(v)			
G	1109e		<u>(v) trade union freedoms;</u>	(v) trade union freedoms; provisionally agreed

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Annex X, point (2)(c)						
G	1110	(c) soil;	(c) soil, <u>including soil contamination from waste disposal and treatment</u> ;	(c) soil <u>human rights recognised in international law</u> ;	<u>Deleted</u> Incorporated into point (b) provisionally agreed	G
Annex X, point (2)(d)						
G	1111	(d) biodiversity;	(d) biodiversity, <u>including damage to wildlife, flora, natural habitats and ecosystems</u> ;	(d) biodiversity <u>community life</u> ;	(d) <u>(c) community life, including that of indigenous peoples</u> ;	G
Annex X, point (2)(da)						
G	1111a		<u>(da) climate, including greenhouse gas emissions</u> ;		<u>deleted</u> provisionally agreed	G
Annex X, point (2)(db)						
G	1111b		<u>(db) waste management, including damage caused by mine tailing practices</u>		<u>deleted</u> provisionally agreed	G

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
	Annex X, point (2)(e)			
Y	1112 (e) human health;		(e) human health; <u>access to information, public participation in decision-making and access to justice in environmental matters.</u>	(e) (d) access to information, public participation in decision-making and access to justice in environmental matters.
	Annex X, point (2)(f)			
G	1113 (f) occupational health and safety;		deleted	deleted provisionally agreed
	Annex X, point (2)(g)			
G	1114 (g) labour rights, including child labour;		deleted	deleted provisionally agreed
	Annex X, point (2)(h)			
G	1115 (h) human rights;		deleted	deleted provisionally agreed
	Annex X, point (2)(i)			
G	1116 (i) community life.	(i) community life- <u>including that of indigenous peoples;</u>	deleted	deleted See row 1111

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				<i>provisionally agreed</i>
<i>Annex X, point (2)(ia)</i>				
^G 1116a		<u>(ia) access to information, public participation in decision-making and access to justice in environmental matters.</u>		<u>deleted</u> See row 1112 <i>provisionally agreed</i>
<i>Annex X, point (3), introductory part</i>				
^G 1117	3. The international instruments covering the risks referred to in point 2 include:		3. The international instruments covering the risks referred to in point 2 include:	3. The international instruments covering the risks referred to in point 2 include: <i>provisionally agreed</i>
<i>Annex X, point (3), point (a-a)</i>				
^G 1117a			<u>(a-a) UN Guiding Principles on Business and Human Rights;</u>	<u>deleted</u> <i>provisionally agreed</i>
<i>Annex X, point (3), point (a-b)</i>				
^G 1117b			<u>(a-b) OECD Guidelines for Multinational Enterprises;</u>	<u>deleted</u> <i>provisionally agreed</i>

	Commission Proposal	EP Mandate	Council Mandate	Presidency Proposal
Annex X, point (3)(a)				
1118	(a) Ten Principles of the United Nations Global Compact;		(a) Ten Principles of the United Nations Global Compact;	(a) Ten Principles of the United Nations Global Compact; provisionally agreed
Annex X, point (3)(b)				
1119	(b) UNEP Guidelines for Social Life Cycle Assessment of Products;		(b) UNEP Guidelines for Social Life Cycle Assessment of Products;	(b) UNEP Guidelines for Social Life Cycle Assessment of Products; provisionally agreed
Annex X, point (3)(c)				
1120	(c) Convention on Biological Diversity Decision COP VIII/28- Voluntary guidelines on Biodiversity-Inclusive impact assessment;	(c) Convention on Biological Diversity, <i>including</i> Decision COP VIII/28- Voluntary guidelines on Biodiversity-Inclusive impact assessment;	(c) Convention on Biological Diversity Decision COP VIII/28- Voluntary guidelines on Biodiversity-Inclusive impact assessment;	(c) Convention on Biological Diversity, <i>in particular</i> -Decision COP VIII/28- Voluntary guidelines on Biodiversity-Inclusive impact assessment; provisionally agreed
Annex X, point (3)(ca)				
1120a		<i>(ca) UN Paris Agreement;</i>		<i>(ca) [UN Paris Agreement;]</i>

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Annex X, point (3)(cb)				
g	1120b	<u>(cb) Eight fundamental ILO Conventions as defined under the ILO Declaration on Fundamental Principles and Rights at work;</u>		<u>(cb) Eight fundamental ILO Conventions as defined under the ILO Declaration on Fundamental Principles and Rights at work;</u> provisionally agreed
Annex X, point (3)(cc)				
	1120c	<u>(cc) any other international environmental conventions that are binding upon the Union or its Member States,</u>		<u>(cc) any other international environmental conventions that are binding upon the Union or its Member States,</u>
Annex X, point (3)(d)				
g	1121	(d) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy; Policy; deleted	(d) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;	deleted provisionally agreed
Annex X, point (3)(e), point (e-a)				
g	1121a		<u>(e-a) Eight fundamental ILO Conventions,</u>	See row 1120b provisionally agreed

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Annex X, point (3)(e), point (e-b)				
6	1121b		(e-b) ILO Declaration on Fundamental Principles and Rights at Work;	(e-b) ILO Declaration on Fundamental Principles and Rights at Work; provisionally agreed
Annex X, point (3)(e), point (e-c)				
	1121c		(e-c) The International Bill of Human Rights, including the international covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;	(e-c) The International Bill of Human Rights, including the international covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;
Annex X, point (3)(e)				
6	1122	(e) OECD Due Diligence Guidance for Responsible Business Conduct; and (e) OECD Due Diligence Guidance for Responsible Business Conduct; and deleted	(e) OECD Due Diligence Guidance for Responsible Business Conduct; and	deleted provisionally agreed
Annex X, point (3)(f)				
6	1123	(f) OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected (f) OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected	(f) OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected	deleted provisionally agreed

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	and High-Risk Areas.	and High-Risk Areas. <u>deleted</u>	and High-Risk Areas;	
Annex X, point (3a)				
1123a		<p><u>3a The internationally recognized due diligence principles applicable to the due diligence requirements laid down in Article 39 of this Regulation:</u></p> <p><u>(a) UN Guiding Principles for Businesses and Human Rights;</u></p> <p><u>(b) OECD Guidelines for Multinational Enterprises;</u></p> <p><u>(c) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;</u></p> <p><u>(d) OECD Due Diligence Guidance for Responsible Business Conduct;</u></p> <p><u>(e) OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.</u></p>		<p><u>3a The internationally recognized due diligence principles applicable to the due diligence requirements laid down in Article 39 of this Regulation:</u></p> <p><u>(a) The International Bill of Human Rights, including the international covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights;</u></p> <p><u>(b) UN Guiding Principles for Businesses and Human Rights;</u></p> <p><u>(c) OECD Guidelines for Multinational Enterprises;</u></p> <p><u>(d) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;</u></p> <p><u>(e) OECD Due Diligence Guidance for Responsible Business</u></p>

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				<u>Conduct;</u> <u>(f) OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.</u> provisionally agreed
Annex X, point (3), point (g)				
g	1123b		<u>(g) The International Bill of Human Rights, including the international covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.</u>	deleted Moved up to point (a) in row above provisionally agreed
Annex XI				
	1124	Annex XI Calculation of collection rates of waste portable batteries	Annex XI Calculation of collection rates of waste portable batteries <u>and waste LMT batteries</u>	Annex XI Calculation of collection rates of waste portable batteries and waste LMT batteries
Annex XI, point (1)				
R	1125	1. Producers or, where appointed in accordance with Article 47(2), producer responsibility	1. Producers or, where appointed in accordance with Article 47(2) <u>47a(1)</u> , producer responsibility	1. Producers or, where appointed in accordance with Article 47a(1), producer responsibility

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	<p>organisations acting on their behalf, and Member States shall calculate the collection rate as the percentage obtained by dividing the weight of waste portable batteries excluding waste batteries from light means of transport, collected in accordance with Article 48 and Article 55, respectively, in a given calendar year in a Member State by the average weight of such batteries that producers either sell directly to end-users or deliver to third parties in order to sell them to end-users in that Member State during that year and the preceding two calendar years.</p>	<p>organisations acting on their behalf, and Member States shall calculate the collection rate as the percentage obtained by dividing the weight of waste portable batteries excluding waste batteries from light means of transport, collected in accordance with Article 48 and Article 55, respectively, in a given calendar year in a Member State by the average weight of such batteries that producers either sell directly to end-users or deliver to third parties in order to sell them to end-users in that Member State during that year and the preceding two calendar years.</p>	<p>organisations acting on their behalf, and Member States shall calculate the collection rate as the percentage obtained by dividing the weight of waste portable batteries excluding waste batteries from light means of transport, collected in accordance with Article 48 and Article 55, respectively, in a given calendar year in a Member State by the average weight of such batteries that producers either sell <u>make available on the market</u> directly to end-users or deliver to third parties in order to sell <u>make available on the market</u> them to end-users in that Member State during that year and the preceding two calendar years. <u>the 3 preceding calendar years. These collection rates shall be calculated for portable batteries, on the one hand, in accordance with Article 48, and for LMT batteries, on the other hand, in accordance with Article 48a.</u></p>	<p>organisations acting on their behalf, and Member States shall calculate the collection rate as the percentage obtained by dividing the weight of waste, collected in accordance with Article 48 and Article 55, respectively, in a given calendar year in a Member State by the average weight of such batteries that producers either make available on the market directly to end-users or deliver to third parties in order to sellmake available on the market them to end-users in that Member State during that year and the preceding two calendar years. the 3 preceding calendar years. These collection rates shall be calculated for portable batteries, on the one hand, in accordance with Article 48, and for LMT batteries, on the other hand, in accordance with Article 48a.</p>

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Annex XI, point (1a)				
1125a		<p><u>(1a) Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, and Member States shall calculate the collection rate as the percentage obtained by dividing the weight of waste portable batteries of general use, collected in accordance with Articles 48 and 55, respectively, in a given calendar year in a Member State by the average weight of such batteries that producers either sell directly to end-users or deliver to third parties in order to sell them to end-users in that Member State during that year and the preceding two calendar years.</u></p>		<u>Deleted</u>
Annex XI, point (1)				
1125b			<p><u>Year Data collections Calculations Reporting requirement</u></p>	Year Data collections Calculations Reporting requirement

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Annex XI, point (2)				
1125c			<u>Year 1 Sales in year 1 (S1)</u>	Year 1 Sales in year 1 (S1)
Annex XI, point (3)				
1125d			<u>Year 2 Sales in year 2 (S2) -</u>	Year 2 Sales in year 2 (S2) -
Annex XI, point (4)				
1125e			<u>Year 3 Sales in year 3 (S3)</u>	Year 3 Sales in year 3 (S3)
Annex XI, point (5)				
1125f			<u>Year 4 Sales in year 4 (S4)</u> <u>Collection in year 4 (C4)</u> <u>Collection rate</u> <u>(CR4)=3*C4/(S1+S2+S3) CR4</u>	Year 4 Sales in year 4 (S4) Collection in year 4 (C4) Collection rate (CR4)=3*C4/(S1+S2+S3) CR4

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Annex XI, point (6)				
1125g			<u>Year 5 Sales in year 5 (S5)</u> <u>Collection in year 5 (C5)</u> <u>Collection rate</u> <u>(CR5)=3*C5/(S2+S3+S4) CR5</u>	Year 5 Sales in year 5 (S5) Collection in year 5 (C5) Collection rate (CR5)=3*C5/(S2+S3+S4) CR5
Annex XI, point (7)				
1125h			<u>Etc. Etc. Etc. Etc.</u>	Etc. Etc. Etc. Etc.
Annex XI, point (2)				
1126	2. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, and Member States shall calculate the annual sales of portable batteries, excluding batteries from light means of transport, to end-users in a given year, as the weight of such batteries made available on the market for the first time within the territory of the	2. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, and Member States shall calculate the annual sales of portable batteries, excluding batteries from light means of transport, to end-users in a given year, as the weight of such batteries made available on the market for the first time within the <u>within the</u> territory of	2. Producers or, where appointed in accordance with Article 47(2) <u>47a(1)</u> , producer responsibility organisations acting on their behalf, and Member States shall calculate the annual sales of portable batteries, excluding batteries from light means of transport, to end-users in a given year, as the weight of such batteries made available on the market for the first time within the <u>within the</u> territory of	2. Producers or, where appointed in accordance with Article 47a(1), producer responsibility organisations acting on their behalf, and Member States shall calculate the annual sales of batteries to end-users in a given year, as the weight of such batteries made available on the market for the first time within the territory of the Member State in the year concerned, excluding any batteries that have left the

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	Member State in the year concerned, excluding any portable batteries that have left the territory of that Member State in that year before being sold to the end users.	the Member State in the year concerned, excluding any portable batteries that have left the territory of that Member State in that year before being sold to the end users.	the Member State in the year concerned, excluding any <i>portable</i> batteries that have left the territory of that Member State in that year, before being sold to the end -users. <u><i>These sales are calculated for portable batteries on the one hand and for LMT batteries on the other.</i></u>	territory of that Member State in that year, before being sold to the end -users. These sales are calculated for portable batteries on the one hand and for LMT batteries on the other.
Annex XI, point (2a)				
1126a		<u><i>(2a) Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, and Member States shall calculate the annual sales of portable batteries of general use to end-users in a given year, as the weight of such batteries made available on the market for the first time within the territory of the Member State in the year concerned, excluding any portable batteries of general use that have left the territory of that Member State in that year</i></u>		<u><i>Deleted</i></u>

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		<u>before being sold to the end users.</u>		
Annex XI, point (3)				
1127	3. For each battery, only the first time it is made available on the market in a Member State shall be counted.		3. For each battery, only the first time it is made available on the market in a Member State shall be counted.	3. For each battery, only the first time it is made available on the market in a Member State shall be counted.
Annex XI, point (4)				
1128	4. The calculation provided for in points 2 and 3 shall be based on collected data or statistically significant estimates based on collected data.		4. The calculation provided for in points 2 and 3 <u>1 and 2</u> shall be based on collected data or statistically significant estimates based on collected data.	4. The calculation provided for in points 1 and 2 shall be based on collected data or statistically significant estimates based on collected data.
Annex XII, B				
1136	B Part B		B Part B	B Part B
Annex XII, B, first heading				
1137	Recycling efficiencies		<u>Minimum</u> recycling efficiencies	Minimum recycling efficiencies
Annex XII, B, point (1), introductory part				
1138	1. No later than 1 January 2025, recycling processes shall achieve		1. No later than 1 January 2025 <u>36 months after entry into force of</u>	1. No later than <u>36 months after entry into force of the Regulation,</u>

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	the following minimum recycling efficiencies:		<u>the Regulation</u> , recycling processes shall achieve the following minimum recycling efficiencies:	recycling shall achieve the following minimum recycling efficiencies:
Annex XII, B, point (1)(a)				
1139	(a) recycling of 75 % by average weight of lead-acid batteries;		(a) recycling of 75 % by average weight of lead-acid batteries;	(a) recycling of 75 % by average weight of lead-acid batteries;
Annex XII, B, point (1)(b)				
1140	(b) recycling of 65 % by average weight of lithium-based batteries;		(b) recycling of 65 % by average weight of lithium-based batteries;	(b) recycling of 65 % by average weight of lithium-based batteries;
Annex XII, B, point (1)(ba)				
1140a		<u>(ba) recycling of 85 % by average weight of nickel-cadmium batteries;</u>		See 1140b
Annex XII, B, point (1)(new c)				
1140b			<u>(new c) recycling of 75 % by average weight of nickel-cadmium batteries;</u>	(new c) recycling of 75-80 % by average weight of nickel-cadmium batteries;
Annex XII, B, point (1)(d)				

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1141	(c) recycling of 50 % by average weight of other waste batteries.		(c) (d) recycling of 50 % by average weight of other waste batteries.	(d) recycling of 50 % by average weight of other waste batteries.
Annex XII, B, point (2), introductory part				
1142	2. No later than 1 January 2030, recycling processes shall achieve the following minimum recycling efficiencies:		2. No later than 1 January 2030 <u>96 months after entry into force of the Regulation</u> , recycling processes shall achieve the following minimum recycling efficiencies:	2. No later than 96 months after entry into force of the Regulation, recycling shall achieve the following minimum recycling efficiencies:
Annex XII, B, point (2)(a)				
1143	(a) recycling of 80 % by average weight of lead-acid batteries;		(a) recycling of 80 % by average weight of lead-acid batteries;	(a) recycling of 80 % by average weight of lead-acid batteries;
Annex XII, B, point (2)(b)				
1144	(b) recycling of 70 % by average weight of lithium-based batteries.		(b) recycling of 70 % by average weight of lithium-based batteries.	(b) recycling of 70 % by average weight of lithium-based batteries.
Annex XII, B, point (2)(ba)				
1144a		<u>(ba) recycling of + 85 % by average weight of nickel-cadmium batteries;</u>		<u>Deleted</u>

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	Annex XII, B, point (2)(bb)			
	1144b	<u>(bb) recycling of 70 % by average weight of other waste batteries.</u>		<u>Deleted</u>
	Annex XII, C			
	1145	C Part C	C Part C	C Part C
	Annex XII, C, first heading			
	1146	Levels of recovered materials	<u>Minimum</u> levels of recovered materials	Minimum levels of recovered materials
	Annex XII, C, point (1), introductory part			
	1147	1. No later than 1 January 2026, all recycling processes shall achieve the following levels of materials recovery:	1. No later than 1 January 2026 <u>48 months after entry into force of the Regulation</u> , all recycling processes shall achieve the following <u>minimum</u> levels of materials recovery:	1. No later than 48 months after entry into force of the Regulation, all recycling shall achieve the following minimum levels of materials recovery:
	Annex XII, C, point (1)(a)			
	1148	(a) 90 % for cobalt;	(a) 90 % for cobalt;	(a) 90 % for cobalt;

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	Annex XII, C, point (1)(b)			
1149	(b) 90 % for copper;		(b) 90 % for copper;	(b) 90 % for copper;
	Annex XII, C, point (1)(c)			
1150	(c) 90 % for lead;		(c) 90 % for lead;	(c) 90 % for lead;
	Annex XII, C, point (1)(d)			
1151	(d) 35 % for lithium;	(d) 35 ⁷⁰ % for lithium;	(d) 35 % for lithium;	(d) <u>40 %</u> for lithium;
	Annex XII, C, point (1)(e)			
1152	(e) 90 % for nickel.		(e) 90 % for nickel.	(e) 90 % for nickel.
	Annex XII, C, point (2), introductory part			
1153	2. No later than 1 January 2030, all recycling processes shall achieve the following levels of materials recovery:		2. No later than 1 January 2030 ^{96 months after entry into force of the Regulation} , all recycling processes shall achieve the following <u>minimum</u> levels of materials recovery:	2. No later than 96 months after entry into force of the Regulation, all recycling shall achieve the following minimum levels of materials recovery:
	Annex XII, C, point (2)(a)			
1154	(a) 95 % for cobalt;		(a) 95 % for cobalt;	(a) 95 % for cobalt;

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	Annex XII, C, point (2)(b)			
1155	(b) 95 % for copper;		(b) 95 % for copper;	(b) 95 % for copper;
	Annex XII, C, point (2)(c)			
1156	(c) 95 % for lead;		(c) 95 % for lead;	(c) 95 % for lead;
	Annex XII, C, point (2)(d)			
1157	(d) 70 % for lithium;	(d) 70 ⁹⁰ % for lithium;	(d) 70 % for lithium;	(d) 70 % for lithium;
	Annex XII, C, point (2)(e)			
1158	(e) 95 % for nickel.		(e) 95 % for nickel.	(e) 95 % for nickel.