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From:	General Secretariat of the Council
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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

Delegations will find attached, for information, the 4-column document which served as a basis for the first trilogue on 20 April 2022.

ANNEX

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	Draft Agreement
Formula				
1	2020/0353 (COD)		2020/0353 (COD)	
Proposal Title				
2	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 (Text with EEA relevance)		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 (Text with EEA relevance)	
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	

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Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,		Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof **and Article 192(1) thereof in relation to Articles 45g to 62 of this Regulation**,	
Citation 2				
5	Having regard to the proposal from the European Commission,		Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,		After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .		Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. .	

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Citation 5				
8	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. […]		Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. ~~[…~~	
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,		Acting in accordance with the ordinary legislative procedure,	
Formula				
10	Whereas:		Whereas:	
Recital 1				
11	(1) The European Green Deal[1] is Europe's growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy where there are no net emissions of greenhouse gases in 2050 and where economic growth is decoupled from resource use. A shift from the use of fossil fuels in vehicles to electromobility is one		(1) The European Green Deal[1] is Europe's growth strategy that aims to transform the Union into a fair and prosperous society, with a modern, resource-efficient and competitive economy where there are no net emissions of greenhouse gases in 2050 and where economic growth is decoupled from resource use.– A shift from the use of fossil fuels in vehicles to electromobility is one	

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	of the prerequisites for reaching the climate neutrality goal in 2050. In order for the Union's product policies to contribute to lowering carbon emissions on a global level, it needs to be ensured that products marketed and sold in the Union are sourced and manufactured in a sustainable manner. _____ 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, The European Green Deal (COM (2019) 640 final).		of the prerequisites for reaching the climate neutrality goal in 2050. In order for the Union's product policies to contribute to lowering carbon emissions on a global level, it needs to be ensured that products marketed and sold in the Union are sourced and manufactured in a sustainable manner. _____ 1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, The European Green Deal (COM (2019) 640 final).	
Recital 2				
12	(2) Batteries are thus an important source of energy and one of the key enablers for sustainable development, green mobility, clean energy and climate neutrality. It is expected that the demand for batteries will grow rapidly in the coming years, notably for electric road transport	(2) Batteries are thus an important source of energy and one of the key enablers for sustainable development, green mobility, clean energy and climate neutrality. It is expected that the demand for batteries will grow rapidly in the coming years, notably for electric road transport	(2) Batteries are thus an important source of energy and one of the key enablers for sustainable development, green mobility, clean energy and climate neutrality. It is expected that the demand for batteries will grow rapidly in the coming years, notably for electric road transport	

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	vehicles using batteries for traction, making this market an increasingly strategic one at the global level. Significant scientific and technical progress in the field of battery technology will continue. In view of the strategic importance of batteries, and to provide legal certainty to all operators involved and to avoid discrimination, barriers to trade and distortions on the market for batteries, it is necessary to set out rules on sustainability parameters, performance, safety, collection, recycling and second life of batteries as well as on information about batteries. It is necessary to create a harmonised regulatory framework for dealing with the entire life cycle of batteries that are placed on the market in the Union.	vehicles ***and light means of transport*** using batteries for traction, making this market an increasingly strategic one at the global level. ***for consumers and economic operators***. It is necessary to create a harmonised regulatory framework for dealing with the entire life cycle of batteries that are placed on the market in the Union.	vehicles using batteries for traction, making this market an increasingly strategic one at the global level. Significant scientific and technical progress in the field of battery technology will continue. In view of the strategic importance of batteries, and to provide legal certainty to all operators involved and to avoid discrimination, barriers to trade and distortions on the market for batteries, it is necessary to set out rules on sustainability parameters, performance, safety, collection, recycling and second life of batteries as well as on information about batteries. It is necessary to create a harmonised regulatory framework for dealing with the entire life cycle of batteries that are placed on the market in the Union.	
Recital 2a				
12a		***(2a) It is also necessary to update Union legislation on the management of battery waste and to take measures to protect the environment and human health by preventing or reducing the***		

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		adverse impacts of the generation and management of waste, by reducing the impact of resource use and by improving resource efficiency. Such measures are crucial for the transition to a circular and climate-neutral economy and toxic-free environment, and for the Union's long-term competitiveness and strategic autonomy. They can create important economic opportunities, increasing synergies between the circular economy and energy, climate, transport, industry and research policies, and protecting the environment and reducing greenhouse gas emissions.		
Recital 3				
13	(3) Directive 2006/66/EC of the European Parliament and of the Council[1] has brought about an improvement in the environmental performance of batteries and established some common rules and obligations for economic operators, in particular through harmonised rules for the heavy metal content and labelling of		(3) Directive 2006/66/EC of the European Parliament and of the Council[1] has brought about an improvement in the environmental performance of batteries and established some common rules and obligations for economic operators, in particular through harmonised rules for the heavy metal content and labelling of	

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	batteries and rules and targets for the management of all waste batteries, based on extended producer responsibility. _____ 1. Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ L 266, 26.9.2006, p. 1)		batteries and rules and targets for the management of all waste batteries, based on extended producer responsibility. _____ 1. Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ L 266, 26.9.2006, p. 1)	
Recital 4				
14	(4) The Commission's reports on the implementation, impact and evaluation of Directive 2006/66/EC[1] highlighted not only the achievements but also the limitations of that Directive, in particular against a fundamentally changed context characterised by the strategic importance of batteries and their increased use. _____ 1. Report from the Commission to the European Parliament, the Council, the European Economic and Social		(4) The Commission's reports on the implementation, impact and evaluation of Directive 2006/66/EC[1] highlighted not only the achievements but also the limitations of that Directive, in particular against a fundamentally changed context characterised by the strategic importance of batteries and their increased use. _____ *1*. Report from the Commission to the European Parliament, the Council, the European Economic and Social	

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	Committee and the Committee of the Regions of 9 April 2019 on the implementation and the impact on the environment and the functioning of the internal market of Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (COM(2019) 166 final) and Commission Staff Working Document on the evaluation of the Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (SWD(2019) 1300 final).		Committee and the Committee of the Regions of 9 April 2019 on the implementation and the impact on the environment and the functioning of the internal market of Directive 2006/66/EC of the European Parliament and of the Council of 6 September 2006 on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (COM(2019) 166 final) and Commission Staff Working Document on the evaluation of the Directive 2006/66/EC on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (SWD(2019) 1300 final).	
Recital 5				
15	(5) The Commission's Strategic Action Plan on Batteries[1] sets out measures to support efforts to build a battery value chain in Europe, embracing raw materials		(5) The Commission's Strategic Action Plan on Batteries[1] sets out measures to support efforts to build a battery value chain in Europe, embracing raw materials	

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	extraction, sustainable sourcing and processing, sustainable battery materials, cell manufacturing as well as re-use and recycling of batteries _____ 1. Annex 2 to Communication from the Commissions to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 17 May 2018, EUROPE ON THE MOVE - Sustainable Mobility for Europe: safe, connected and clean (COM(2018)293 final).		extraction, sustainable sourcing and processing, sustainable battery materials, cell manufacturing as well as re-use and recycling of batteries _____ 1. Annex 2 to Communication from the Commissions to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 17 May 2018, EUROPE ON THE MOVE - Sustainable Mobility for Europe: safe, connected and clean (COM(2018)293 final).	
Recital 6				
16	(6) In the European Green Deal, the Commission confirmed its commitment to implement the Strategic Action Plan on Batteries and stated that it would propose legislation to ensure a safe, circular and sustainable battery value chain for all batteries, including to supply the growing market of electric vehicles.		(6) In the European Green Deal, the Commission confirmed its commitment to implement the Strategic Action Plan on Batteries and stated that it would propose legislation to ensure a safe, circular and sustainable battery value chain for all batteries, including to supply the growing market of electric vehicles.	

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Recital 7				
17	(7) The Council in its conclusions of 4 October 2019 on 'More circularity – Transition to a sustainable society' called, inter alia, for coherent policies supporting the development of technologies that improve the sustainability and circularity of batteries to accompany the transition to electro-mobility. Furthermore, the Council called for an urgent revision of Directive 2006/66/EC, which should include all relevant batteries and materials and which should consider, in particular, specific requirements for lithium and cobalt as well as a mechanism allowing the adaptation of that Directive to future changes in battery technologies.		(7) The Council in its conclusions of 4 October 2019 on 'More circularity – Transition to a sustainable society' called, inter alia, for coherent policies supporting the development of technologies that improve the sustainability and circularity of batteries to accompany the transition to electro-mobility. Furthermore, the Council called for an urgent revision of Directive 2006/66/EC, which should include all relevant batteries and materials and which should consider, in particular, specific requirements for lithium and cobalt as well as a mechanism allowing the adaptation of that Directive to future changes in battery technologies.	
Recital 8				
18	(8) The new Circular Economy Action Plan adopted on 11 March 2020[1] states that the proposal for a new regulatory framework for batteries will consider rules on recycled content and measures to		(8) The new Circular Economy Action Plan adopted on 11 March 2020[1] states that the proposal for a new regulatory framework for batteries will consider rules on recycled content and measures to	

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	improve the collection and recycling rates of all batteries, in order to ensure the recovery of valuable materials and to provide guidance to consumers and will address the possible phasing out of non-rechargeable batteries where alternatives exist. Furthermore, it is stated that sustainability and transparency requirements will be considered, taking into account the carbon footprint of battery manufacturing, the ethical sourcing of raw materials and the security of supply in order to facilitate reuse, repurposing and recycling of batteries. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 11 March 2020, A new Circular Economy Action Plan – For a cleaner and more competitive Europe (COM(2020)98 final).		improve the collection and recycling rates of all batteries, in order to ensure the recovery of valuable materials and to provide guidance to consumers and will address the possible phasing out of non-rechargeable batteries where alternatives exist. Furthermore, it is stated that sustainability and transparency requirements will be considered, taking into account the carbon footprint of battery manufacturing, the ethical sourcing of raw materials and the security of supply in order to facilitate reuse, repurposing and recycling of batteries. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 11 March 2020, A new Circular Economy Action Plan – For a cleaner and more competitive Europe (COM(2020)98 final).	

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Recital 9				
19	(9) Addressing the entire life cycle of all batteries placed on the Union market requires the setting up of harmonised product and marketing requirements, including conformity assessment procedures, as well as requirements to fully address the end-of-life stage of batteries. Requirements concerning the end-of-life stage are necessary to address the environmental implications of the batteries and, in particular, to support the creation of recycling markets for batteries and markets for secondary raw materials from batteries in order to close the materials loops. In order to reach the envisaged objectives to address the whole life cycle of a battery in one legal instrument while avoiding barriers to trade and a distortion of competition and safeguarding the integrity of the internal market, the rules setting out the requirements for batteries should be of uniform application for all operators across the Union, and not give room for divergent implementation by		(9) Addressing the entire life cycle of all batteries placed on the Union market requires the setting up of harmonised product and marketing requirements, including conformity assessment procedures, as well as requirements to fully address the end-of-life stage of batteries. Requirements concerning the end-of-life stage are necessary to address the environmental implications of the batteries and, in particular, to support the creation of recycling markets for batteries and markets for secondary raw materials from batteries ~~in order to close the materials loops~~. In order to reach the envisaged objectives to address the whole life cycle of a battery in one legal instrument while avoiding barriers to trade and a distortion of competition and safeguarding the integrity of the internal market, the rules setting out the requirements for batteries should be of uniform application for all operators across the Union, and not give room for divergent implementation by	

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	Member States. Directive 2006/66/EC should therefore be replaced by a Regulation.		Member States. Directive 2006/66/EC should therefore be replaced by a Regulation.	
Recital 10				
20	(10) This Regulation should apply to all types of batteries and accumulators placed on the market or put into service within the Union, whether on their own or incorporated into appliances or otherwise supplied with electrical and electronic appliances and vehicles. This Regulation should apply regardless of whether a battery is specifically designed for a product or is of general use and regardless of whether it is incorporated into a product or is supplied together with or separately from a product in which it is to be used.	(10) This Regulation should apply to all types of batteries and accumulators placed on the market or put into service within the Union, ***regardless of whether they were produced in the Union or imported,*** whether on their own or incorporated into appliances or otherwise supplied with electrical and electronic appliances and vehicles.	(10) This Regulation should apply to all ~~types~~**categories** of batteries ~~and accumulators~~ placed on the market or put into service within the Union, whether on their own or incorporated into appliances or otherwise supplied with electrical and electronic appliances**, light means of transport** and vehicles. This Regulation should apply regardless of whether a battery is specifically designed for a product or is of general use and regardless of whether it is incorporated into a product or is supplied together with or separately from a product in which it is to be used.	
Recital 10a				
20a			**(10a) The Regulation should prevent and reduce adverse impacts of batteries on the environment and ensure a safe**	

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			and sustainable battery value chain for all batteries, taking into account, for instance, the carbon footprint of battery manufacturing, ethical sourcing of raw materials and security of supply, and facilitating reuse, repurposing and recycling. It should seek to improve the environmental performance of batteries and of the activities of all economic operators involved in the life cycle of batteries, e.g. producers, distributors and end-users and, in particular, those operators directly involved in the treatment and recycling of waste batteries. Such measures should ensure transition to a circular economy and the long-term competitiveness of the Union and should contribute to the efficient functioning of the internal market, while taking into account a high level of protection of the environment. This Regulation should also minimise the negative effects of the generation and management of batteries waste on human health and the environment and it should aim at reducing the use of resources, and favour the	

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			practical application of the waste hierarchy. **Thus, to prevent divergences hampering the free circulation of batteries, uniform obligations and requirements are to be laid down throughout the internal market based on Article 114 TFEU. To the extent that this Regulation contains specific rules on the management of waste batteries, it is appropriate to base this Regulation, in as far as those specific rules are concerned, on Article 192(1) TFEU.**	
Recital 11				
21	(11) Products placed on the market as battery packs, which are batteries or groups of cells that are connected and/or encapsulated within an outer casing so as to form a complete unit ready for use that the end-user is not intended to split up or open and which conform to the definition of batteries, should be subject to requirements applicable to batteries. Products placed on the		(11) Products placed on the market as battery packs, which are batteries or groups of cells that are connected and/or encapsulated within an outer casing so as to form a complete unit ready for use **by end-users or in applications** that the end-user is not intended to split up or open and which conform to the definition of batteries, ~~should be subject to requirements applicable to~~	

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	market as battery modules, which conform to the definition of battery pack, should be subject to requirements applicable to battery packs.		~~batteries. Products placed on the market as~~**or** battery ~~modules, which~~**cells that** conform to the definition of ~~battery pack~~**batteries**, should be subject to requirements applicable to ~~battery packs~~**batteries**.	
Recital 11a				
21a			**(11a) Products placed on the market as battery modules, which are groups of cells that are connected and/or encapsulated within an outer casing so as to form a complete unit ready for assembly by professional economic operators or by end-users into a battery ready for use should be subject to requirements applicable to the battery categories for which they have been designed. By extension, batteries that can be made ready for use by the end user with commonly available tools on the basis of a "Do It Yourself" kit, should be considered as batteries for the purpose of this Regulation. The economic operator placing such kit on the market shall be**	

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			responsible for the purposes of this Regulation.	
Recital 12				
22	(12) Within the Regulation's wide scope, it is appropriate to distinguish between different categories of batteries in accordance with their design and use, independent of the battery chemistry. The classification into portable batteries, on one hand, and industrial batteries and automotive batteries on the other hand under Directive 2006/66/EC should be further developed to better reflect new developments in the use of batteries. Batteries that are used for traction in electric vehicles and which under Directive 2006/66/EC fall in the category of industrial batteries, constitute a large and growing part of the market due to the quick growth of electric road transport vehicles. It is therefore appropriate to classify those batteries that are used for traction in road vehicles as a new category of electric vehicle batteries. Batteries used for traction in other	(12) Within the Regulation's wide scope, it is appropriate to distinguish between different categories of batteries in accordance with their design and use, independent of the battery chemistry. The classification into portable batteries, on one hand, and industrial batteries and automotive batteries on the other hand under Directive 2006/66/EC should be further developed to better reflect new developments ***and market spread*** in the use of batteries.. Batteries used for traction in other transport vehicles including rail, waterborne and aviation transport, continue to fall under the category of industrial batteries under this Regulation. ***Batteries used for traction in light means of transport, such as e-bikes and e-scooters, were not clearly classified as batteries under Directive 2006/66/EC, and constitute a significant part of the market due to their growing use***	(12) Within the Regulation's wide scope, it is appropriate to distinguish between different categories of batteries in accordance with their design and use, independent of the battery chemistry. The classification into portable batteries, on one hand, and industrial batteries and ~~automotive~~**SLI** batteries on the other hand under Directive 2006/66/EC should be further developed to better reflect new developments in the use of batteries. Batteries that are used for traction in electric vehicles and which under Directive 2006/66/EC fall in the category of industrial batteries, constitute a large and growing part of the market due to the quick growth of electric road transport vehicles. It is therefore appropriate to classify those batteries that are used for traction in road vehicles as a new category of electric vehicle batteries **and light means of**	

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	transport vehicles including rail, waterborne and aviation transport, continue to fall under the category of industrial batteries under this Regulation. The industrial battery type encompasses a broad group of batteries, intended to be used for industrial activities, communication infrastructure, agricultural activities or generation and distribution of electric energy. In addition to this non exhaustive list of examples, any battery that is neither a portable battery nor an automotive battery nor an electric vehicle battery should be considered an industrial battery. Batteries used for energy storage in private or domestic environments. are considered industrial batteries for the purposes of this Regulation.Furthermore, in order to ensure that all batteries used in light means of transport, such as ebikes and scooters, are classified as portable batteries, it is necessary to clarify the definition of portable batteries and to introduce a weight limit for such batteries.	***in urban sustainable mobility. It is therefore appropriate to classify those batteries that are used for traction in light means of transport as a new category of batteries, namely light means of transport batteries.*** The industrial battery type encompasses a broad group of batteries, intended to be used for industrial activities, communication infrastructure, agricultural activities or generation and distribution of electric energy. In addition to this non exhaustive list of examples, any battery that is neither a portable battery nor an automotive battery nor ***a light means of transport battery nor*** an electric vehicle battery should be considered an industrial battery. Batteries used for energy storage in private or domestic environments~~.~~ are considered industrial batteries for the purposes of this ~~*Regulation.Furthermore, in order to ensure that all batteries used in light means of transport, such as ebikes and scooters, are classified as portable batteries, it is necessary to clarify the definition of portable batteries and to*~~	**transport batteries**. Batteries used for traction in other transport vehicles including rail, waterborne and aviation transport **or off-road machinery**, continue to fall under the category of industrial batteries under this Regulation. The industrial battery ~~type~~**category** encompasses a broad group of batteries, intended to be used for industrial activities, communication infrastructure, agricultural activities**,** or generation and distribution of electric energy. **Batteries which are given industrial uses after being subject to preparing for repurpose or repurposing, even though they were initially designed for a different use, are to be considered as industrial batteries under this Regulation.** In addition to this non exhaustive list of examples, any battery ~~that is neither a portable battery nor an automotive battery nor an electric vehicle battery~~**with a weight above 5 kg that does not fall under any other categories under this Regulation** should be considered **as** an industrial battery. Batteries used for energy	

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		~~*introduce a weight limit for such batteries*~~***Regulation***.	storage in private or domestic environments~~.~~**,** are considered **as** industrial batteries for the purposes of this ~~Regulation.Furthermore~~**Regulation. Furthermore**, in order to ensure that all batteries used in light means of transport, such as ebikes and scooters, are classified as ~~portable batteries~~ **separate category**, it is necessary to ~~clarify~~**include** the definition of **a new category of light means of transport batteries and to clarify** portable batteries and to introduce a weight limit for such batteries. **To this end, batteries providing traction to wheeled vehicles considered as toys within the meaning of the Toy Safety Directive 2009/48/EC, should not be considered as LMT Batteries, but for the purpose of this Regulation, they should be considered as portable batteries.**	
Recital 12a				
22a			**(12a) After being placed on the Union market or put into service for the first time, a**	

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			battery can be subject to re-use, repurposing, remanufacturing, preparing for re-use, or preparing for repurpose. For the purpose of this Regulation, consistently with the Union framework on products regulation, a used battery, meaning a battery that has been subject to re-use, is considered to have already been placed on the market when it was first made available for use or distribution. On the contrary, batteries subject to preparing for re-use, preparing for repurpose, repurposing, or remanufacturing, are considered to be placed on the market again and therefore should comply with the specific requirements and obligations for which this Regulation provides. **In addition, also consistently with the Union framework on products regulation, a used battery when imported from a third country is then considered to be placed on the market when it enters the Union for the first time. Therefore a battery**	

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			subject to re-use, repurposing, remanufacturing, preparing for re-use, or preparing for repurpose imported from a third country should comply with the specific requirements and obligations for which this Regulation provides.	
Recital 12b				
22b			**(12b) Remanufacturing covers a wide range of technical operations that may occur on batteries or on waste batteries. When occurring on waste batteries, remanufacturing can be assimilated to preparing for reuse or preparing for repurpose. For this reason, it is not necessary to provide in Chapter VII a specific regime for the remanufacturing of waste batteries different from the regime on preparing for reuse or preparing for repurpose of waste batteries.** **When occurring on used batteries, remanufacturing has the objective to restore the original performance of a**	

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			battery. In that sense remanufacturing can be seen as an extreme case of reuse entailing the disassembly and evaluation of the cells and modules of the battery and the replacement of a certain amount of these cells and modules. In order to differentiate remanufacturing from mere reuse, the restoration of the battery capacity to at least 90% of the original rated battery capacity should be considered as remanufacturing and provide for the application of a specific regime.	
Recital 12c				
22c			**(12c) A battery subject to preparing for re-use, preparing for repurpose, repurposing or remanufacturing should be covered by a sales contract that complies with the requirements of Directive (EU) 2019/771. In particular, these requirements cover conformity of the product, liability of the seller (including the option of a shorter liability or limitation period), burden of**	

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			proof, remedies for lack of conformity, repair or replacement of the goods, and commercial guarantees, among other requirements.	
Recital 13				
23	(13) Batteries should be designed and manufactured so as to optimise their performance, durability and safety and to minimise their environmental footprint. It is appropriate to lay down specific sustainability requirements for rechargeable industrial batteries and electric vehicle batteries with internal storage with a capacity above 2 kWh as such batteries represent the market segment which is expected to increase most in the coming years.	(13) Batteries should be designed and manufactured so as to optimise their performance, durability and safety and to minimise their environmental footprint. It is appropriate to lay down specific sustainability requirements for ~~*rechargeable*~~ industrial batteries ~~*and electric vehicle batteries with internal storage with a capacity above 2 kWh*~~***, light means of transport batteries and electric vehicle batteries*** as such batteries represent the market segment which is expected to increase most in the coming years~~.~~	(13) Batteries should be designed and manufactured so as to optimise their performance, durability and safety and to minimise their environmental footprint. It is appropriate to lay down specific sustainability requirements ~~for rechargeable~~**,** industrial batteries ~~and electric vehicle batteries with internal storage with a capacity above 2 kWh~~ **with a capacity above 2 kWh, except those with exclusively external storage, and electric vehicle batteries** as such batteries represent the market segment which is expected to increase most in the coming years.	
Recital 14				
24	(14) In order to ensure that obligations arising from this		*deleted*	

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	Regulation are carried out and to monitor and verify compliance of producers and producer responsibility organisations with the requirements of this Regulation, it is necessary that Member States designate one or more competent authorities.			
Recital 14a				
24a			**(14a) In line with the Zero Pollution Action Plan[1], adopted by the Commission in 2021, EU policies should be based on the principle that preventive action should be taken at source. The Commission underlines in the Chemicals Strategy for Sustainability[2], that the REACH and CLP Regulations should be reinforced as EU's cornerstones for regulating chemicals in the Union and that they should be complemented by coherent approaches to assess and manage chemicals in existing sectorial legislation[3]. The use of hazardous substances in batteries should therefore primarily be restricted at source in order to protect human**	

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			health and the environment and to manage the presence of such substances in waste. This Regulation should complement the REACH and CLP Regulations and allow the adoption of risk management measures related to substances covering the waste phase. _____ **1. (COM(2021) 400 final)** **2. (COM(2020) 667 final)** **3. Chemicals Strategy for Sustainability, 2020**	
Recital 15				
25	(15) The use of hazardous substances in batteries should be restricted in order to protect human health and the environment and to reduce the presence of such substances in waste. Thus, in addition to the restrictions set out in Annex XVII of Regulation (EC) No 1907/2006 of the European Parliament and of the Council[1], it is appropriate to set out restrictions for mercury and cadmium in certain types of batteries. Batteries used in vehicles which benefit from an	(15) The use of hazardous substances in batteries should be restricted in order to protect human health and the environment and to reduce the presence of such substances in waste. Thus, in addition to the restrictions set out in Annex XVII of Regulation (EC) No 1907/2006 of the European Parliament and of the Council[1], it is appropriate to set out restrictions for mercury, ***cadmium and lead*** ~~*and cadmium*~~ in certain types of batteries. ***The Commission should, assisted by***	(15) ~~The use of hazardous substances in batteries should be restricted in order to protect human health and the environment and to reduce the presence of such substances in waste.~~ Thus, in addition to the restrictions**,** set out in Annex XVII of Regulation (EC) No 1907/2006 of the European Parliament and of the Council[1], it is appropriate to set out restrictions for mercury and cadmium in certain ~~types~~ **categories** of batteries. Batteries used in vehicles which benefit	

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	exemption under Annex II to Directive 2000/53/EC of the European Parliament and of the Council[2] should be excluded from the prohibition to contain cadmium. _____ 1. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1) 2. Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L	***the Agency, make a holistic and systemic assessment of hazardous substances in batteries. This assessment should in particular focus on battery chemistries that are used in large quantities on the market, evolving and emerging chemistries and the availability of suitable alternatives to lead-acid industrial and automotive batteries and to nickel-cadmium industrial batteries.***	from an exemption under Annex II to Directive 2000/53/EC of the European Parliament and of the Council[2] should be excluded from the prohibition to contain cadmium. _____ 1. Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1) 2. Directive 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end-of life vehicles (OJ L	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	269, 21.10.2000, p. 34).		269, 21.10.2000, p. 34).	
Recital 16				
26	(16) In order to ensure that hazardous substances that pose an unacceptable risk to human health or to the environment when used in batteries, can be duly addressed, 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 restrictions on hazardous substances in batteries.		(16) In order to ensure that ~~hazardous~~ substances that pose an unacceptable risk to human health or to the environment when used in batteries **or present in waste batteries**, can be duly addressed, 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 restrictions on ~~hazardous~~ substances in batteries.	
Recital 17				
27	(17) The procedure for adopting new and amending current restrictions on hazardous substances in batteries should be fully streamlined with Regulation (EC) No 1907/2006. To ensure effective decision-making, coordination and management of the related technical, scientific and administrative aspects of this	(17) The procedure for adopting new and amending current restrictions on hazardous substances in batteries should be fully streamlined with Regulation (EC) No 1907/2006. To ensure effective decision-making, coordination and management of the related technical, scientific and administrative aspects of this	(17) The **assessment** procedure for adopting new and amending current restrictions on ~~hazardous~~ substances in batteries **and waste batteries** should be fully streamlined with Regulation (EC) No 1907/2006. To ensure effective decision-making, coordination and management of the related technical, scientific and	

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	Regulation, the European Chemicals Agency set up under Regulation (EC) No 1907/2006 ('the Agency') should carry out specified tasks with regard to the evaluation of risks from substances in the manufacture and use of batteries, as well as those that may occur after their end-of-life as well as the evaluation of the socio-economic elements and the analysis of alternatives, in accordance with relevant guidance by the Agency. Consequently, the Committees for Risk Assessment and Socio-economic Analysis of the Agency should facilitate the carrying out of certain tasks conferred on the Agency by this Regulation.	Regulation, ***there should be good cooperation, coordination and exchange of information between the Member States,*** the European Chemicals Agency set up under Regulation (EC) No 1907/2006 ('the Agency'), ***the Commission and interested parties. Member States or the Agency***	administrative aspects of this Regulation, the European Chemicals Agency set up under Regulation (EC) No 1907/2006 ('the Agency') should carry out specified tasks with regard to the evaluation of risks from substances in the manufacture and use of batteries, as well as those that may occur after their end-of-life as well as the evaluation of the socio-economic elements and the analysis of alternatives, in accordance with relevant guidance by the Agency. Consequently, the Committees for Risk Assessment and Socio-economic Analysis of the Agency should facilitate the carrying out of certain tasks conferred on the Agency by this Regulation.	
Recital 17a				
27a		***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***	**(17a) In the new Circular Economy Action Plan, the Commission has committed to consider establising sustainability principles. Furthermore, in the Chemical Strategy for Sustainability (COM(2020) 667 final), the**	

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		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.	**Commission confirmed its commitment to develop safe and sustainable-by-design criteria for chemical substances and assess how to best introduce information requirements under Regulation (EC) No 1907/2006 on the overall environmental footprint of chemicals, including on emissions of greenhouse gases. When finalised, the Commission should use these principles, criteria and considerations for evaluating the impact of chemical substances in batteries on sustainability. If necessary, the Commission should adjust the criteria to fit the evaluation of the impact of chemical substances in batteries on sustainability. The evaluation should consider impact in all life cycle stages, and should identify the most appropriate procedure to restrict chemicals substances based on sustainability.** **Where appropriate, the Commission should propose amending this Regulation in order to introduce a provision allowing amendment of Annex I**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			when there is a unacceptable impact on sustainability arising from the use of a substance in the manufacture of batteries, or from a substance present in batteries when they areused and reused, or during their subsequent waste phase, that needs to be addressed on a Union wide basis, and the related criteria on the basis on which to do this assessment.	
Recital 17b				
27b			**(17b) In order to promote a sustainable European economic model, the Commission should, where appropriate, propose amendments to this Regulation to the provisions regulating the restrictions on substances in batteries and waste batteries, including the introduction of an export ban on batteries not compliant with such restrictions.**	
Recital 17c				
27c			**(17c) The use of hazardous substances in batteries should be**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			restricted in order to protect human health and the environment during the whole life-cycle of batteries and to manage the presence of such substances in waste. Taking into account the specific nature of batteries and waste batteries as well as the fast growing innovation and product development in this area, prioritisation and diligent examination of restriction dossiers are key to ensure the protection of health and environment as well as providing transparency for economic operators. While relying on Regulation (EC) No 1907/2006 to ensure the restriction of substances in batteries would have been a possible approach, the need to take account of the specific nature of waste batteries, resulted in the choice of a dedicated procedure for restrictions on substances in batteries, at all stages of their life cycle, in this Regulation. This choice is without prejudice to the approach that may be decided upon in respect of other	

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			product legislations. In addition, the Commission is expected to propose a revision of Regulation (EC) No 1907/2006 during the current legislative term. In this context, it will be necessary to assess whether or not the approach in this Regulation should be maintained, on the basis of a specific evaluation by the Commission to be included in its report on the application of this Regulation.	
Recital 18				
28	(18) The expected massive deployment of batteries in sectors like mobility and energy storage should reduce carbons emissions, but to maximise this potential it is necessary that their overall life cycle has a low carbon footprint. According to the Product Environmental Footprint Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications[1], climate change is the second highest related impact category for batteries after the use of minerals and metals. The technical documentation for	(18) The expected massive deployment of batteries in sectors like mobility and energy storage should reduce carbons emissions, but to maximise this potential it is necessary that their overall life cycle has a low carbon footprint. According to the Product Environmental Footprint Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications[1], ***greenhouse gas emissions exacerbating*** climate change is the second highest related impact category for batteries after ~~*the*~~***mining and*** use	(18) The expected massive deployment of batteries in sectors like mobility and energy storage should reduce carbons emissions, but to maximise this potential it is necessary that their overall life cycle has a low carbon footprint. According to the Product Environmental Footprint Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications[1], climate change is the second highest related impact category for batteries after the use of minerals and metals. The technical documentation for	

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	rechargeable industrial batteries and electric vehicle batteries with internal storage and a capacity above 2 kWh placed on the Union market should therefore be accompanied by a carbon footprint declaration,, which should be specific, if necessary, per manufacturing batch. Batteries are manufactured in batches, made in specific amounts within certain timeframes Harmonising the technical rules for calculating the carbon footprint for all rechargeable industrial batteries and electric vehicle batteries with internal storage with a capacity above 2 kWh placed on the Union market is a prerequisite for introducing a requirement for the technical documentation of the batteries to include a carbon footprint declaration and subsequently establishing carbon footprint performance classes that will allow identifying the batteries with overall lower carbon footprints. Information and clear labelling requirements on batteries' carbon footprint is not expected in itself to lead to the behavioural change necessary to ensure that the Union's objective	of minerals and metals. The technical documentation for ~~*rechargeable*~~ industrial batteries**,** ***light means of transport batteries and electric vehicle batteries*** ~~*and electric vehicle batteries with internal storage and a capacity above 2 kWh*~~ placed on the Union market should therefore be accompanied by a carbon footprint declaration~~*,, which should be specific, if necessary, per manufacturing batch.*~~ Harmonising the technical rules for calculating the carbon footprint for all ~~*rechargeable*~~ industrial batteries ~~*and electric vehicle batteries with internal storage with a capacity above 2 kWh*~~**,** ***light means of transport batteries and electric vehicle batteries*** placed on the Union market is a prerequisite for introducing a requirement for the technical documentation of the batteries to include a carbon footprint declaration and subsequently establishing carbon footprint performance classes that will allow identifying the batteries with overall lower carbon footprints**.** In proposing the level of the maximum carbon footprint	~~rechargeable~~ industrial batteries ~~and electric vehicle batteries with internal storage and a capacity above 2 kWh~~ **with a capacity above 2 kWh, except those with exclusively external storage, and electric vehicle batteries** placed on the Union market should therefore be accompanied by a carbon footprint declaration~~,,~~ ~~which should be specific, if necessary, per manufacturing batch.~~ ~~*Batteries are manufactured in batches, made in specific amounts within certain timeframes*~~ **.** Harmonising the technical rules for calculating the carbon footprint for all ~~rechargeable~~**,** industrial batteries **with a capacity above 2 kWh, except those with exclusively external storage,** and electric vehicle batteries **including for batteries that are not produced in series** ~~with internal storage with a capacity above 2 kWh~~ placed on the Union market is a prerequisite for introducing a requirement for the technical documentation of the batteries to include a carbon footprint declaration and subsequently establishing carbon footprint performance classes that	

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	to decarbonise the mobility and energy storage sectors is achieved, in line with the internationally agreed objectives on climate change[2]. Therefore, maximum carbon thresholds will be introduced, further to a dedicated impact assessment to determine those values. In proposing the level of the maximum carbon footprint threshold, the Commission will, inter alia, take into account the relative distribution of the carbon footprint values in batteries on the market, the extent of progress in the reduction of carbon footprint of batteries placed on the Union market and the effective and potential contribution of this measure to the Union's objectives on sustainable mobility and climate neutrality by 2050. In order to bring about transparency on the batteries' carbon footprint , and shift the Union market towards lower carbon batteries, regardless of where they are produced, a gradual and cumulative increase in the carbon footprint requirements is justified. As a result of these requirements, the avoided carbon emissions in	threshold, the Commission will, inter alia, take into account the relative distribution of the carbon footprint values in batteries on the market, the extent of progress in the reduction of carbon footprint of batteries placed on the Union market and the effective and potential contribution of this measure to the Union's objectives on sustainable mobility and climate neutrality by 2050 ***at the latest*** ~~*objective*~~ ***climate objectives, particularly that*** of reaching climate neutrality by 2050 ***at the latest***	will allow identifying the batteries with overall lower carbon footprints. Information and clear labelling requirements on batteries' carbon footprint is not expected in itself to lead to the behavioural change necessary to ensure that the Union's objective to decarbonise the mobility and energy storage sectors is achieved, in line with the internationally agreed objectives on climate change[2]. ~~-~~Therefore, maximum carbon thresholds will be introduced, further to a dedicated impact assessment to determine those values. In proposing the level of the maximum carbon footprint threshold, the Commission will, inter alia, take into account the relative distribution of the carbon footprint values in batteries on the market, the extent of progress in the reduction of carbon footprint of batteries placed on the Union market and the effective and potential contribution of this measure to the Union's objectives on sustainable mobility and climate neutrality by 2050. In order to bring about transparency on the batteries' carbon footprint ,	

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	batteries' life cycle, will contribute to the Union's objective of reaching climate neutrality by 2050. This may also enable other policies at Union and national level, such as incentives or green public procurement criteria, fostering the production of batteries with lower environmental impacts. _____ 1. Product Environmental Footprint - Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications https://ec.europa.eu/environment/eussd/smgp/pdf/PEFCR_Batteries.pdf 2. Paris agreement (OJ L 282, 19.10.2016, p. 4) and the United Nations Framework Convention on Climate Change, available at https://unfccc.int/resource/docs/convkp/conveng.pdf		and shift the Union market towards lower carbon batteries, regardless of where they are produced, a gradual and cumulative increase in the carbon footprint requirements is justified. As a result of these requirements, the avoided carbon emissions in batteries' life cycle, will contribute to the Union's objective of reaching climate neutrality by 2050. This may also enable other policies at Union and national level, such as incentives or green public procurement criteria, fostering the production of batteries with lower environmental impacts. _____ 1. Product Environmental Footprint - Category Rules for High Specific Energy Rechargeable Batteries for Mobile Applications https://ec.europa.eu/environment/eussd/smgp/pdf/PEFCR_Batteries.pdf 2. Paris agreement (OJ L 282, 19.10.2016, p. 4) and the United Nations Framework Convention on Climate Change, available at	

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			https://unfccc.int/resource/docs/convkp/conveng.pdf	
Recital 18a				
28a		***(18a) The maximum life cycle carbon footprint thresholds should be future-proof and evolve progressively in line with the best available manufacturing and production processes. Therefore, when adopting a delegated act determining the maximum life cycle carbon footprint threshold, the European Commission should take into account the best available manufacturing and production processes and ensure that the selected technical criteria are consistent with the objective of this Regulation of ensuring that batteries placed on the Union market guarantee a high level of protection of human health, safety, property and the environment.***		
Recital 19				
29	(19) Certain substances contained in batteries, such as cobalt, lead,	(19) Certain substances contained in batteries, such as cobalt, lead,	(19) Certain substances contained in batteries, such as cobalt, lead,	

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	lithium or nickel, are acquired from scarce resources which are not easily available in the Union, and some are considered critical raw materials by the Commission. This is an area where Europe needs to enhance its strategic autonomy and increase its resilience in preparation for potential disruptions in supply due to health or other crises. Enhancing circularity and resource efficiency with increased recycling and recovery of those raw materials, will contribute to reaching that goal.	lithium or nickel, are acquired from scarce resources which are not easily available in the Union, and some are considered critical raw materials by the Commission. ~~*This is an area where*~~***In line with the Union's Industrial Strategy,*** Europe needs to enhance its strategic autonomy***, including facilitating investments in factories that will produce batteries on a massive scale,*** and increase its resilience in preparation for potential disruptions in supply due to health or other crises.	lithium or nickel, are acquired from scarce resources which are not easily available in the Union, and some are considered critical raw materials by the Commission. This is an area where Europe needs to enhance its strategic autonomy and increase its resilience in preparation for potential disruptions in supply due to health or other crises. Enhancing circularity and resource efficiency with increased recycling and recovery of those raw materials, will contribute to reaching that goal.	
Recital 20				
30	(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		(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	

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	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 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.		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 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.	

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Recital 21				
31	(21) In order to take into account the risk of supply of cobalt, lead, lithium and nickel and to assess their availability, 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 targets for the minimum share of recycled cobalt, lead, lithium or nickel present in active materials in batteries.		(21) In order to take into account the risk of supply of cobalt, lead, lithium and nickel and to assess their availability, 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 targets for the minimum share of recycled cobalt, lead, lithium or nickel present in active materials in batteries.	
Recital 21a				
31a		***(21a) In order to take into account changes in battery technologies impacting the types of materials that can be recovered, 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 supplementing this Regulation to insert further raw materials and respective targets in the list of minimum shares of recycled content present in active***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		materials in batteries.		
Recital 22				
32	(22) In order to ensure uniform conditions for the implementation of the rules on calculating and verifying, per battery model and batch per manufacturing plant, the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in batteries and the information requirements for technical documentation, implementing powers should be conferred on the Commission.	(22) In order to ensure uniform conditions ~~*for the implementation of the rules on calculating and verifying, per battery model and batch per manufacturing plant, the amount of cobalt, lead, lithium or nickel recovered from waste present in active materials in batteries and the information requirements for*~~***across the Union for the declaration on recovered materials that is to be provided by means of a harmonised format and for the technical documentation, implementing powers should be conferred on the Commission to lay down the format and the*** technical documentation~~*, implementing powers should be conferred on the Commission*~~ ***for the declaration on recovered materials***.	(22) In order to ensure uniform conditions for the implementation of the rules on calculating and verifying, per battery model ~~and batch~~ per manufacturing plant, the ~~amount~~ **share** of cobalt, lead, lithium or nickel recovered from waste present in active materials in batteries and the information requirements for technical documentation, ~~implementing~~ **delegated** powers should be conferred on the Commission.	
Recital 23				
33	(23) Batteries placed on the Union market should be durable	(23) Batteries placed on the Union market should be durable	(23) Batteries placed on the Union market should be durable	

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	and highly performant. It is therefore necessary to set out performance and durability parameters for portable batteries of general use as well as for rechargeable industrial batteries and electric vehicle batteries. For electric vehicle batteries, the informal UNECE Working Group on Electric Vehicles and the Environment is developing in-vehicle durability requirements, so this Regulation is refraining from setting additional durability requirements. On the other hand, in the area of batteries for energy storage, existing measurement methods to test battery performance and durability are not considered sufficiently precise and representative to enable introducing minimum requirements. The introduction of minimum requirements related to performance and durability of these batteries should be accompanied by available adequate harmonised standards or common specifications.	and highly performant. It is therefore necessary to set out performance and durability parameters for portable batteries ~~*of general use*~~ as well as for ~~*rechargeable industrial*~~***industrial batteries, light means of transport*** batteries and electric vehicle batteries. For electric vehicle batteries, the informal UNECE Working Group on Electric Vehicles and the Environment is developing in-vehicle durability requirements, so this Regulation ~~*is refraining from setting additional durability requirements*~~***should be coherent with its conclusions***.The introduction of minimum requirements related to performance and durability of these batteries should be accompanied by available adequate harmonised standards or common specifications.	and highly performant. It is therefore necessary to set out performance and durability parameters for portable batteries of general use as well as for ~~rechargeable~~ industrial batteries and electric vehicle batteries. For electric vehicle batteries, the informal UNECE Working Group on Electric Vehicles and the Environment is developing in-vehicle durability requirements, so this Regulation is refraining from setting additional durability requirements. On the other hand, in the area of batteries for energy storage, existing measurement methods to test battery performance and durability are not considered sufficiently precise and representative to enable introducing minimum requirements. ~~.~~The introduction of minimum requirements related to performance and durability of these batteries should be accompanied by available adequate harmonised standards or common specifications.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 24				
34	(24) In order to reduce the life cycle environmental impact batteries, 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 establishing minimum values for those parameters for portable batteries of general use and for rechargeable industrial batteries.	(24) In order to reduce the life cycle environmental impact batteries, 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 establishing minimum values for those parameters for portable batteries, ***light means of transport batteries*** ~~***of general use***~~ and for rechargeable industrial batteries.	(24) In order to reduce the life cycle environmental impact batteries, 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 establishing minimum values for those parameters for portable batteries of general use and for **industrial batteries and electric vehicle batteries. The acts adopted in this context should also establish how those minimum values will apply to** ~~rechargeable industrial~~ batteries **that have been subject to remanufacturing**.	
Recital 24a				
34a		***(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***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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.		
Recital 25				
35	(25) Some non-rechargeable batteries of general use may imply an inefficient use of resources and energy. Objective requirements regarding the performance and durability of such batteries should be established in order to ensure that fewer low performing non-rechargeable portable batteries of general use are placed on the market, in particular, where, based on a life cycle assessment, the alternative use of rechargeable batteries would result in overall environmental benefits.	(25) Some non-rechargeable batteries of general use may imply an inefficient use of resources and energy. ***However, non-rechargeable batteries are still used for certain devices.*** Objective requirements regarding the performance and durability of such batteries should be established in order to ensure that fewer low performing non-rechargeable portable batteries of general use are placed on the market***. The Commission should assess, as regards specific product groups that use non-***	(25) Some non-rechargeable batteries of general use may imply an inefficient use of resources and energy. Objective requirements regarding the performance and durability of such batteries should be established in order to ensure that fewer low performing non-rechargeable portable batteries of general use are placed on the market, in particular, where, based on a life cycle assessment, the alternative use of rechargeable batteries would result in overall environmental benefits.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		rechargeable batteries ~~*, in particular, where*~~, based on a life cycle assessment, ***whether*** the alternative use of rechargeable batteries would result in overall environmental benefits ***and therefore whether the use of non-rechargeable portable batteries of general use should be phased out***. ***It should also be possible to complement the requirements of this Regulation with the requirements laid down by implementing measures under Directive 2009/125/EC of the European Parliament and of the Council[1] for particular products powered by batteries.*** _____ ***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).***		
Recital 26				
36	(26) In order to ensure that portable batteries incorporated	(26) In order to ensure that portable batteries incorporated	(26) In order to ensure that portable batteries incorporated	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 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 Council[1]. 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. _____ 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).	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. ***Rules should also be established for light means of transport batteries.*** Used batteries should also be replaceable so as to prolong the expected lifetime of the appliances they are part of. ***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.***	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 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 Council*[1]~~. Where other Union legislation lays down more specific requirements, for safety reasons,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			regarding the removal of batteries from products (e.g. toys), those specific rules should apply. _____ ~~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).~~	
Recital 26a				
36a		***(26a) Automotive batteries, electric vehicle batteries and industrial batteries should be removable and replaceable by qualified independent operators. Provisions to ensure that such batteries can be removed, replaced and disassembled should be laid down. It is important that the safety of such batteries when repaired can be assessed based on non-destructive tests adapted to them. In order to facilitate the repair of automotive batteries, electric vehicle batteries and industrial batteries, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		delegated to the Commission in respect of supplementing this Regulation to establish criteria for the removability, replaceability and disassembly of automotive batteries, electric vehicle batteries and industrial batteries. In order to be able to assess the safety of such batteries when repaired, 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 defining appropriate non-destructive test methods.		
Recital 26b				
36b		***(26b) In order to further reduce waste, the interoperability of batteries, of connectors and of chargers across product types should be promoted in product-specific eco-design implementing legislation, and in the upcoming sustainable products initiative.***		
Recital 26c				
36c				

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		(26c) Interoperability of chargers within specific categories of batteries could reduce unnecessary waste and costs for the benefit of consumers and other end-users. It should be possible therefore to recharge batteries for electric vehicles, light means of transport, and rechargeable batteries incorporated into specific categories of electrical and electronic equipment by making use of common chargers that allow interoperability within each category of batteries. This Regulation should therefore include provisions requiring the Commission to assess how best to introduce harmonised standards for common chargers applicable no later than 1 January 2026 for those categories of batteries. This assessment should be accompanied by a legislative proposal, where appropriate.		
Recital 27				
37	(27) Reliable batteries are fundamental for the operation and safety of many products,	(27) Reliable batteries are fundamental for the operation and safety of many products,	(27) Reliable batteries are fundamental for the operation and safety of many products,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	appliances and services. Therefore, batteries should be designed and manufactured to ensure their safe operation and use. This aspect is particularly relevant for stationary battery energy storage systems, which are currently not covered by other Union legislation. Parameters to be considered in safety tests should therefore be laid down for those energy storage systems.	,appliances and services. Therefore, batteries should be designed and manufactured to ensure their safe operation and use***, in order not to cause harm or damage to humans or to the environment or property***. This aspect is particularly relevant for ***batteries within*** stationary battery energy storage systems, which are currently not covered by other Union legislation. Parameters to be considered in safety tests should therefore be laid down for those ~~*energy storage systems*~~***batteries and be complemented by applicable CEN, CENELEC and IEC standards***.	appliances and services. Therefore, batteries should be designed and manufactured to ensure their safe operation and use. This aspect is particularly relevant for stationary battery energy storage **system** ~~systems~~, which are currently not covered by other Union legislation. Parameters to be considered in safety tests should therefore be laid down for those energy storage systems.	
Recital 28				
38	(28) In order to provide end users with transparent, reliable and clear information about batteries and their main characteristics, and waste batteries, to enable the end users to make informed decisions when buying and discarding batteries and to enable waste operators to appropriately treat waste batteries, batteries should be	(28) In order to provide end users with transparent, reliable and clear information about batteries and their main characteristics, and waste batteries, to enable the end users to make informed decisions when buying and discarding batteries and to enable waste operators to appropriately treat waste batteries, batteries should be	(28) In order to provide ~~end users~~**end-users** with transparent, reliable and clear information about batteries and their main characteristics, and waste batteries, to enable the ~~end users~~**end-users** to make informed decisions when buying and discarding batteries and to enable waste operators to appropriately	

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	labelled. Batteries should be labelled with all the necessary information concerning their main characteristics, including their capacity and content of certain hazardous substances. To ensure the availability of information over time, that information should also be made available by means of QR codes.	labelled. Batteries should be labelled with all the necessary information concerning their main characteristics, including their capacity***, production characteristics*** and content of certain hazardous substances. To ensure the availability of information over time, that information should also be made available by means of QR codes ***which should respect the guidelines of ISO IEC Standard 18004. The QR code printed or engraved on all batteries should give access to a battery's product passport. Labels and QR codes should be accessible for persons with disabilities in accordance with the requirements laid down in Directive (EU) 2019/882 of the European Parliament and of the Council [1].*** ***Directive (EU)2019/882 of the European Parliament and of the Council on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).***	treat waste batteries, batteries should be labelled. Batteries should be labelled with all the necessary information concerning their main characteristics, including their capacity and content of certain hazardous substances. To ensure the availability of information over time, that information should also be made available by means of QR codes.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 29				
39	(29) Information about the performance of batteries is essential to ensure that end-users as consumers are well and timely informed and in particular that they have a common basis to compare different batteries before making their purchase. Therefore, portable batteries of general use and automotive batteries should be marked with a label containing the information on their minimum average duration when used in specific applications. Additionally, it is important to guide the end-user to discard waste batteries in an appropriate way.	(29) Information about the performance of batteries is essential to ensure that end-users***, especially*** ~~*as*~~ consumers are well and timely informed and in particular that they have a common basis to compare different batteries before making their purchase. Therefore, portable batteries***, light means of transport batteries*** ~~*of general use*~~ and automotive batteries should be marked with a label containing the information on their minimum average duration when used in specific applications ***and their expected lifetime***. Additionally, it is important to guide the end-user to discard waste batteries in an appropriate way.	(29) Information about the performance of batteries is essential to ensure that end-users as consumers are well and timely informed and in particular that they have a common basis to compare different batteries before making their purchase. Therefore, portable batteries of general use ~~and automotive batteries~~ should be marked with a label containing the information on their minimum average duration when used in specific applications. Additionally, it is important to guide the end-user to discard waste batteries in an appropriate way.	
Recital 30				
40	(30) Rechargeable industrial batteries and electric-vehicle batteries with internal storage with a capacity above 2 kWh should contain a battery management system that stores data so that the state of health and expected	(30) ~~*Rechargeable industrial batteries and electric-vehicle batteries with internal storage with a capacity above 2 kWh should*~~***Batteries within stationary battery energy storage systems, light means of transport batteries***	(30) ~~Rechargeable industrial batteries and electric-vehicle~~ **For light means of transport** batteries ~~with internal storage with~~ **, industrial batteries with** a capacity above 2 kWh**, except those with exclusively external**	

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	lifetime of batteries may be determined at any time by the end-user or any other third party acting on his behalf. In order to repurpose or remanufacture a battery, access to the battery management system should be provided to the person that has purchased the battery or any third party acting on its behalf at any time for evaluating the residual value of the battery, facilitating the reuse, repurposing or remanufacturing of the battery and for making the battery available to independent aggregators, as defined in Directive (EU) 201/944 of the European Parliament and of the Council[1], which operate virtual power plants in electricity grids. This requirement should apply in addition to Union law on type of approval of vehicles, including technical specifications that may originate from the work of the informal UNECE Working Group on Electric Vehicles and the Environment on data access in electric vehicles. _____ 1. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on	***and electric-vehicle batteries*** contain a battery management system that stores data ~~*so that*~~ **.** ***That battery management system should include information on*** the state of health***, safety*** and expected lifetime of batteries ***so that those aspects*** may be determined at any time by the end-user or any other third party acting on his behalf. In order to ~~*repurpose or remanufacture*~~***facilitate the reuse, repurposing or remanufacturing of*** a battery, ***read-only data from*** access to the battery management system should be provided to the person that has purchased the battery or any third party acting on its behalf at any time for evaluating the residual value of the battery, facilitating the ***preparation for*** reuse, ***reuse, preparation for repurposing,*** repurposing or remanufacturing of the battery and for making the battery available to independent aggregators, as defined in Directive (EU) ~~*201/944*~~***2019/944*** of the European Parliament and of the Council[1], which operate virtual power plants in electricity grids***, including the necessary***	**storage, and electric vehicle batteries using** ~~should contain~~ a battery management system **(BMS), that BMS should store** ~~that stores~~ data so that the state of health and expected lifetime of batteries may be determined at any time by the end-user or any other third party acting on his behalf. In order to repurpose or remanufacture a battery, access to the battery management system should be provided to the person that has purchased the battery or any third party acting on its behalf at any time for evaluating the residual value of the battery, facilitating the ~~reuse,~~**re-use or** repurposing or remanufacturing of the battery and for making the battery available to independent aggregators, as defined in Directive (EU) 201/944 of the European Parliament and of the Council[1], which operate virtual power plants in electricity grids. This requirement should apply in addition to Union law on type of approval of vehicles, including technical specifications that may originate from the work of the informal UNECE Working Group on Electric Vehicles and the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125)	***features enabling the operation of vehicle-to-grid services. With a view to facilitating their uptake and usage in the Union, electric vehicle batteries and light means of transport batteries should have available, in real-time read-only in-vehicle data related to battery state of health, battery state of charge, battery power set point and battery capacity. The battery management system for electric vehicle batteries should also have a communication function so as to make it possible to have smart charging functions such as vehicle-to-grid, vehicle-to-load, vehicle-to-vehicle and vehicle-to-powerbank and vehicle-to-building chargingThe technical specifications based on the UNECE Global Technical Regulations (UNECE GTR) once applicable in Union law should be considered to be a benchmark for the data on the parameters for determining the state of health and expected lifetime of batteries to be contained in the battery management system.***	Environment on data access in electric vehicles. _____ 1. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125)	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 31				
41	(31) A number of product-specific requirements under this Regulation, including on performance, durability, repurposing and safety, should be measured by using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art measurements and calculation methodologies. In order to ensure that there are no barriers to trade on the internal market, standards should be harmonised at Union level. Such methods and standards should, to the extent possible, take into account the real-life usage of batteries, reflect the average range of consumer behaviour and be robust in order to deter intentional and unintentional circumvention. Once a reference to such a standard has been adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council[1] and published in the Official Journal of the European Union, presumption of conformity shall be established with those product-specific requirements adopted on	(31) A number of product-specific requirements under this Regulation, including on performance, durability, repurposing and safety, should be measured by using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art measurements***, standards*** and calculation methodologies.In ***order to avoid doubling of standards, to maximise efficiency and to include the highest expertise and state-of the art knowledge, the Commission should seek to request one or more European standardisation organisations to draft a standard where there is an absence of such a standard. In*** the absence of published standards at the time of the application of product-specific requirements, ***or in the event of a non satisfactory response by the relevant European standardisation organisation*** the Commission should adopt***, in exceptional, justified cases and after consultation with the relevant***	(31) A number of product-specific requirements under this Regulation, including on performance, durability, repurposing and safety, should be measured by using reliable, accurate and reproducible methods that take into account the generally recognised state-of-the-art measurements and calculation methodologies. In order to ensure that there are no barriers to trade on the internal market, standards should be harmonised at Union level. Such methods and standards should, to the extent possible, take into account the real-life usage of batteries, reflect the average range of consumer behaviour and be robust in order to deter intentional and unintentional circumvention. Once a reference to such a standard has been adopted in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council[1] and published in the Official Journal of the European Union, presumption of conformity shall be established with those product-specific requirements adopted on	

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	the basis of this Regulation, provided that the outcome of such methods demonstrate that the minimum values established for those substantive requirements are attained. In the absence of published standards at the time of the application of product-specific requirements, the Commission should adopt common specifications through implementing acts and the compliance with such specifications should also give rise to the presumption of conformity. In cases where the common specifications are, at a later stage, found to have shortcomings, the Commission should by implementing act amend or repeal the common specifications in question. _____ 1. Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC,	***stakeholders,*** common specifications through implementing acts and the compliance with such specifications should also give rise to the presumption of conformity.	the basis of this Regulation, provided that the outcome of such methods demonstrate that the minimum values established for those substantive requirements are attained. In the absence of published standards at the time of the application of– product-specific requirements, the Commission should adopt common specifications through implementing acts and the compliance with such specifications should also give rise to the presumption of conformity. In cases where the common specifications are, at a later stage, found to have shortcomings, the Commission should by implementing act amend or repeal the common specifications in question. **Any common specifications should be repealed at the moment when reference numbers of harmonised standards are being published in the Official Journal, with a reasonable period in order to allow manufacturers to take into account the changes.** _____	

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	98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12)		1. Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12)	
Recital 31a				
41a		***(31a) An active involvement in the work of international standardisation committees is an important strategic prerequisite for placing future technologies into the market. In some cases, participation of the Union has been underrepresented in these committees. Therefore, the Commission and Member States***		

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		should actively support the work of European companies in such international standardisation committees. Before considering the adoption of standards by secondary legislation, the Commission should carefully assess the work done at international level.		
Recital 31b				
41b		***(31b) The Commission should ensure that there is consistency regarding harmonised standards and common specifications under this regulation and when reviewing Regulation (EU) No 1025/2012.***		
Recital 32				
42	(32) To ensure effective access to information for market surveillance purposes, to adapt to new technologies and to ensure resilience in case of global crises, such as the Covid-19 pandemic, it should be possible to give information regarding conformity with all Union acts applicable to	(32) To ensure effective access to information for market surveillance purposes, to adapt to new technologies and to ensure resilience in case of global crises, such as the Covid-19 pandemic, ~~*it should be possible to give*~~ information regarding conformity with all Union acts applicable to	(32) To ensure effective access to information for market surveillance purposes, to adapt to new technologies and to ensure resilience in case of global crises, such as the Covid-19 pandemic, it should be possible to give information regarding conformity with all Union acts applicable to	

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	batteries online in the form of a single EU declaration of conformity.	batteries ***could be provided*** online in the form of a single EU declaration of conformity.	batteries online in the form of a single EU declaration of conformity.	
Recital 33				
43	(33) Regulation (EC) No 765/2008 of the European Parliament and of the Council[1] lays down rules on the accreditation of conformity assessment bodies, provides a framework for the market surveillance of products and for controls on products from third countries, and lays down the general principles of the CE marking. That Regulation should be applicable to batteries covered by this Regulation in order to ensure that products benefiting from the free movement of goods within the Union fulfil requirements providing a high level of protection of public interests such as human health, safety and the environment. _____ 1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the		(33) Regulation (EC) No 765/2008 of the European Parliament and of the Council[1] lays down rules on the accreditation of conformity assessment bodies, provides a framework for the market surveillance of products and for controls on products from third countries, and lays down the general principles of the CE marking. That Regulation should be applicable to batteries covered by this Regulation in order to ensure that products benefiting from the free movement of goods within the Union fulfil requirements providing a high level of protection of public interests such as human health, safety and the environment. _____ 1. Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the	

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	requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30)		requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008, p. 30)	
Recital 34				
44	(34) In order to enable economic operators to demonstrate and the competent authorities to verify that batteries made available on the market comply with the requirements of this Regulation, it is necessary to provide for conformity assessment procedures. Decision No 768/2008/EC of the European Parliament and of the Council[1] establishes modules for conformity assessment procedures, ranging from the least stringent to the most stringent depending on the level of risk involved and the level of safety required. According to Article 4 of that Decision, where conformity assessment is required, the procedures to be used for that assessment are to be chosen from among those modules.		(34) In order to enable economic operators to demonstrate and the competent authorities to verify that batteries made available on the market comply with the requirements of this Regulation, it is necessary to provide for conformity assessment procedures. Decision No 768/2008/EC of the European Parliament and of the Council[1] establishes modules for conformity assessment procedures, ranging from the least stringent to the most stringent depending on the level of risk involved and the level of safety required. According to Article 4 of that Decision, where conformity assessment is required, the procedures to be used for that assessment are to be chosen from among those modules.	

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	_____ 1. Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC, OJ L 218, 13.8.2008, p. 82		_____ ***1***. Decision No 768/2008/EC of the European Parliament and of the Council of 9 July 2008 on a common framework for the marketing of products, and repealing Council Decision 93/465/EEC, OJ L 218, 13.8.2008, p. 82	
Recital 35				
45	(35) The chosen modules do not however reflect certain specific aspects of batteries and thus, it is necessary to adapt the modules chosen for the conformity assessment procedure. In order to take account of the novelty and complexity of the sustainability, safety and labelling requirements set out in this Regulation and for the purpose of ensuring the conformity of batteries placed on the market with the legal requirements, 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 conformity	(35) The chosen modules do not however reflect certain specific aspects of batteries and thus, it is necessary to adapt the modules chosen for the conformity assessment procedure. In order to take account of the novelty and complexity of the sustainability, safety***, labelling and information*** ~~*and labelling*~~ requirements set out in this Regulation and for the purpose of ensuring the conformity of batteries placed on the market with the legal requirements, 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	(35) The chosen modules do not however reflect certain specific aspects of batteries and thus, it is necessary to adapt the modules chosen for the conformity assessment procedure. In order to take account of the novelty and complexity of the sustainability, safety and labelling requirements set out in this Regulation and for the purpose of ensuring the conformity of batteries placed on the market with the legal requirements, 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 conformity	

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	assessment procedures by adding verifications steps or changing assessment module, on the basis of developments on the battery market or in the battery value chain.	amending the conformity assessment procedures by adding verifications steps or changing assessment module, on the basis of developments on the battery market or in the battery value chain. ***Robust conformity assessment procedures are needed to ensure that there is conformity with sustainable requirements and value chain due diligence obligations set out in this Regulation.***	assessment procedures by adding verifications steps or changing assessment module, on the basis of developments on the battery market or in the battery value chain.	
Recital 36				
46	(36) The CE marking on a battery indicates the conformity of that battery with this Regulation. General principles governing the CE marking and its relationship to other markings are set out in Regulation (EC) No 765/2008. Those principles should apply to the CE marking on batteries. In order to ensure that the battery is stored, used and discarded in a manner which is safe from the point of view of protecting human health and the environment, specific rules governing the affixing of the CE marking in the		(36) The CE marking on a battery indicates the conformity of that battery with this Regulation. General principles governing the CE marking and its relationship to other markings are set out in Regulation (EC) No 765/2008. Those principles should apply to the CE marking on batteries. In order to ensure that the battery is stored, used and discarded in a manner which is safe from the point of view of protecting human health and the environment, specific rules governing the affixing of the CE marking in the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	case of batteries should be laid down.		case of batteries should be laid down.	
Recital 37				
47	(37) The conformity assessment procedures set out in this Regulation require the intervention of conformity assessment bodies. In order to ensure a uniform implementation of the provisions in this Regulation, those bodies should be notified by the Member State authorities to the Commission.		(37) The conformity assessment procedures set out in this Regulation require the intervention of conformity assessment bodies. In order to ensure a uniform implementation of the provisions in this Regulation~~,~~ those bodies should be notified by the Member State authorities to the Commission.	
Recital 38				
48	(38) Due to the novelty and complexity of the sustainability, safety and labelling requirements for batteries and in order to ensure a consistent level of quality in the performance of conformity assessment of batteries, it is necessary to set requirements for notifying authorities involved in the assessment, notification and monitoring of notified bodies. In particular, it should be ensured that the notifying authority is	(38) Due to the novelty and complexity of the sustainability, ***performance,*** safety***, labelling and information*** ~~*and labelling*~~ requirements for batteries and in order to ensure a consistent level of quality in the performance of conformity assessment of batteries, it is necessary to set requirements for notifying authorities involved in the assessment, notification and monitoring of notified bodies. In	(38) Due to the novelty and complexity of the sustainability, safety and labelling requirements for batteries and in order to ensure a consistent level of quality in the performance of conformity assessment of batteries, it is necessary to set requirements for notifying authorities involved in the assessment, notification and monitoring of notified bodies. In particular, it should be ensured that the notifying authority is	

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	objective and impartial with regard to its activity. Furthermore, notifying authorities should be required to safeguard the confidentiality of the information it obtains but should nonetheless be able to exchange information on notified bodies with national authorities, the notifying authorities of other Member States and the Commission to ensure consistency in the conformity assessment.	particular, it should be ensured that the notifying authority is objective and impartial with regard to its activity ***and has a sufficient number of technically competent members of staff to perform its tasks***	objective and impartial with regard to its activity. Furthermore, notifying authorities should be required to safeguard the confidentiality of the information it obtains but should nonetheless be able to exchange information on notified bodies with national authorities, the notifying authorities of other Member States and the Commission to ensure consistency in the conformity assessment.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 39				
49	(39) It is essential that all notified bodies perform their functions to the same level and under conditions of fair competition and autonomy. Therefore, requirements for conformity assessment bodies wishing to be notified in order to provide conformity assessment activities should be set. Those requirements should continue to apply as a prerequisite for the maintenance of the competence of the notified body. To ensure its autonomy, the notified body and the staff it employs should be required to maintain independence from economic operators in the battery value chain and from other companies, including business associations and parent companies and subsidiaries. The notified body should be required to document its independence and provide that documentation to the notifying authority.	(39) It is essential that all notified bodies perform their functions to the same level and under conditions of fair competition and autonomy. Therefore, requirements for conformity assessment bodies wishing to be notified in order to provide conformity assessment activities should be set. Those requirements should continue to apply as a prerequisite for the maintenance of the competence of the notified body. To ensure its autonomy, the notified body and the staff it employs should be required to maintain independence from economic operators in the battery value chain and from other companies, including business associations and parent companies and subsidiaries. The notified body should be required to document its independence and provide that documentation to the notifying authority. ***The rotation of teams and appropriate "cooling off" periods should also be required.***	(39) It is essential that all notified bodies perform their functions to the same level and under conditions of fair competition and autonomy. Therefore, requirements for conformity assessment bodies wishing to be notified in order to provide conformity assessment activities should be set. Those requirements should continue to apply as a prerequisite for the maintenance of the competence of the notified body. To ensure its autonomy, the notified body and the staff it employs should be required to maintain independence from economic operators in the battery value chain and from other companies, including business associations and parent companies and subsidiaries. The notified body should be required to document its independence and provide that documentation to the notifying authority.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 40				
50	(40) If a conformity assessment body demonstrates conformity with the criteria laid down in harmonised standards it should be presumed to comply with the corresponding requirements set out in this Regulation.		(40) If a conformity assessment body demonstrates conformity with the criteria laid down in harmonised standards it should be presumed to comply with the corresponding requirements set out in this Regulation.	
Recital 41				
51	(41) Conformity assessment bodies frequently subcontract parts of their activities linked to the assessment of conformity or have recourse to a subsidiary. Certain activities and decision-making processes, both regarding the conformity assessment of batteries and other activities internal to the notified body, should however exclusively be carried out by the individual notified body itself, in order to ensure its independence and autonomy. Furthermore, in order to safeguard the level of protection required for batteries to be placed on the Union market, conformity assessment subcontractors and subsidiaries		(41) Conformity assessment bodies frequently subcontract parts of their activities linked to the assessment of conformity or have recourse to a subsidiary. Certain activities and decision-making processes, both regarding the conformity assessment of batteries and other activities internal to the notified body, should however exclusively be carried out by the individual notified body itself, in order to ensure its independence and autonomy. Furthermore, in order to safeguard the level of protection required for batteries to be placed on the Union market, conformity assessment subcontractors and subsidiaries should fulfil the same	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	should fulfil the same requirements as notified bodies in relation to the performance of conformity assessment tasks under this Regulation.		requirements as notified bodies in relation to the performance of conformity assessment tasks under this Regulation.	
Recital 42				
52	(42) Since the services offered by notified bodies in a Member State might relate to batteries made available on the market throughout the Union, it is appropriate to give the other Member States and the Commission the opportunity to raise objections concerning a notified body. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in order to request the notifying authority to take corrective action in case a notified body does not meet or no longer meets the requirements of this Regulation.	(42) Since the services offered by notified bodies in a Member State might relate to batteries made available on the market throughout the Union, it is appropriate to give the other Member States ~~*and*~~, the Commission***, economic operators and relevant stakeholders*** the opportunity to raise objections concerning a notified body***. The Commission, during the investigation proceedings, should seek the advice of a Union testing facility designated in accordance with Regulation (EU) 2019/1020***.	(42) Since the services offered by notified bodies in a Member State might relate to batteries made available on the market throughout the Union, it is appropriate to give the other Member States and the Commission the opportunity to raise objections concerning a notified body. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in order to request the notifying authority to take corrective action in case a notified body does not meet or no longer meets the requirements of this Regulation.	
Recital 43				
53	(43) In the interests of facilitating	(43) In the interests of facilitating	(43) In the interests of facilitating	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and accelerating the conformity assessment procedure, the certification and ultimately the market access and in view of the novelty and complexity of the sustainability, safety and labelling requirements for batteries, it is crucial that notified bodies have continuous access to all testing equipment and testing facilities needed and that they apply the procedures without creating unnecessary burdens for economic operators. For the same reason, and to ensure equal treatment of economic operators, it is necessary that the notified bodies apply the conformity assessment procedures consistently.	and accelerating the conformity assessment procedure, the certification and ultimately the market access and in view of the novelty and complexity of the sustainability, safety***, labelling and information***	and accelerating the conformity assessment procedure, the certification and ultimately the market access and in view of the novelty and complexity of the sustainability, safety~~ *and labelling*~~ requirements for batteries, it is crucial that notified bodies have continuous access to all testing equipment and testing facilities needed and that they apply the procedures without creating unnecessary burdens for economic operators. For the same reason, and to ensure equal treatment of economic operators, it is necessary that the notified bodies apply the conformity assessment procedures consistently.	
Recital 44				
54	(44) Prior to taking a final decision on whether the battery can be granted a conformity certificate, the economic operator that wishes to place a battery on the market should be allowed to complement once the documentation on the battery.		(44) Prior to taking a final decision on whether the battery can be granted a conformity certificate, the economic operator that wishes to place a battery on the market should be allowed to complement once the documentation on the battery.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 45				
55	(45) The Commission should enable appropriate coordination and cooperation between notified bodies.		(45) The Commission should enable appropriate coordination and cooperation between notified bodies.	
Recital 46				
56	(46) It is appropriate to lay the obligations linked to the placing on the market or putting into service of a battery on the economic operators, which include the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service providers, or any other legal person who takes on the legal responsibility in relation to the manufacture of batteries, making them available or placing them on the market or putting them into service.		(46) It is appropriate to lay the obligations linked to the placing on the market or putting into service of a battery on the economic operators, which include the manufacturer, the authorised representative, the importer, the distributor, the fulfilment service providers, or any other legal person who takes on the legal responsibility in relation to the manufacture of batteries, making them available or placing them on the market or putting them into service**, including batteries that have been subject of preparing for re-use, preparing for repurpose or repurposing, or remanufacturing. It is appropriate to ensure that requirements for a battery, which is put into service without**	

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			being placed on the market beforehand, are the same as for batteries placed on the market.	
Recital 47				
57	(47) Economic operators should be responsible for the compliance of batteries with the requirements of this Regulation, in relation to their respective roles in the supply chain, so as to ensure a high level of protection of public interests, such as human health, safety and protection of property and the environment.		(47) Economic operators should be responsible for the compliance of batteries with the requirements of this Regulation, in relation to their respective roles in the supply chain, so as to ensure a high level of protection of public interests, such as human health, safety and protection of property and the environment.	
Recital 48				
58	(48) All economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they only make available on the market batteries which are in conformity with this Regulation. It is necessary to provide for a clear and proportionate distribution of obligations which correspond to the role of each economic operator in the supply and distribution		(48) All economic operators intervening in the supply and distribution chain should take appropriate measures to ensure that they only make available on the market batteries which are in conformity with this Regulation. It is necessary to provide for a clear and proportionate distribution of obligations which correspond to the role of each economic operator in the supply and distribution	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	chain.		chain.	
Recital 49				
59	(49) The manufacturer, having detailed knowledge of the design and production process, is best placed to carry out the conformity assessment procedure. Conformity assessment should therefore remain solely the obligation of the manufacturer.		(49) The manufacturer, having detailed knowledge of the design and production process, is best placed to carry out the conformity assessment procedure. Conformity assessment should therefore remain solely the obligation of the manufacturer.	
Recital 50				
60	(50) The manufacturer should provide sufficiently detailed information on the intended use of the battery so as to allow its correct and safe placing on the market, putting into service, use and end-of-life management, including possible repurposing.		(50) The manufacturer should provide sufficiently detailed information on the intended use of the battery so as to allow its correct and safe placing on the market, putting into service, use and ~~end-of-life~~ **waste** management, including possible repurposing.	
Recital 51				
61	(51) In order to facilitate communication between economic operators, market surveillance	(51) In order to facilitate communication between economic operators, market surveillance	(51) In order to facilitate communication between economic operators, market surveillance	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	authorities and consumers, economic operators should, as part of their contact details, indicate a website address in addition to the postal address.	authorities and consumers, economic operators should, as part of their contact details, indicate a ~~*website address in addition to the postal*~~***telephone number, postal, email and website*** address.	authorities and consumers, economic operators should, as part of their contact details, indicate a website address in addition to the postal address.	
Recital 51a				
61a			**(51a) A fairer single market should ensure equal conditions for competition to all economic operators and protection against unfair competition. To this end, strengthened enforcement of Union harmonisation legislation on batteries is necessary. Good cooperation between economic operators and the market surveillance authorities is a key element, allowing immediate intervention and corrective action in relation to batteries. It is important that there should be an economic operator established in the Union so that market surveillance authorities have someone to whom requests can be addressed, including requests for information regarding a battery's compliance with Union**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			harmonisation legislation, and who can cooperate with market surveillance authorities in making sure that immediate corrective action is taken to remedy instances of non-compliance. The economic operators who should perform those tasks are the manufacturer, or the importer when the manufacturer is not established in the Union, or an authorised representative mandated by the manufacturer for this purpose, or a fulfilment service provider established in the Union for batteries handled by it when no other economic operator is established in the Union.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 52				
62	(52) It is necessary to ensure that batteries from third countries entering the Union market comply with the requirements of this Regulation, whether imported as self- standing batteries or contained in products, and in particular that appropriate conformity assessment procedures have been carried out by manufacturers with regard to those batteries. Provision should therefore be made for importers to make sure that the batteries they place on the market and put into service comply with the requirements of this Regulation and that the CE marking on batteries and documentation drawn up by manufacturers are available for inspection by the national authorities.	(52) It is necessary to ensure that batteries from third countries entering the Union market comply with the requirements of this Regulation, ***and with relevant applicable Union law,*** whether imported as ~~*self- standing*~~***self-standing*** batteries or contained in products, and in particular that appropriate conformity assessment procedures have been carried out by manufacturers with regard to those batteries. ***Special attention should be given to ensuring that the third party auditing of requirements of this Regulation relating to the production process of batteries is robust and independent. Compliance with the carbon footprint declaration, recycled content, as well as human rights and battery value chain due diligence obligations laid down in this Regulation should be therefore fully ensured.*** Provision should therefore be made for importers to make sure that the batteries they place on the market and put into service comply with the requirements of this Regulation and that the CE	(52) It is necessary to ensure that batteries from third countries entering the Union market comply with the requirements of this Regulation, whether imported as self- standing batteries or contained in products, and in particular that appropriate conformity assessment procedures have been carried out by manufacturers with regard to those batteries. Provision should therefore be made for importers to make sure that the batteries they place on the market and put into service comply with the requirements of this Regulation and that the CE marking on batteries and documentation drawn up by manufacturers are available for inspection by the national authorities**, whether imported as new or used batteries or batteries that have been subject to preparing for reuse, preparing for repurpose, or repurposing or remanufacturing**.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		marking on batteries and documentation drawn up by manufacturers are available for inspection by the national authorities. ***Those authorities, in particular when carrying out controls on products entering the Union market from third countries, should ensure that there is consistent enforcement of Union law through an effective and uniform level of control, in accordance with Regulation (EU) 2019/1020.***		
Recital 53				
63	(53) When placing a battery on the market or putting it into service, every importer should indicate on the battery the importer's name, registered trade name or registered trade mark as well as the postal address. Exceptions should be provided for in cases where the size of the battery does not allow it. This includes cases where the importer would have to open the packaging to put the name and address on the battery or where the battery is too small in size to affix this	(53) When placing a battery on the market or putting it into service, every importer should indicate on the battery the importer's name, registered trade name or registered trade mark as well as the postal address***, e-mail address and telephone number***. Exceptions should be provided for in cases where the size of the battery does not allow it ***because the battery is too small in size to affix that information. Exceptions should also be provided for in***~~. This includes~~	(53) When placing a battery on the market or putting it into service, every importer should indicate on the battery the importer's name, registered trade name or registered trade mark as well as the postal address. Exceptions should be provided for in cases where the size of the battery does not allow it. This includes cases where the importer would have to open the packaging to put the name and address on the battery or where the battery is too small in size to affix this	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	information..	cases where the importer would have to open the packaging to put the name and ~~*address on the battery or where*~~***the other contact details. In those exceptional cases, the importer should provide that information in a document accompanying*** the battery ~~*is too small in size to affix*~~***or in another immediately accessible way. Where packaging exists, it should be used to indicate*** this information.~~.~~	information.~~.~~	
Recital 54				
64	(54) As the distributor makes a battery available on the market after it has been placed on the market or put into service by the manufacturer or the importer, the distributor should act with due care to ensure that its handling of the battery does not adversely affect its compliance with the requirements of this Regulation.		(54) As the distributor makes a battery available on the market after it has been placed on the market or put into service by the manufacturer or the importer, the distributor should act with due care to ensure that its handling of the battery does not adversely affect its compliance with the requirements of this Regulation.	
Recital 55				
65	(55) Any importer or distributor that either places a battery on the		(55) Any importer or distributor that either places a battery on the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	market or puts it into service under the importer's or distributor's own name or trademark or modifies a battery in such a way that compliance with the requirements of this Regulation may be affected or modifies the purpose of a battery that is already place on the market should be considered to be the manufacturer and should assume the obligations of the manufacturer.		market or puts it into service under the importer's or distributor's own name or trademark or modifies a battery in such a way that compliance with the requirements of this Regulation may be affected or modifies the purpose of a battery that is already place on the market should be considered to be the manufacturer and should assume the obligations of the manufacturer.	
Recital 56				
66	(56) Distributors and importers, being close to the market place, should be involved in market surveillance tasks carried out by the national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the battery concerned.	(56) Distributors***, importers and fulfilment service providers, including market places*** ~~*and importers*~~, being close to the market place, should be involved in market surveillance tasks carried out by the national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the battery concerned.	(56) Distributors and importers, being close to the market place, should be involved in market surveillance tasks carried out by the national authorities, and should be prepared to participate actively, providing those authorities with all necessary information relating to the battery concerned.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 57				
67	(57) Ensuring traceability of a battery throughout the whole supply chain helps to make market surveillance simpler and more efficient. An efficient traceability system facilitates the market surveillance authorities' task of tracing economic operators who placed on the market or made available on the market or put into service non- compliant batteries. The economic operators should therefore be required to keep the information on their transactions of batteries for a certain period of time.	(57) Ensuring traceability of a battery throughout the whole supply chain helps to make market surveillance simpler and more efficient***, and provides transparency to consumers***. An efficient traceability system facilitates the market surveillance authorities' task of tracing economic operators who placed on the market or made available on the market or put into service ~~*non- compliant*~~***non-compliant*** batteries. The economic operators should therefore be required to keep the information on their transactions of batteries for a certain period of time***, including in electronic form***.	(57) Ensuring traceability of a battery throughout the whole supply chain helps to make market surveillance simpler and more efficient. An efficient traceability system facilitates the market surveillance authorities' task of tracing economic operators who placed on the market or made available on the market or put into service non- compliant batteries. The economic operators should therefore be required to keep the information on their transactions of batteries for a certain period of time.	
Recital 58				
68	(58) The extraction, processing and trading of natural mineral resources is fundamental in providing the necessary raw materials for the production of batteries. Battery manufacturers, regardless of their position or leverage over suppliers and of		(58) The extraction, processing and trading of natural mineral resources is fundamental in providing the necessary raw materials for the production of batteries. Battery manufacturers, regardless of their position or leverage over suppliers and of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	their geographical location, are not insulated from the risk of contributing to adverse impacts in the mineral supply chain. For some raw materials, over half of global production is for use in battery applications. For example, over 50% of the global demand for cobalt and over 60% of the world's lithium is used for battery production. About 8% of global natural graphite production and 6% of global nickel production goes into battery manufacturing.		their geographical location, are not insulated from the risk of contributing to adverse impacts in the mineral supply chain. For some raw materials, over half of global production is for use in battery applications. For example, over 50% of the global demand for cobalt and over 60% of the world's lithium is used for battery production. About 8% of global natural graphite production and 6% of global nickel production goes into battery manufacturing.	
Recital 59				
69	(59) Only few countries supply those materials and, in some cases, low standards of governance may exacerbate environmental and social problems. Both cobalt and nickel mining and refining are related to a large range of social and environmental issues, including environmental hazard potential and human health. While the social and environmental impacts for natural graphite are less severe, its mining has high shares of artisanal and small scale	(59) Only few countries supply those materials and, in some cases, low standards of governance may exacerbate environmental and social problems. ~~*Both*~~ Cobalt***, copper,*** ~~*and*~~ nickel***, iron and bauxite*** ~~*supply*~~***battery value*** chain due diligence obligations. The expected massive increase in demand for batteries in the Union should not contribute to an increase of such environmental and social risks ***abroad***.	(59) Only few countries supply those materials and, in some cases, low standards of governance may exacerbate environmental and social problems. Both cobalt and nickel mining and refining are related to a large range of social and environmental issues, including environmental hazard potential and human health. While the social and environmental impacts for natural graphite are less severe, its mining has high shares of artisanal and small scale	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	operations, which mostly takes place in informal settings and can lead to serious health and environmental impacts, including no regular mine closure and no rehabilitation, which results in the destruction of ecosystems and soils. For lithium, the expected increase in its use in battery manufacturing is likely to put additional pressure on extraction and refining operations, what would recommend including lithium in the scope of the supply chain due diligence obligations. The expected massive increase in demand for batteries in the Union should not contribute to an increase of such environmental and social risks.		operations, which mostly takes place in informal settings and can lead to serious health and environmental impacts, including no regular mine closure and no rehabilitation, which results in the destruction of ecosystems and soils. For lithium, the expected increase in its use in battery manufacturing is likely to put additional pressure on extraction and refining operations, what would recommend including lithium in the scope of the supply chain due diligence obligations. The expected massive increase in demand for batteries in the Union should not contribute to an increase of such environmental and social risks.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 60				
70	(60) Some of the raw materials in question, such as cobalt, lithium and natural graphite, are considered as critical raw materials for the EU[1] and their sustainable sourcing is required for the EU battery ecosystem to perform adequately. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Critical Raw Materials Resilience: Charting a Path towards greater Security and Sustainability (COM(2020) 474 final).	(60) Some of the raw materials in question, such as ***bauxite,***	(60) Some of the raw materials in question, such as cobalt, lithium and natural graphite, are considered as critical raw materials for the EU[1] and their sustainable sourcing is required for the EU battery ecosystem to perform adequately. _____ 1. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Critical Raw Materials Resilience: Charting a Path towards greater Security and Sustainability (COM(2020) 474 final).	
Recital 61				
71	(61) A number of voluntary efforts from actors in the battery supply chain are already in place in order to encourage adherence to sustainable sourcing practices, including the Initiative for Responsible Mining Assurance		(61) A number of voluntary efforts from actors in the battery supply chain are already in place in order to encourage adherence to sustainable sourcing practices, including the Initiative for Responsible Mining Assurance	

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	(IRMA), the Responsible Minerals Initiative (RMI) and the Cobalt Industry Responsible Assessment Framework (CIRAF). However, voluntary efforts to set up due diligence schemes may not ensure that all economic operators placing batteries in the Union market abide by the same set of minimum rules.		(IRMA), the Responsible Minerals Initiative (RMI) and the Cobalt Industry Responsible Assessment Framework (CIRAF). However, voluntary efforts to set up due diligence schemes may not ensure that all economic operators placing batteries in the Union market abide by the same set of minimum rules.	
Recital 62				
72	(62) In the Union, general requirements on due diligence in relation to certain minerals and metals were introduced by Regulation (EU) No 2017/821 of the European Parliament and of the Council[1]. That Regulation does not, however, address the minerals and materials used for battery production. _____ 1. Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-	(62) ***The United Nations Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises stipulate that economic operators should carry out due diligence as a means to meet their corporate responsibility with respect to human rights and the environment.*** In the Union, general requirements on due diligence in relation to certain minerals and metals were introduced by Regulation (EU) ~~*No 2017/821*~~***2017/821*** of the European Parliament and of the Council[1].	(62) In the Union, general requirements on due diligence in relation to certain minerals and metals were introduced by Regulation (EU) No 2017/821 of the European Parliament and of the Council[1]. That Regulation does not, however, address the minerals and materials used for battery production. _____ 1. Regulation (EU) 2017/821 of the European Parliament and of the Council of 17 May 2017 laying down supply chain due diligence obligations for Union importers of tin, tantalum and tungsten, their ores, and gold originating from conflict-	

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	affected and high-risk areas (OJ L 130, 19.5.2017, p. 1)		affected and high-risk areas (OJ L 130, 19.5.2017, p. 1)	
Recital 63				
73	(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	(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.	

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		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***.		
Recital 64				
74	(64) When putting in place a risk-based due diligence policy, it should be based on internationally recognised due diligence principles in the Ten Principles of the United Nations Global Compact[1], the Guidelines for Social Life Cycle Assessment of Products[2], the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy[3], and the OECD Due Diligence Guidance for Responsible Business Conduct (RBC)[4], which reflect a common understanding amongst governments and stakeholders, and should be tailored to the specific context and	(64) When putting in place a risk-based due diligence ~~*policy*~~***process***, it should be based on internationally recognised due diligence ***standards and*** principles in ***the United Nations Guiding Principles on Business and Human Rights,*** the Ten Principles of the United Nations Global Compact[1], the Guidelines for Social Life Cycle Assessment of Products[2], the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy[3], ***the OECD Guidelines for Multinational Enterprises*** and the OECD Due Diligence Guidance for Responsible Business Conduct	(64) When putting in place a risk-based due diligence policy, it should be based on internationally recognised due diligence principles in the Ten Principles of the United Nations Global Compact[1], the Guidelines for Social Life Cycle Assessment of Products[2], the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy[3], and the OECD Due Diligence Guidance for Responsible Business Conduct (RBC)[4], which reflect a common understanding amongst governments and stakeholders, and should be tailored to the specific context and	

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	circumstances of each economic operator. In relation to the extraction, processing and trading of natural mineral resources used for battery production, the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas [5]('OECD Due Diligence Guidance') represents a long-standing effort by governments and stakeholders to establish good practice in this area. _____ 1. The Ten Principles of the UN Global Compact, available at https://www.unglobalcompact.org/what-is-gc/mission/principles 2. UNEP Guidelines for social life cycle assessment of products, available at https://www.lifecycleinitiative.org/wp-content/uploads/2012/12/2009%20-%20Guidelines%20for%20sLCA%20-%20EN.pdf 3. Tripartite Declaration of Principles concerning	(RBC)[4], which reflect a common understanding amongst governments and stakeholders, and should be tailored to the specific context and circumstances of each economic operator. In relation to the extraction, processing and trading of natural mineral resources ***from high-risk areas*** used for battery production, the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas[5] [5]('OECD Due Diligence Guidance') represents ***an internationally acknowledged standard addressing specific risks of gross human rights violations related to the sourcing and trading of certain raw materials in the context of conflict, and*** a long-standing effort by governments and stakeholders to establish good practice in this area. _____ 1. The ~~*Ten*~~***United Nations Guiding*** Principles ~~*of the UN Global Compact*~~***on Business and Human Rights***, available at https://~~*www.unglobalcompact*~~***w***	circumstances of each economic operator. In relation to the extraction, processing and trading of natural mineral resources used for battery production, the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas [5]('OECD Due Diligence Guidance') represents a long-standing effort by governments and stakeholders to establish good practice in this area. _____ ***1***. The Ten Principles of the UN Global Compact, available at https://www.unglobalcompact.org/what-is-gc/mission/principles 2. UNEP Guidelines for social life cycle assessment of products, available at https://www.lifecycleinitiative.org/wp-content/uploads/2012/12/2009%20-%20Guidelines%20for%20sLCA%20-%20EN.pdf 3. Tripartite Declaration of Principles concerning Multinational Enterprises and	

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	Multinational Enterprises and Social Policy, available at https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf 4. OECD (2018), OECD Due Diligence Guidance for Responsible Business Conduct, available at http://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf 5. OECD (2016), OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas: Third Edition, OECD Publishing, Paris, https://doi.org/10.1787/9789264252479-en.	***ww.ohchr***.~~*org/what-is-gc/mission/principles*~~***org/documents/publications/guidingprinciplesbusinesshr_en.pdf*** ~~*Tripartite Declaration of Principles concerning*~~***OECD Guidelines for*** Multinational Enterprises~~ *and Social Policy*~~, available at ~~*https://www.ilo*~~***http://mneguidelines.oecd***.~~*org/wcmsp5/groups/public/---ed_emp/---emp_ent*~~***org/guidelines***/~~*—multi/documents/publication/wcms_094386.pdf*~~	Social Policy, available at https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---emp_ent/---multi/documents/publication/wcms_094386.pdf 4. OECD (2018), OECD Due Diligence Guidance for Responsible Business Conduct, available at http://mneguidelines.oecd.org/OECD-Due-Diligence-Guidance-for-Responsible-Business-Conduct.pdf 5. OECD (2016), OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas: Third Edition, OECD Publishing, Paris, https://doi.org/10.1787/9789264252479-en.	
Recital 65				
75	(65) According to the OECD Due Diligence Guidance[1], due diligence is an on-going, proactive and reactive process through	(65) According to the ~~*OECD Due Diligence Guidance*~~[1]***UN, ILO and OCED standards and principles***, due diligence is an on-going,	(65) According to the OECD Due Diligence Guidance[1], due diligence is an on-going, proactive and reactive process through	

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	which companies can ensure that they respect human rights and do not contribute to conflict.[2]. Risk-based due diligence refers to the steps companies should take to identify and address actual or potential risks in order to prevent or mitigate adverse impacts associated with their activities or sourcing decisions A company can assess risk posed by its activities and relationships and adopt risks mitigating measures in line with relevant standards provided under national and international law, recommendations on responsible business conduct by international organisations, government-backed tools, private sector voluntary initiatives and a company's internal policies and systems. This approach also helps to scale the due diligence exercise to the size of the company's activities or supply chain relationships. _____ 1. Page 15 of the OECD Due Diligence Guidance. 2. OECD (2011), OECD Guidelines for Multinational Enterprises, OECD, Paris; OECD (2006), OECD Risk Awareness Tool for	proactive and reactive process through which companies can ensure that they respect human rights***, the environment*** and do not contribute to conflict~~.~~ ~~[2]~~[1]. Risk-based due diligence refers to the steps companies should take to identify***, prevent, cease, mitigate and account for*** ~~and address actual or potential risks in order to prevent or mitigate~~ adverse impacts associated with their activities or sourcing decisions***. Economic operators should conduct informed, effective and meaningful consultation with affected communities.*** A company can assess risk posed by its activities and relationships and adopt risks mitigating measures***, which may include requiring additional information, negotiating with a view to redress the situation, or suspending or discontinuing engagement with suppliers,*** in line with relevant standards provided under national and international law, recommendations on responsible business conduct by international organisations, government-backed tools, private sector voluntary initiatives and a company's	which companies can ensure that they respect human rights and do not contribute to conflict.[2]. Risk-based due diligence refers to the steps companies should take to identify and address actual or potential risks in order to prevent or mitigate adverse impacts associated with their activities or sourcing decisions A company can assess risk posed by its activities and relationships and adopt risks mitigating measures in line with relevant standards provided under national and international law, recommendations on responsible business conduct by international organisations, government-backed tools, private sector voluntary initiatives and a company's internal policies and systems. This approach also helps to scale the due diligence exercise to the size of the company's activities or supply chain relationships. _____ 1. Page 15 of the OECD Due Diligence Guidance. ~~2. OECD (2011), OECD Guidelines for Multinational Enterprises, OECD, Paris; OECD (2006), OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, OECD, Paris; and, Guiding Principles on Business and~~	

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	Multinational Enterprises in Weak Governance Zones, OECD, Paris; and, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (Report of the Special Represantative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and other Business Enterprises, John Ruggie, A/HRC/17/31, 21 March 2011).	internal policies and systems. ***Battery value chain due diligence requirements should apply to any economic operator, including online platforms, that places batteries on the European market*** ~~*Page 15*~~***OECD (2011), OECD Guidelines for Multinational Enterprises, OECD, Paris; OECD (2006), OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, OECD, Paris; and, Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (Report*** of the ~~*OECD Due Diligence Guidance*~~***Special Represantative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and other Business Enterprises, John Ruggie, A/HRC/17/31, 21 March 2011)***.	~~*Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework (Report of the Special Represantative of the Secretary-General on the Issue of Human Rights and Transnational Corporations and other Business Enterprises, John Ruggie, A/HRC/17/31, 21 March 2011).*~~	
Recital 65a				

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75a		***(65a) While private sector due diligence schemes can support economic operators in their due diligence, economic operators should be individually responsible for compliance with the battery value chain due diligence obligations set out in this Regulation.***		
Recital 65b				
75b		***(65b) Specific technical assistance should be provided to economic operators, especially to small and medium-sized companies, by Member States so that they can comply with battery value chain due diligence requirements.***		

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Recital 66				
76	(66) Mandatory supply chain due diligence policies should be adopted or modified and address, at least, the most prevalent social and environmental risk categories. This should cover the current and foreseeable impacts, on one hand, on social life, in particular human rights, human health and safety as well as occupational health and safety and labour rights, and, on the other hand, on the environment, in particular on water use, soil protection, air pollution and biodiversity, including community life.	(66) Mandatory ~~supply~~***battery value*** chain due diligence policies should be adopted or modified and address, at least, the most prevalent social and environmental risk categories. This should cover the current and foreseeable impacts, on one hand, on social life, in particular human rights, human health and safety as well as occupational health and safety and labour rights, and, on the other hand, on the environment, in particular on water use, soil protection, air pollution***, climate change*** and biodiversity, including community life.	(66) Mandatory supply chain due diligence policies should be adopted or modified and address, at least, the most prevalent social and environmental risk categories. This should cover the current and foreseeable impacts, on one hand, on social life, in particular human rights, human health and safety as well as occupational health and safety and labour rights, and, on the other hand, on the environment, in particular on water use, soil protection, air pollution and biodiversity, including community life.	
Recital 67				
77	(67) As regards the social risk categories, due diligence policies should address the risks in the battery supply chain in relation to the protection of human rights, including human health, protection of children and gender equality, in line with international human rights law[1]. The due	(67) As regards the social risk categories, ***battery value chain*** due diligence policies should address the risks in the battery ~~supply~~***value*** chain in relation to the protection of human rights, including human health, ***the rights of indigenous peoples, the*** protection of children and gender	(67) As regards the social risk categories, due diligence policies should address the risks in the battery supply chain in relation to the protection of human rights, including human health, protection of children and gender equality, in line with international human rights law[1]. The due	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	diligence policies should include information on how the economic operator has contributed to the prevention of human rights abuses and on the instruments in place with the operator's business structure to fight corruption and bribery. The due diligence policies should also ensure correct implementation of the rules of fundamental conventions of the International Labour Organisation[2] as listed in Annex I of the ILO Tripartite Declaration. _____ 1. Including The Universal Declaration of Human Rights, The International Covenant on Economic, Social and Cultural Rights, The International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. 2. The eight fundamental Conventions are 1. Freedom of Association and Protection of the Right to Organise	equality, in line with international human rights law[1]. The ***battery value chain*** due diligence policies should include information on how the economic operator has contributed to the prevention of human rights abuses and on the instruments in place with the operator's business structure to fight corruption and bribery. The ***battery value chain*** due diligence policies should also ensure correct implementation of the rules of fundamental conventions of the International Labour Organisation[2] as listed in Annex I of the ILO Tripartite Declaration. _____ 1. ~~*Including The Universal Declaration*~~***As regards the social risk categories, battery value chain due diligence policies should address the risks in the battery value chain in relation to the protection*** of human rights, ***including human health, the rights of indigenous peoples, the protection of children and gender equality, in line with***~~*The International Covenant on Economic, Social*~~	diligence policies should include information on how the economic operator has contributed to the prevention of human rights abuses and on the instruments in place with the operator's business structure to fight corruption and bribery. The due diligence policies should also ensure correct implementation of the rules of fundamental conventions of the International Labour Organisation[2] as listed in Annex I of the ILO Tripartite Declaration. _____ 1. Including The Universal Declaration of Human Rights, The International Covenant on Economic, Social and Cultural Rights, The International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. 2. The eight fundamental Conventions are 1. Freedom of Association and Protection of the Right to Organise	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Convention, 1948 (No. 87), 2. Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 3. Forced Labour Convention, 1930 (No. 29) (and its 2014 Protocol), 4. Abolition of Forced Labour Convention, 1957 (No. 105), 5. Minimum Age Convention, 1973 (No. 138), 6. Worst Forms of Child Labour Convention, 1999 (No. 182), 7. Equal Remuneration Convention, 1951 (No. 100), 8. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	~~*and Cultural Rights, The*~~ international ~~*Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention*~~***human rights law47. The battery value chain due diligence policies should include information on how the economic operator has contributed to the prevention of human rights abuses and*** on the ~~*Rights of the Child and the Convention on the Rights of Persons with Disabilities*~~***instruments in place with the operator's business structure to fight corruption and bribery. The battery value chain due diligence policies should also ensure correct implementation of the rules of fundamental conventions of the International Labour Organisation48 as listed in Annex I of the ILO Tripartite Declaration***.29)	Convention, 1948 (No. 87), 2. Right to Organise and Collective Bargaining Convention, 1949 (No. 98), 3. Forced Labour Convention, 1930 (No. 29)- (and its 2014 Protocol), 4. Abolition of Forced Labour Convention, 1957 (No. 105), 5. Minimum Age Convention, 1973 (No. 138), 6. Worst Forms of Child Labour Convention, 1999 (No. 182), 7. Equal Remuneration Convention, 1951 (No. 100), 8. Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	
Recital 68				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
78	(68) As regards the environmental risk categories, the due diligence policies should address the risks in the battery supply chain in relation to protection of the natural environment and of the biological diversity in line with the Convention on Biological Diversity[1], which includes also the consideration of local communities, and the protection and the development of those communities. _____ 1. Such as set out in the Convention on biological diversity, available at https://www.cbd.int/convention/text/ and, in particular, Decision COP VIII/28 "Voluntary guidelines on Biodiversity-Inclusive impact assessment, available at https://www.cbd.int/decision/cop/?id=11042 .	(68) As regards the environmental risk categories, the ***battery value chain*** due diligence policies should address the risks in the battery ~~*supply*~~***value*** chain in relation to protection of the natural environment and of the biological diversity in line with the Convention on Biological Diversity[1] , which includes also the consideration of local communities, and the protection and the development of those communities. ***It should also address the risks in relation to climate change, in line with the Paris agreement and its goal to limit global warming to below 1,5 degrees Celsius, compared to pre-industrial levels, as well as environmental risks covered by other international environmental conventions.***	(68) As regards the environmental risk categories, the due diligence policies should address the risks in the battery supply chain in relation to protection of the natural environment and of the biological diversity in line with the Convention on Biological Diversity[1], which includes also the consideration of local communities, and the protection and the development of those communities. _____ 1. Such as set out in the Convention on biological diversity, available at https://www.cbd.int/convention/text/ and, in particular, Decision COP VIII/28 "Voluntary guidelines on Biodiversity-Inclusive impact assessment, available at https://www.cbd.int/decision/cop/?id=11042 .	
Recital 69				
79	(69) The supply chain due	(69) The ~~*supply*~~***battery value***	(69) The supply chain due	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	diligence obligations on the identification and mitigation of social and environmental risks associated with raw materials going into battery manufacturing should contribute to the implementation of UNEP Resolution 19 on Mineral Resource Governance, which recognizes the important contribution of the mining sector towards the achievement of the 2030 Agenda and the Sustainable Development Goals.	chain due diligence obligations on the identification and mitigation of social and environmental risks associated with raw materials going into battery manufacturing should contribute to the implementation of UNEP Resolution 19 on Mineral Resource Governance, which recognizes the important contribution of the mining sector towards the achievement of the 2030 Agenda and the Sustainable Development Goals.	diligence obligations on the identification and mitigation of social and environmental risks associated with raw materials going into battery manufacturing should contribute to the implementation of UNEP Resolution 19 on Mineral Resource Governance, which recognizes the important contribution of the mining sector towards the achievement of the 2030 Agenda and the Sustainable Development Goals.	
Recital 69a				
79a		***(69a) Even when due diligence has been carried out, harm might occur. Economic operators should actively remedy such harm, by themselves or in cooperation with other actors. Such operators should be liable for any adverse impact they, or the entities they control or are able to control, caused or contributed to. Persons adversely impacted should be entitled to remedies and should be provided with access to justice.***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 70				
80	(70) Other EU legislative instruments that lay down requirements regarding supply chain due diligence should apply in so far as there are no specific provisions with the same objective, nature and effect in this Regulation which may be adapted in the light of future legislative amendments.	(70) ~~*Other EU legislative instruments that lay down requirements regarding supply chain due diligence should apply in so far as there are no specific provisions with the same objective, nature and effect in this Regulation*~~***The battery value chain due diligence obligations on the identification and mitigation of social and environmental risks associated with raw materials going into battery manufacturing should contribute to the implementation of UNEP Resolution 19 on Mineral Resource Governance,*** which ~~*may be adapted in the light of future legislative amendments*~~***recognizes the important contribution of the mining sector towards the achievement of the 2030 Agenda and the Sustainable Development Goals***.	(70) Other EU legislative instruments that lay down requirements regarding supply chain due diligence should apply in so far as there are no specific provisions with the same objective, nature and effect in this Regulation which may be adapted in the light of future legislative amendments.	
Recital 71				
81	(71) In order to adapt to developments in the battery value	(71) In order to adapt to developments in the battery value	(71) In order to adapt to developments in the battery value	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	chain, including to changes in the scope and nature of the relevant environmental and social risks, as well as to technical and scientific progress in batteries and battery chemistries, 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 list of raw materials and risk categories and the supply chain due diligence requirements.	chain, including to changes in the scope and nature of the relevant environmental and social risks, as well as to technical and scientific progress in batteries and battery chemistries, 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 list of raw materials and risk categories and the ~~supply~~***battery value*** chain due diligence requirements.	chain, including to changes in the scope and nature of the relevant environmental and social risks, as well as to technical and scientific progress in batteries and battery chemistries, 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 list of raw materials and risk categories and the supply chain due diligence requirements.	
Recital 71a				
81a		***(71a) In the event that future Union legislation laying down general rules for sustainable corporate governance and due diligence is adopted, the Commission should assess whether that new Union legislation requires amendment of paragraphs 2 to 5 of Article 39 or of Annex X, or both. The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		delegated to the Commission in respect of amending those provisions accordingly		
Recital 72				
82	(72) Harmonised rules for waste management are necessary to ensure that producers and other economic operators are subject to the same rules across the Member States in the implementation of the extended producer responsibility for batteries. Maximising separate collection of waste batteries and ensuring that all batteries collected are recycled through processes that reach common minimum recycling efficiencies is necessary to attain a high level of material recovery. The evaluation of the Directive 2006/66/EC found that one of its shortcomings is lack of detail in its provisions, leading to uneven implementation and creating significant barriers to the functioning of recycling markets and suboptimal levels of recycling. Consequently, more detailed and harmonised rules should avoid distortion of the	(72) Harmonised rules for waste management are necessary to ensure that producers and other economic operators are subject to the same rules across the Member States in the implementation of the extended producer responsibility for batteries ***and to ensure a high level of protection of human health and the environment across the Union. Extended producer responsibility can contribute to reducing overall resource use, in particular by reducing the generation of battery waste and the adverse impacts linked to the management of battery waste***	(72) Harmonised rules for waste management are necessary to ensure that producers and other economic operators are subject to the same rules across the Member States in the implementation of the extended producer responsibility for batteries. Maximising separate collection of waste batteries and ensuring that all batteries collected are recycled through processes that reach common minimum recycling efficiencies is necessary to attain a high level of material recovery. The evaluation of the Directive 2006/66/EC found that one of its shortcomings is lack of detail in its provisions, leading to uneven implementation and creating significant barriers to the functioning of recycling markets and suboptimal levels of recycling. Consequently, more detailed and harmonised rules should avoid distortion of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	market for the collection, treatment and recycling of waste batteries, ensure even implementation of the requirements across the Union, further harmonisation of the quality of waste management services provided by economic operators and facilitate the markets of secondary raw materials.		market for the collection, treatment and recycling of waste batteries, ensure even implementation of the requirements across the Union, further harmonisation of the quality of waste management services provided by economic operators and facilitate the markets of secondary raw materials.	
Recital 72a				
82a			**(72a) In order to ensure that obligations arising from this Regulation are carried out and to monitor and verify compliance of producers and producer responsibility organisations with the requirements of this Regulation, it is necessary that Member States designate one or more competent authorities.**	
Recital 73				
83	(73) This Regulation builds on the waste management rules and general principles laid down in	(73) This Regulation builds on the waste management rules and general principles laid down in	(73) This Regulation builds on the waste management rules and general principles laid down in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Directive 2008/98/EC of the European Parliament and of the Council[1], which should be adapted to reflect the specific situation of batteries. For the collection of waste batteries to be organised in the most effective way, it is important that this is done in close connection to the place where the batteries are sold in a Member State, and close to the end user. Also, waste batteries may be collected both together with waste electrical and electronic equipment and with end-of-life vehicles, by way of national collection schemes set up on the basis of Directive 2012/19/EU of the European Parliament and of the Council[2], and of Directive 2000/53/EC. While the current Regulation sets up specific rules for batteries there is a need for a coherent and complementary approach, building upon and further harmonising existing waste management structures. Consequently, and in order to effectively realise extended producer responsibility related to the waste management, obligations should be laid down with respect to the Member State	Directive 2008/98/EC of the European Parliament and of the Council[1], which should be adapted to reflect the specific ~~*situation of batteries*~~***nature of battery waste***. For the collection of waste batteries to be organised in the most effective way, it is important that this is done in close connection to the place where the batteries are sold in a Member State, and close to the end user. ***Waste batteries should be collected separately from other waste streams, such as metals, paper and cardboard, glass, plastics, wood, textiles and bio-waste***	Directive 2008/98/EC of the European Parliament and of the Council[1], which should be adapted to reflect the specific situation of batteries. For the collection of waste batteries to be organised in the most effective way, it is important that this is done in close connection to the place where the batteries are sold in a Member State, and close to the end -user. Also, waste batteries may be collected both together with waste electrical and electronic equipment and with end-of-life vehicles, by way of national collection schemes set up on the basis of Directive 2012/19/EU of the European Parliament and of the Council[2],-and of Directive 2000/53/EC. While the current Regulation sets up specific rules for batteries there is a need for a coherent and complementary approach, building upon and further harmonising existing waste management structures. Consequently, and in order to effectively realise extended producer responsibility related to the waste management, obligations should be laid down with respect to the Member State	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	where batteries are made available on the market for the first time. _____ 1. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3). 2. Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (OJ L 197, 24.7.2012, p.38).		where batteries are made available on the market for the first time. _____ 1. Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3). 2. Directive 2012/19/EU of the European Parliament and of the Council of 4 July 2012 on waste electrical and electronic equipment (WEEE) (OJ L 197, 24.7.2012, p.38).	
Recital 74				
84	(74) In order to monitor that producers meet their obligations to ensure the waste treatment of batteries made available on the market for the first time within the territory of a Member State, it is necessary that a register is established in and managed by the competent authority in each Member State. Producers should be obliged to register, in order to provide the necessary information to allow the competent authorities		(74) In order to monitor that producers meet their obligations to ensure the waste treatment of batteries made available on the market for the first time within the territory of a Member State, it is necessary that a register is established in and managed by the competent authority in each Member State. **That register may be the same as the national register set up pursuant to Directive 2006/66/EC.** Producers	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to monitor that the producers comply with their obligations. Registration requirements should be simplified across the Union. In order to ensure uniform conditions across the Union for the application for registration and the information to be provided, by means of a harmonised format, implementing powers should be conferred on the Commission.		should be obliged to register, in order to provide the necessary information to allow the competent authorities to monitor that the producers comply with their obligations. Registration requirements should be simplified across the Union~~. In order to ensure uniform conditions across the Union for the application for registration and the information to be provided, by means of a harmonised format, implementing powers should be conferred on the Commission.~~	
Recital 74a				
84a			**(74a) In case of state run producer responsibility organisations, where there is no represented producer's mandate, the requirements provided in the Regulation concerning such mandate do not apply.**	
Recital 75				
85	(75) In view of the polluter pays principle, it is appropriate to lay		(75) In view of the polluter pays principle, it is appropriate to lay	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the obligations for the end-of-life management of batteries on producers which should include 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 of the European Parliament and of the Council[1], 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. _____ 1. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).		the obligations for the end-of-life management of batteries on producers which should include 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 of the European Parliament and of the Council[1], supplies a battery for the first time for distribution or use, including when incorporated into appliances**, light means of transport** or vehicles, within the territory of a Member State on a professional basis. _____ 1. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights, amending Council Directive 93/13/EEC and Directive 1999/44/EC of the European Parliament and of the Council and repealing Council Directive 85/577/EEC and Directive 97/7/EC of the European Parliament and of the Council (OJ L 304, 22.11.2011, p. 64).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 76				
86	(76) Producers should have extended producer responsibility for the management of their batteries at the end-of-life stage. Accordingly, they should finance the costs of collecting, treating and recycling all collected batteries, for reporting on batteries and waste batteries and for the provision of information to end-users and waste operators about batteries and appropriate re-use and management of waste batteries. The obligations related to extended producer responsibility should apply to all forms of supply, including distance selling. Producers should be able to exercise those obligations collectively, by means of producer responsibility organisations taking up the responsibility on their behalf. Producers or producer responsibility organisations should be subject to authorisation and they should document that they have the financial means to cover the costs entailed by the extended producer responsibility. Where necessary to avoid distortion of	(76) Producers should have extended producer responsibility for the management of their batteries at the end-of-life stage. ***It should consist of a set of rules defining specific operational and financial obligations for producers of products in which the producer's responsibility is extended to the post-consumer stage of a product's life cycle.*** Accordingly, they should finance ***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 the separate collection, preparation for repurposing and remanufacturing, treatment, preparation for reuse*** ~~*of collecting, treating*~~ and recycling ~~*all collected*~~***of waste*** batteries, for reporting on batteries and waste batteries and for ~~*the provision of information to end-users and*~~***awareness campaigns to encourage end-users to discard*** waste ~~*operators about batteries and*~~***batteries in an*** appropriate ~~*re-use and management of waste*~~	(76) Producers should have extended producer responsibility for the management of their batteries at the end-of-life stage. Accordingly, they should finance the costs of collecting, treating and recycling all collected batteries, for reporting on batteries and waste batteries and for the provision of information to end-users and waste operators about batteries and appropriate re-use and management of waste batteries. The obligations related to extended producer responsibility should apply to all forms of supply, including distance selling. Producers should be able to exercise those obligations collectively, by means of producer responsibility organisations taking up the responsibility on their behalf. Producers or producer responsibility organisations should be subject to authorisation and they should document that they have the financial means to cover the costs entailed by the extended producer responsibility. **Member States when laying down**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the internal market and to ensure uniform conditions for the modulation of the financial contributions paid to producer responsibility organisations by producers, implementing powers should be conferred on the Commission.	~~*batteries*~~***manner***. The obligations related to extended producer responsibility should apply to all forms of supply, including distance ***and online*** selling.	**administrative and procedural rules of authorisation of producers for individual and producer responsibility organisations for collective compliance could differentiate processes for individual producers and producer responsibility organisation to limit the administrative burden on individual producers. In this context permits issued in accordance with Directive 2008/98/EC may be considered as an authorisation for in the purpose of this Regulation.** Where necessary to avoid distortion of the internal market and to ensure uniform conditions for the modulation of the financial contributions paid to producer responsibility organisations by producers, implementing powers should be conferred on the Commission.	
Recital 76a				
86a		***Introducing producer responsibility requirements should contribute to reducing costs and boosting performance, as well as to ensuring there is a***	***(76a)*** **Extended producer responsibility should apply to economic operators placing on the market a battery that results**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		level playing field, including for small and medium-sized enterprises and e-commerce enterprises, and avoid obstacles to the smooth functioning of the internal market. They should also contribute to the incorporation of end-of-life costs into product prices and provide incentives for producers to comply with sustainability provisions when designing their products. Overall, such requirements should improve the governance and transparency of extended producer responsibility schemes and reduce the possibility of conflicts of interest emerging between extended producer responsibility organisations and waste operators that they contract. The requirements should apply to both new and existing extended producer responsibility schemes.	**from preparing for reuse, preparing for repurpose, repurposing or remanufacturing operations. Therefore, the economic operator that placed the original battery on the market should not bear additional costs that may result from the waste management arising from the subsequent life of this battery. The economic operators subject to extended producer responsibility may establish a cost sharing mechanism based on the actual attribution of the waste management costs.**	
Recital 77				
87	(77) This Regulation should regulate the extended producer responsibility for batteries exhaustively and therefore the	(77) This Regulation should regulate the extended producer responsibility for batteries exhaustively and ***should*** therefore	(77) This Regulation ~~should regulate the~~**is a lex specialis in relation to Directive 2008/98/EC for these following** extended	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	rules laid down on extended producer responsibility schemes in Directive 2008/98/EC should not apply to batteries.	***be considered to supplement*** the rules laid down on extended producer responsibility schemes in Directive 2008/98/EC***, which should be understood to be minimum requirements*** ~~*should not apply to batteries*~~.	producer responsibility ~~for batteries exhaustively and therefore the rules laid down on~~**minimum requirements: collection and recycling targets, distributor take-back, second life. The Member state have to define the parameters for** extended producer responsibility ~~schemes in~~ **provided by this Regulation, in accordance with the provisions of Directive 2008/98/EC and consistently with national law transposing that Directive.** **In addition, where this Regulation does not provide for full harmonisation in chapter VII, Member State may provide for additional measures on these specific topics in accordance with the provisions of** Directive 2008/98/EC **and consistently with national law transposing that Directive. These additional rules** should ~~not apply to batteries~~**be consistent with the rules in the Regulation, but may further regulate the non-harmonised topics covered by the Regulation**.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 78				
88	(78) In order to ensure high quality recycling in the batteries supply chains, boost the uptake of quality secondary raw materials and protect the environment, a high level of collection and recycling of waste batteries should be the rule. The collection of waste batteries is a fundamental crucial step for closing the loop for the valuable materials contained in batteries through their recycling and to keep the batteries value chain inside the Union, thus facilitating the access to the recovered materials that can further be used to manufacture new products.	(78) In order to ensure high quality recycling in the batteries ~~*supply*~~***value*** chains, boost the uptake of quality secondary raw materials***,*** and protect the environment, a high level of collection and recycling of waste batteries should be the rule. The collection of waste batteries is a fundamental crucial step for closing the loop for the valuable materials contained in batteries through their recycling and to keep the batteries value chain inside the Union~~*, thus*~~ ***and boost its strategic autonomy in this sector,*** facilitating the access to the recovered materials that can further be used to manufacture new products. ***Appropriate measures regarding the collection, treatment, preparation for reuse, preparation for repurposing and recycling of waste batteries should be included in national waste management plans. Member States' waste management plans should therefore be updated on the basis of the provisions laid down in this Regulation.***	(78) In order to ensure high quality recycling in the batteries supply chains, boost the uptake of quality secondary raw materials and protect the environment, a high level of collection and recycling of waste batteries should be the rule. The collection of waste batteries is a fundamental crucial step for closing the loop for the valuable materials contained in batteries through their recycling and to keep the batteries value chain inside the Union, thus facilitating the access to the recovered materials that can further be used to manufacture new products.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 79				
89	(79) Producers of all batteries should be responsible for financing and organising the separate collection of waste batteries. They should do so by establishing a collection network that covers the whole territory of the Member States, that is close to the end user and that does not only target areas and batteries where the collection is profitable. The collection network should include any distributor, authorised treatment facility for waste electric and electronic equipment and end-of-life vehicles, civic amenity sites and other actors based on their own accord, such as public authorities and schools. In order to verify and improve the effectiveness of the collection network and the information campaigns, regular compositional surveys at least at NUTS 2 level[1]should be carried out on mixed municipal waste and waste electrical and electronic equipment collected to determine the amount of waste portable	(79) Producers of all batteries should be responsible for financing ***or financing*** and organising the separate collection of waste batteries. They should do so by establishing a ***take-back and*** collection network that covers the whole territory of the Member States, that is close to the end user and that does not only target areas and batteries where the collection is profitable. In order to verify and improve the effectiveness of the collection network and the information campaigns, regular compositional surveys at least at NUTS 2 level[1] should	(79) Producers of all batteries should be responsible for financing and organising the separate collection of waste batteries. They should do so by establishing a collection network that covers the whole territory of the Member States, that is close to the end -user and that does not only target areas and batteries where the collection is profitable. The collection network should include any distributor, authorised treatment facility for waste electric and electronic equipment and end-of-life vehicles, civic amenity sites and other actors based on their own accord, such as public authorities and schools. In order to verify and improve the effectiveness of the collection network and the information campaigns, regular compositional surveys at least at NUTS 2 level[1]should be carried out on mixed municipal waste and waste electrical and electronic equipment collected to determine the amount of waste portable	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	batteries therein. _____ 1. Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS)(OJ L 154 21.6.2003, p. 1).		batteries therein. _____ 1. Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS)(OJ L 154 21.6.2003, p. 1).	
Recital 80				
90	(80) Batteries may be collected together with waste electrical and electronic equipment, by way of national collection schemes set up on the basis of Directive 2012/19/EU and with end-of-life vehicles in accordance with Directive 2000/53/EC. In this case, as an obligatory minimum treatment requirement, batteries should be removed from the collected waste appliances and end-of-life vehicles. After their removal, batteries should be subject to the requirements of this Regulation, notably they should be counted towards the attainment of the collection target for the type of battery in question and be		(80) Batteries may be collected together with waste electrical and electronic equipment, by way of national collection schemes set up on the basis of Directive 2012/19/EU and with end-of-life vehicles in accordance with Directive 2000/53/EC. In this case, as an obligatory minimum treatment requirement, batteries should be removed from the collected waste appliances and end-of-life vehicles. After their removal, batteries should be subject to the requirements of this Regulation, notably they should be counted towards the attainment of the collection target for the ~~type~~ **category** of battery in question	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	subject to treatment and recycling requirements laid down in this Regulation.		and be subject to treatment and recycling requirements laid down in this Regulation.	
Recital 81				
91	(81) Considering the environmental impact and the loss of materials due to waste batteries not being separately collected, and consequently not treated in an environmentally sound way, the collection target for portable batteries already established under Directive 2006/66/EC should continue to apply and should be gradually increased. This Regulation entails that portable batteries also include batteries powering light means of transport. Since the current increase in sales of this type of batteries makes it difficult to calculate the amount of them that are placed in the market and collected at the end of their life, these portable batteries should be excluded from the current collection rate for portable batteries. This exclusion is to be reviewed along with the collection target for waste portable batteries, which may also address changes	(81) Considering the environmental impact and the loss of materials due to waste batteries not being separately collected, and consequently not treated in an environmentally sound way, the collection target for portable batteries already established under Directive 2006/66/EC should continue to apply and should be gradually increased. ~~*Since the current increase in sales of this type of batteries makes it difficult to calculate the amount of them that are placed in the market and collected at the end of their life, these portable batteries should be excluded from the current collection rate for portable*~~ ***In order to maximise collection and reduce safety risks, the feasibility and potential benefits of establishing a Union-wide deposit return system for*** batteries. ~~*This exclusion is to be reviewed along with the collection target for*~~	(81) Considering the environmental impact and the loss of materials due to waste batteries not being separately collected, and consequently not treated in an environmentally sound way, the collection target for portable batteries already established under Directive 2006/66/EC should continue to apply and should be gradually increased. **In view of the current increase in sales of** ~~*This Regulation entails that portable batteries also include batteries powering light means of transport.*~~ ~~Since the current increase in sales of this type of batteries makes it difficult to calculate the amount of them that are placed in~~ **batteries and their longer lifespan, it is relevant to set specific collection rate for this category of batteries separated from the collection rate for portable batteries. Due to the expected development of**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	in the methodology to calculate the collection rate for portable batteries. The Commission shall prepare a report to underpin these reviews.	~~*waste*~~ ***, in particular for*** portable batteries~~*, which may also address changes in the methodology to calculate the collection rate for portable batteries. The Commission shall prepare a report to underpin these reviews*~~ ***of general use should be assessed. National deposit return systems should not prevent the adoption of harmonised Union-wide systems***.	the market and **increase of the estimated lifetime of LMT batteries and**~~collected at the end of their life, these~~ portable batteries**, the methodology to calculate collection targets** should ~~be excluded from the current collection rate for portable~~**evolve in order to better capture the actual volume of waste LMT** batteries **and portable available for collection. Therefore , 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 to amend such**~~. This exclusion is to be reviewed along with the collection target for waste portable batteries, which may also address changes in the~~ methodology **and to amend**~~to calculate~~ the collection **targets accordingly.** **The collection targets for waste** ~~rate for~~ portable batteries **and light means of transport batteries are to be reviewed . Such review may also address the possibility to introduce two sub-categories of portable battery: rechargeable and non-**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			rechargeable, with separate collection rates. The Commission should~~. The Commission shall~~ prepare a report to underpin these reviews.	
Recital 82				
92	(82) The collection rate of portable batteries should continue to be calculated on the basis of average annual sales in the preceding years so as to have targets proportionate to the level of battery consumption in a Member State. In order to best reflect changes in the composition of the portable batteries category, as well as in the lifetime and consumption patterns of batteries, 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 methodology to calculate and verify the collection rate for portable batteries.		(82) The collection rate of portable batteries should continue to be calculated on the basis of average annual sales in the preceding years so as to have targets proportionate to the level of battery consumption in a Member State. In order to best reflect changes in the composition of the portable batteries category, as well as in the lifetime and consumption patterns of batteries, 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 methodology to calculate and verify the collection rate for portable batteries**, as well as for light means of transport batteries**.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 82a				
92a		***(82a) In order to update the methodology on calculating and verifying the collection target for waste light means of transport batteries with a view to reflecting the quantity available for collection, 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. It is crucial that the new methodology maintains or increases the level of environmental ambition with regard to the collection of waste batteries compared to the existing methodology.***		
Recital 82b				
92b		***(82b) The Commission should also consider introducing a calculation methodology for the calculation of the separate collection target with a view to reflecting the quantity of waste portable batteries available for collection. It is crucial that the new methodology maintains or increases the level of***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		environmental ambition with regard to the collection of waste batteries compared to the existing methodology.		
Recital 83				
93	(83) All automotive, industrial and electric vehicles batteries should be collected and for that purpose the producers of such batteries should be required to accept and take back free of charge, all waste automotive, industrial and electric vehicles batteries from end-users. Detailed reporting obligations should be established for all actors involved in the collection of waste automotive, industrial and electric vehicles batteries.		(83) All **SLI batteries** ~~automotive~~, industrial **batteries** and electric vehicles batteries should be collected and for that purpose the producers of such batteries should be required to accept and take back free of charge, all waste **SLI batteries, waste** ~~automotive,~~ industrial **batteries and waste** ~~and~~ electric vehicles batteries from end-users. Detailed reporting obligations should be established for all actors involved in the collection of waste **SLI batteries, waste** ~~automotive,~~ industrial **batteries and waste**~~and~~ electric vehicles batteries.	
Recital 84				
94	(84) In view of the waste hierarchy as established by Article 4 of Directive 2008/98/EC which prioritises prevention, preparing	(84) In view of the waste hierarchy as established by Article 4 of Directive 2008/98/EC which prioritises prevention, preparing	(84) In view of the waste hierarchy as established by Article 4 of Directive 2008/98/EC which prioritises prevention, preparing	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	for reuse and recycling and in line with Article 11(4) of Directive 2008/98/EC and Article 5(3)(f) of Directive 1999/31/EC[1], batteries collected should not be incinerated or disposed of in landfill. _____ 1. Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p.1).	for reuse and recycling and in line with Article 11(4) of Directive 2008/98/EC and Article 5(3)(f) of Directive 1999/31/EC[1], batteries collected should not be ~~*incinerated or disposed of in landfill*~~***subject to waste-to-energy or to disposal operations***.	for ~~reuse~~**re-use** and recycling and in line with Article 11(4) of Directive 2008/98/EC and Article 5(3)(f) of Directive 1999/31/EC[1], batteries collected should not be incinerated or disposed of in landfill. _____ 1. Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p.1).	
Recital 85				
95	(85) Any permitted facility carrying out treatment and recycling operations of batteries should comply with minimum requirements to prevent negative environmental and human health impacts and to allow a high degree of recovery of materials contained in batteries. Directive 2010/75/EU of the European Parliament and of the Council[1] regulates a number of industrial activities involved in the treatment and recycling of waste batteries, for which it ensures specific permitting requirements and controls reflecting best available techniques. Where		(85) Any permitted facility carrying out treatment and recycling operations of batteries should comply with minimum requirements to prevent negative environmental and human health impacts and to allow a high degree of recovery of materials contained in batteries. Directive 2010/75/EU of the European Parliament and of the Council[1] regulates a number of industrial activities involved in the treatment and recycling of waste batteries, for which it ensures specific permitting requirements and controls reflecting best available techniques. Where	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	industrial activities relating to the treatment and recycling of batteries are not covered by Directive 2010/75/EC, operators should in any case be obliged to apply best available techniques, as defined in Article 3(10) of that Directive, and the specific requirements laid down in the present Regulation. The requirements regarding the treatment and recycling of batteries should, where relevant, be adapted by the Commission in the light of scientific and technical progress and emerging new technologies in waste management. Therefore, 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 requirements. _____ 1. Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).		industrial activities relating to the treatment and recycling of batteries are not covered by Directive 2010/75/EC, operators should in any case be obliged to apply best available techniques, as defined in Article 3(10) of that Directive, and the specific requirements laid down in the present Regulation. The requirements regarding the treatment and recycling of batteries should, where relevant, be adapted by the Commission in the light of scientific and technical progress and emerging new technologies in waste management. Therefore, 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 requirements. _____ 1. Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 86				
96	(86) Targets for the efficiency of the recycling processes and material recovery targets should be established to ensure the production of recovered materials of quality for the battery industry, while at the same time ensuring clear and common rules for recyclers and avoiding distortions of competition or other impediments to the smooth functioning of the internal market for secondary raw materials from waste batteries. Recycling efficiencies, as a measure of the total amount of materials recovered, should be established for lead-acid batteries, nickel-cadmium batteries and lithium batteries and targets should also be set out for the levels of recovered cobalt, lead, lithium and nickel materials to attain a high level of material recovery throughout the Union. The rules on the calculation and reporting on recycling efficiencies laid down in Commission Regulation (EU) No 493/2012[1] should continue to apply. In order to ensure uniform conditions for the		(86) Targets for the efficiency of the recycling processes and material recovery targets should be established to ensure the production of recovered materials of quality for the battery industry, while at the same time ensuring clear and common rules for recyclers and avoiding distortions of competition or other impediments to the smooth functioning of the internal market for secondary raw materials from waste batteries. Recycling efficiencies, as a measure of the total amount of materials recovered, should be established for lead-acid batteries, nickel-cadmium batteries and lithium batteries and targets should also be set out for the levels of recovered cobalt, lead, lithium and nickel materials to attain a high level of material recovery throughout the Union. The rules on the calculation and reporting on recycling efficiencies laid down in Commission Regulation (EU) No 493/2012[1] should continue to apply. In order to ensure uniform conditions for the calculation and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	calculation and verification of recycling efficiencies and recovery of materials in the recycling processes for batteries, implementing powers should be conferred on the Commission to the establishment of such rules. The Commission should also review Commission Regulation (EU) No 493/2012 to properly reflect technological developments and changes occurred in industrial recovery processes, to extend their scope to cover existing and new targets, and to provide tools for the characterization of intermediate products. Treatment and recycling facilities should be encouraged to introduce certified environmental management schemes in accordance with Regulation (EC) No 1221/2009 of the European Parliament and of the Council[2]. _____ 1. Commission Regulation (EU) No 493/2012 of 11 June 2012 laying down, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, detailed rules regarding the calculation of recycling efficiencies of the		verification of recycling efficiencies and recovery of materials in the recycling processes for batteries, implementing powers should be conferred on the Commission to the establishment of such rules. The Commission should also review Commission Regulation (EU) No 493/2012 to properly reflect technological developments and changes occurred in industrial recovery processes, to extend their scope to cover existing and new targets, and to provide tools for the characterization of intermediate products. Treatment and recycling facilities should be encouraged to introduce certified environmental management schemes in accordance with Regulation (EC) No 1221/2009 of the European Parliament and of the Council[2]. _____ 1. Commission Regulation (EU) No 493/2012 of 11 June 2012 laying down, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, detailed rules regarding the calculation of recycling efficiencies of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	recycling processes of waste batteries and accumulators (OJ L 151, 12.6.2012, p. 9). 2. Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, p. 1)		recycling processes of waste batteries and accumulators (OJ L 151, 12.6.2012, p. 9). 2. Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, p. 1)	
Recital 87				
97	(87) It should only be possible to carry out treatment and recycling outside the Member State concerned or outside the Union, where the shipment of waste batteries is in compliance with Regulation (EC) No 1013/2006 of the European Parliament and of the Council[1] and Commission Regulation (EC) No 1418/2007[2] and where the treatment and recycling activities meet the requirements applicable for this	(87) It should only be possible to carry out treatment***, preparation for reuse, preparation for repurposing*** and recycling outside the Member State concerned or outside the Union, where the shipment of waste batteries is in compliance with Regulation (EC) No 1013/2006 of the European Parliament and of the Council[1] and Commission Regulation (EC) No 1418/2007[2] and where the treatment and recycling activities	(87) It should only be possible to carry out treatment and recycling outside the Member State concerned or outside the Union, where the shipment of waste batteries is in compliance with Regulation (EC) No 1013/2006 of the European Parliament and of the Council[1] and Commission Regulation (EC) No 1418/2007[2] and where the treatment and recycling activities meet the requirements applicable for this	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	type of wastes, according to their classification in Commission Decision 2000/532/EC , as amended.[3] That Decision, as amended, should be revised to reflect all battery chemistries. Where such treatment or recycling takes places outside the Union, in order to be counted towards the recycling efficiencies and targets, the operator for whose account it is carried out should be obliged to report on it to the competent authority of the respective Member State and to prove that the treatment is carried out in conditions equivalent to those under this Regulation. In order to lay down what are the requirements for such treatment to be considered equivalent, 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 laying down detailed rules containing criteria for the assessment of equivalent conditions. _____ 1. Regulation (EC) No 1013/2006 of the European Parliament and of the Council	meet the requirements applicable for this type of wastes, according to their classification in Commission Decision 2000/532/EC , as amended[3]. That Decision, as amended, should be revised to reflect all battery chemistries***, including the addition of codes for lithium-ion waste batteries, in order to facilitate proper sorting and reporting of lithium-ion waste batteries***. Where such treatment or recycling takes places outside the Union, in order to be counted towards the recycling efficiencies and targets, the operator for whose account it is carried out should be obliged to report on it to the competent authority of the respective Member State and to prove ***with documentary evidence approved by the competent authority of the destination country*** that the treatment is carried out in conditions equivalent to those under this Regulation ***and relevant environmental and human health protection requirements in other Union legislation***.	type of wastes, according to their classification in Commission Decision 2000/532/EC , as amended.[3] That Decision, as amended, should be revised to reflect all battery chemistries**, namely including codes for lithium-ion waste batteries, in order to enable proper sorting and reporting of lithium-ion waste batteries. This regulation is without prejudice to the possible classification of waste batteries as hazardous waste under Directive 2008/98/EC**. Where such treatment or recycling takes places outside the Union, in order to be counted towards the recycling efficiencies and targets, the operator for whose account it is carried out should be obliged to report on it to the competent authority of the respective Member State and to prove that the treatment is carried out in conditions equivalent to those under this Regulation. In order to lay down what are the requirements for such treatment to be considered equivalent, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1). 2. Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply (OJ L 316, 4.12.2007, p. 6). 3. 2000/532/EC: Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste, OJ L 226, 6.9.2000, p. 3.		Union should be delegated to the Commission in respect of laying down detailed rules containing criteria for the assessment of equivalent conditions. _____ 1. Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (OJ L 190, 12.7.2006, p. 1). 2. Commission Regulation (EC) No 1418/2007 of 29 November 2007 concerning the export for recovery of certain waste listed in Annex III or IIIA to Regulation (EC) No 1013/2006 of the European Parliament and of the Council to certain countries to which the OECD Decision on the control of transboundary movements of wastes does not apply (OJ L 316, 4.12.2007, p. 6). 3. 2000/532/EC: Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste, OJ L 226, 6.9.2000, p. 3.	
Recital 87a				
97a		***(87a) In the event waste batteries are exported from the Union for preparation for re-use, preparation for repurposing, or recycling, Member States' competent authorities should make effective use of the powers provided for in Article 50(4) of Regulation (EC) No 1013/2006 to require documentary evidence to ascertain compliance with the requirements set out in this Regulation. It should be possible for Member States' competent authorities to cooperate with other relevant actors, such as the competent authorities in the country of destination, independent third party verification bodies or producer responsibility organisations***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		established under extended producer responsibility schemes, which may carry out physical and other checks of facilities in third countries.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 88				
98	(88) Industrial and electric vehicle batteries that are no longer fit for the initial purpose for which they were manufactured may be used for a different purpose as stationary energy storage batteries. A market for the second life of used industrial and electric vehicle batteries is emerging and in order to support the practical application of the waste hierarchy, specific rules should thus be defined to allow responsible repurposing of used batteries while taking into account the precautionary principle and ensuring safety of use for end users. Any such used battery should undergo an assessment of its state of health and available capacity to ascertain its suitability for use for any other than its original purpose. In order to ensure uniform conditions for the implementation of provisions related to the estimation of the state of health of batteries, implementing powers should be conferred on the Commission.	(88) ~~*Industrial and electric vehicle*~~ Batteries that are no longer fit for the initial purpose for which they were manufactured may be used for a different purpose as stationary energy storage batteries. A market for the second life of used ~~*industrial and electric vehicle*~~ batteries is emerging and in order to support the practical application of the waste hierarchy, specific rules should thus be defined to allow responsible repurposing of used batteries while taking into account the precautionary principle and ensuring safety of use for end users.***Batteries that are found to be suitable for use other than for their original purpose should ideally be repurposed.**	(88) Industrial **batteries** and electric vehicle batteries that are no longer fit for the initial purpose for which they were manufactured may be used for a different purpose as stationary energy storage batteries. A market for the second life of used industrial **batteries** and electric vehicle batteries is emerging and in order to support the practical application of the waste hierarchy**,** ~~,~~specific rules should thus be defined to allow responsible repurposing of used batteries while taking into account the precautionary principle and ensuring safety of use for end **-**users. Any such used battery should undergo an assessment of its state of health and available capacity to ascertain its suitability for use for any other than its original purpose. In order to ensure uniform conditions for the implementation of provisions related to the estimation of the state of health of batteries, implementing powers should be conferred on the Commission.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 89				
99	(89) Producers and distributors should be actively involved in providing information to end users that batteries should be collected separately, that collection schemes are available and that end users have an important role in ensuring an environmentally optimal management of waste batteries. The disclosure of information to all end users as well as reporting on batteries should make use of modern information technologies. The information should be provided either by classical means, such as outdoors, posters and social media campaigns, or by more innovative means, such as electronic access to websites provided by QR codes affixed to the battery.	(89) Producers and distributors***, including online marketplaces,*** should be actively involved in providing information to end users that batteries should be collected separately, that collection schemes are available and that end users have an important role in ensuring an environmentally optimal management of waste batteries***, in particular by explaining how safer and cleaner waste streams could contribute to the reduction of waste exports to third countries and to closed materials loops within the Union***. The disclosure of information to all end users as well as reporting on batteries should make use of modern information technologies. The information should be provided either by classical means, such as outdoors, posters and social media campaigns, ~~or~~***and/or*** by more innovative means, such as electronic access to websites provided by QR codes affixed to the battery ***in an accessible and understandable way***.	(89) Producers and distributors should be actively involved in providing information to end **-**users that batteries should be collected separately, that collection schemes are available and that end **-**users have an important role in ensuring an environmentally optimal management of waste batteries. The disclosure of information to all ~~end users~~**end-users** as well as reporting on batteries should make use of modern information technologies. The information should be provided either by classical means, such as outdoors, posters and social media campaigns, or by more innovative means, such as electronic access to websites provided by QR codes affixed to the battery.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 90				
100	(90) To enable the verification of compliance with and the effectiveness of the obligations regarding the collection and treatment of batteries, it is necessary that the respective operators report back to the competent authorities. Producers of batteries and other waste management operators collecting batteries should report for each calendar year, where applicable, the data on batteries sold and waste batteries collected. Regarding treatment and recycling, reporting obligations should be incumbent upon the waste management operators and recyclers respectively.	(90) To enable the verification of compliance with and the effectiveness of the obligations regarding the collection and treatment of batteries, it is necessary that the respective operators report back to the competent authorities. Producers of batteries and other waste management operators collecting batteries should report for each calendar year, where applicable, the data on batteries sold and waste batteries collected. Regarding treatment and recycling, reporting obligations should be incumbent upon the waste management operators and recyclers respectively. ***Waste management operators carrying out treatment in accordance with this Regulation should be subject to a selection procedure by producers of the relevant batteries or by producer responsibility organisations acting on their behalf, in accordance with Articles 8 and 8a of Directive 2008/98/EC.***	(90) To enable the verification of compliance with and the effectiveness of the obligations regarding the collection and treatment of batteries, it is necessary that the respective operators report back to the competent authorities. Producers of batteries and other waste management operators collecting batteries should report for each calendar year, where applicable, the data on batteries sold and waste batteries collected. Regarding treatment and recycling, reporting obligations should be incumbent upon the waste management operators and recyclers respectively.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 91				
101	(91) For each calendar year, Member States should provide the Commission with information on the amount of batteries supplied within their territory and the amount of waste batteries collected, by type and chemistry. With regard to portable batteries, data on batteries and waste batteries from light means of transport should be reported separately in view of the need to gather data to allow for adapting the collection target, considering the market share of such batteries and their specific purpose and characteristics. Such information should be provided electronically and be accompanied by a quality check report. In order to ensure uniform conditions for the reporting of that data and information to the Commission, as well as for the verification methods, implementing powers should be conferred on the Commission.		(91) For each calendar year, Member States should provide the Commission with information on the amount of batteries supplied within their territory and the amount of waste batteries collected, by ~~type~~ **category** and chemistry. With regard to portable batteries, data on batteries and waste batteries from light means of transport should be reported separately in view of the need to gather data to allow for adapting the collection target, considering the market share of such batteries and their specific purpose and characteristics. Such information should be provided electronically and be accompanied by a quality check report. In order to ensure uniform conditions for the reporting of that data and information to the Commission, as well as for the verification methods, implementing powers should be conferred on the Commission.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 92				
102	(92) For each calendar year, Member States should report to the Commission the levels of recycling efficiencies and the levels of recovered materials achieved taking into account all the individual steps of the recycling process and the output fractions.		(92) For each calendar year, Member States should report to the Commission the ~~levels of~~ recycling efficiencies and the levels of recovered materials achieved taking into account all the individual steps of the recycling process and the output fractions.	
Recital 93				
103	(93) In order to enhance transparency along supply and value chains for all stakeholders, it is necessary to provide for an electronic system that maximises the exchange of information, enabling tracking and tracing of batteries, provides information about the carbon intensity of their manufacturing processes as well as the origin of the materials used, their composition, including raw materials and hazardous chemicals, repair, repurposing and dismantling operations and possibilities, and the treatment, recycling and recovery processes to which the battery could be		(93) In order to enhance transparency along supply and value chains for all stakeholders, it is necessary to provide for an electronic system that maximises the exchange of information, enabling tracking and tracing of batteries, provides information about the carbon intensity of their manufacturing processes as well as the origin of the materials used, their composition, including raw materials and hazardous chemicals, repair, repurposing and dismantling operations and possibilities, and the treatment, recycling and recovery processes to which the battery could be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	subject to at the end of their life. That electronic system should be established in phases with a prototype system being made available to the concerned economic operators and Member States authorities at least a year in advance of the finalisation of the implementing measures defining the final features and the data access policy of the system to enable their input and timely compliance. Such data access policy should take into account the relevant principles established in EU legislation, including the Commission's proposal for a Regulation of the European Parliament and of the Council on European data governance (Data Governance Act).[1] In order to ensure uniform conditions for the implementation of the electronic exchange system for battery information, implementing powers should be conferred on the Commission. _____ 1. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020PC0767&from=DA		subject to at the end of their life. That electronic system should be established in phases with a prototype system being made available to the concerned economic operators and Member States authorities at least a year in advance of the finalisation of the implementing measures defining the final features and the data access policy of the system to enable their input and timely compliance. Such data access policy should take into account the relevant principles established in EU legislation, including the Commission's proposal for a Regulation of the European Parliament and of the Council on European data governance (Data Governance Act).[1] In order to ensure uniform conditions for the implementation of the electronic exchange system for battery information, implementing powers should be conferred on the Commission. _____ 1. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020PC0767&~~amp;~~from=DA	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 94				
104	(94) A Battery Passport should be established, allowing economic operators to gather and reuse in a more efficient way the information and data on individual batteries placed on the market and to make better informed choices in their planning activities. In order to ensure uniform conditions for the implementation of the battery passport, implementing powers should be conferred on the Commission.		(94) A Battery Passport should be established, allowing economic operators to gather and ~~reuse~~**re-use** in a more efficient way the information and data on individual batteries placed on the market and to make better informed choices in their planning activities. In order to ensure uniform conditions for the implementation of the battery passport, implementing powers should be conferred on the Commission.	
Recital 95				
105	(95) Regulation (EU) 2019/1020 of the European Parliament and of the Council[1] 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	(95) Regulation (EU) 2019/1020 of the European Parliament and of the Council[1] 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	(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 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,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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)	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	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)	
Recital 96				
106	(96) Batteries should be placed on		(96) Batteries should be placed on	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the market only if they do not present a risk to human health, safety, property or the environment when properly stored and used for their intended purpose, or under conditions of use which can be reasonably foreseen, that is when such use could result from lawful and readily predictable human behaviour.		the market only if they do not present a risk to human health, safety, property or the environment when properly stored and used for their intended purpose, or under conditions of use which can be reasonably foreseen, that is when such use could result from lawful and readily predictable human behaviour.	

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Recital 97				
107	(97) A procedure should exist under which interested parties are informed of measures intended to be taken with regard to batteries presenting a risk to human health, safety, property or the environment. It should also allow market surveillance authorities in the Member States, in cooperation with the relevant economic operators, to act at an early stage in respect of such batteries. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers to adopt acts should be conferred on the Commission in order to determine whether national measures in respect of non-compliant batteries are justified or not.	(97) A procedure should exist under which interested parties are informed of measures intended to be taken with regard to batteries presenting a risk to human health, safety, property or the environment. It should also allow market surveillance authorities in the Member States, in cooperation with the relevant economic operators, to act at an early stage in respect of such batteries. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers to adopt acts should be conferred on the Commission in order to ***swiftly*** determine whether national measures in respect of non-compliant batteries are justified or not.	(97) A procedure should exist under which interested parties are informed of measures intended to be taken with regard to batteries presenting a risk to human health, safety, property or the environment. It should also allow market surveillance authorities in the Member States, in cooperation with the relevant economic operators, to act at an early stage in respect of such batteries. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers to adopt acts should be conferred on the Commission in order to determine whether national measures in respect of non-compliant batteries are justified or not.	
Recital 98				
108	(98) The market surveillance authorities should have the right to require economic operators to take corrective actions on the basis of findings that either the battery is not compliant with the	(98) The market surveillance authorities should have the right to require economic operators to take corrective actions on the basis of findings that either the battery is not compliant with the	(98) The market surveillance authorities should have the right to require economic operators to take corrective actions on the basis of findings that either the battery is not compliant with the	

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	requirements of this Regulation or the economic operator infringes the rules on the placing or making available on the market of a battery, or on sustainability, safety and labelling or on supply chain due diligence.	requirements of this Regulation or the economic operator infringes the rules on the placing or making available on the market of a battery, or on sustainability, safety***, labelling and information*** ~~***and labelling***~~ or on supply chain due diligence.	requirements of this Regulation or the economic operator infringes the rules on the placing or making available on the market of a battery, or on sustainability, safety and labelling or on supply chain due diligence.	
Recital 98a				
108a		***(98a) To ensure the effectiveness and consistency of testing across the Union in the framework for market surveillance established by Regulation (EU) 2019/1020 with regard to batteries, as well as to provide independent technical and scientific advice in the course of evaluations carried out regarding batteries presenting a risk, the Commission should designate a Union testing facility. Furthermore, compliance with the Union legislative framework on batteries established by this Regulation should be promoted also at national level.***		
Recital 98b				

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108b		***(98b) The free movement of goods in the Union is often hindered by barriers set at national level that impede the full realisation of the internal market and reduce the opportunities for companies to do business and develop, in particular SMEs, which represent the backbone of the Union economy. Member States should therefore make full use of the possibility of entering into agreements with one another to allow arbitration procedures for the purpose of swiftly settling disputes arising in relation to the access to the internal market for batteries.***		
Recital 99				
109	(99) Public procurement constitutes an important sector with regard to reducing the impacts on the environment of human activities and to stimulate market transformation towards more sustainable products. Contracting authorities, as defined in Directive 2014/24/EU[1] of the European Parliament and of the	(99) Public procurement constitutes an important sector with regard to reducing the impacts on the environment of human activities and to stimulate market transformation towards more sustainable products. Contracting authorities, as defined in Directive 2014/24/EU[1] of the European Parliament and of the	(99) Public procurement constitutes an important sector with regard to reducing the impacts on the environment of human activities and to stimulate market transformation towards more sustainable products. Contracting authorities, as defined in Directive 2014/24/EU[1] of the European Parliament and of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Council and Directive 2014/25/EU of the European Parliament and of the Council[2], and contracting entities as defined in Directive 2014/25/EU should take account of the environmental impacts when procuring batteries or products containing batteries, in order to promote and stimulate the market for clean and energy-efficient mobility and energy-storage and thus contribute to the environment, climate and energy policy objectives of the Union. _____ 1. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65) 2. Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243)	Council and Directive 2014/25/EU[2] of the European Parliament and of the Council[2], and contracting entities as defined in Directive 2014/25/EU should take account of the environmental impacts when procuring batteries or products containing batteries ***and ensure effective compliance with social and environmental requirements by the economic operators***, in order to promote and stimulate the market for clean and energy-efficient mobility and energy-storage, and thus ~~*contribute*~~***contributing*** to the environment, climate and energy policy objectives of the Union. ***Furthermore, improving access for SMEs to public procurement in the batteries market and encouraging more local and Union stakeholders to join would also significantly contribute to reaching those objectives.***	Council and Directive 2014/25/EU of the European Parliament and of the Council[2], and contracting entities as defined in Directive 2014/25/EU should take account of the environmental impacts when procuring batteries or products containing batteries, in order to promote and stimulate the market for clean and energy-efficient mobility and energy-storage and thus contribute to the environment, climate and energy policy objectives of the Union. _____ 1. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65) 2. Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243)	
Recital 100				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
110	(100) In order to establish the equivalence of due diligence schemes that have been developed by governments, industry associations and groupings of interested organisation, implementing powers should be conferred on the Commission. In order to ensure that the list of raw materials and the associated social and environmental risks are kept up-to-date, as well the consistency with the Conflict Minerals Regulation and the OECD Due Diligence in terms of obligations for economic operators, implementing powers should be conferred on the Commission.		(100) In order to establish the equivalence of due diligence schemes that have been developed by governments, industry associations and groupings of interested organisation, implementing powers should be conferred on the Commission. In order to ensure that the list of raw materials and the associated social and environmental risks are kept up-to-date, as well the consistency with the Conflict Minerals Regulation and the OECD Due Diligence in terms of obligations for economic operators, implementing powers should be conferred on the Commission.	
Recital 101				
111	(101) In order to ensure uniform conditions for the implementation of the Commission's recognition of supply chain due diligence schemes, implementing powers should be conferred on the Commission.		(101) In order to ensure uniform conditions for the implementation of the Commission's recognition of supply chain due diligence schemes, implementing powers should be conferred on the Commission.	
Recital 101a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
111a			**(101a) Due diligence initiatives can support the economic operator in fulfilling the due diligence obligation in line with the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights. However, the responsibility for fulfilling due diligence remains fully and solely with the economic operator.**	
Recital 102				
112	(102) When adopting delegated acts under this Regulation, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at		(102) When adopting delegated acts under this Regulation, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at	

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	the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. OJ L 123, 12.5.2016, p.1		the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. _____ 1. OJ L 123, 12.5.2016, p.1	
Recital 103				
113	(103) The implementing powers that are conferred on the Commission by this Regulation and that do not relate to the determination whether measures taken by Member States in respect of non-compliant batteries are justified or not should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the		(103) The implementing powers that are conferred on the Commission by this Regulation and that do not relate to the determination whether measures taken by Member States in respect of non-compliant batteries are justified or not should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the	

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	Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13)		Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13)	
Recital 104				
114	(104) The advisory procedure should be used for the adoption of an implementing act in situations where the Commission ascertains that a notified body does not meet or no longer meets the requirements for its notification, in order to request the notifying authority to take the necessary corrective action, including withdrawal of the notification if necessary.		(104) The advisory procedure should be used for the adoption of an implementing act in situations where the Commission ascertains that a notified body does not meet or no longer meets the requirements for its notification, in order to request the notifying authority to take the necessary corrective action, including withdrawal of the notification if necessary.	

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Recital 105				
115	(105) The Commission should adopt immediately applicable implementing acts determining whether a national measure taken in respect of a compliant battery that presents a risk is justified or not where, in duly justified cases relating to the protection of human health, safety, property or the environment, imperative grounds of urgency so require.	(105) The Commission should adopt***, without delay,*** immediately applicable implementing acts determining whether a national measure taken in respect of a compliant battery that presents a risk is justified or not where, in duly justified cases relating to the protection of human health, safety, property or the environment, imperative grounds of urgency so require.	(105) The Commission should adopt immediately applicable implementing acts determining whether a national measure taken in respect of a compliant battery that presents a risk is justified or not where, in duly justified cases relating to the protection of human health, safety, property or the environment, imperative grounds of urgency so require.	
Recital 106				
116	(106) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive.	(106) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive. ***In order to ensure harmonised enforcement across the Union, 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 developing harmonised***	(106) Member States should lay down rules on penalties applicable to infringements of this Regulation and ensure that those rules are enforced. The penalties provided for should be effective, proportionate and dissuasive.	

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		criteria or guidance for penalties and for compensation of damages caused to individuals.		
Recital 107				
117	(107) In view of the need to ensure a high level of environmental protection and the need to take into account new developments based on scientific facts, the Commission should submit to the European Parliament and to the Council a report on the implementation of this Regulation and its impact on the environment and the functioning of the internal market. The Commission should in its report include an evaluation of the sustainability, safety, labelling and information criteria provisions, the waste batteries management measures and the supply chain due diligence requirements. Where appropriate, the report should be accompanied by a proposal to amend relevant provisions of this Regulation.		(107) In view of the need to ensure a high level of environmental protection and the need to take into account new developments based on scientific facts, the Commission should submit to the European Parliament and to the Council a report on the implementation of this Regulation and its impact on the environment and the functioning of the internal market. The Commission should in its report include an evaluation of the sustainability, safety, labelling and information criteria provisions, the waste batteries management measures and the supply chain due diligence requirements. Where appropriate, the report should be accompanied by a proposal to amend relevant provisions of this Regulation.	
Recital 108				
118				

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	(108) It is necessary to provide for sufficient time for economic operators to comply with their obligations under this Regulation, and for Member States to set up the administrative infrastructure necessary for its application. The application of this Regulation should therefore also be deferred to a date where those preparations can reasonably be finalised.		(108) It is necessary to provide for sufficient time for economic operators to comply with their obligations under this Regulation, and for Member States to set up the administrative infrastructure necessary for its application. The application of this Regulation should therefore also be deferred to a date where those preparations can reasonably be finalised.	
Recital 109				
119	(109) In order to allow Member States to adapt the register of producers set up under Directive 2006/66/EC and to take the necessary administrative measures regarding the organisation of the authorisation procedures by the competent authorities, while keeping continuity for economic operators, Directive 2006/66/EC should be repealed as of 1 July 2023. Obligations under that Directive related to monitoring and reporting the collection rate of portable batteries and the recycling efficiencies of recycling processes shall remain in force until 31 December 2023, and the		(109) In order to allow Member States to adapt the register of producers set up under Directive 2006/66/EC and to take the necessary administrative measures regarding the organisation of the authorisation procedures by the competent authorities, while keeping continuity for– economic operators, Directive 2006/66/EC should be repealed as of **24 months after entry into force of the Regulation** ~~1 July 2023~~. Obligations under that Directive related to monitoring and reporting the collection rate of portable batteries and the recycling efficiencies of recycling	

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	related obligations for the transmission of data to the Commission shall remain in force until 31 December 2025, in order to ensure continuity until new calculation rules and reporting formats are adopted by the Commission under this Regulation.		processes shall remain in force until ~~31 December 2023~~**24 months after entry into force of the Regulation**, and the related obligations for the transmission of data to the Commission shall remain in force until ~~31 December 2025~~**42 months after entry into force of the Regulation**, in order to ensure continuity until new calculation rules and reporting formats are adopted by the Commission under this Regulation.	
Recital 109a				
119a		***(109a) It is important that in the implementation of this Regulation, environmental, social and economic impacts are considered. Moreover, in order to ensure that there is a level playing field, it is important that in the implementation of this regulation all relevant available technologies are equally taken into consideration, provided that those technologies allow for full compliance by batteries with any relevant requirement set out in this Regulation. Furthermore, no***		

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		excessive administrative burden should be imposed on economic operators, in particular on SMEs.		
Recital 110				
120	(110) Since the objective of this Regulation, namely to guarantee the functioning of the internal market while ensuring that batteries placed on the market fulfil the requirements providing for a high level of protection of human health, safety, property and the environment, cannot be sufficiently achieved by the Member States but can rather, by reason of the need for harmonisation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	(110) Since the objective of this Regulation, namely to guarantee the functioning of the internal market ~~*while ensuring*~~***and to ensure*** that batteries placed on the market ***as well as the operations linked to waste batteries*** fulfil the requirements providing for a high level of protection of human health, safety, property and the environment, cannot be sufficiently achieved by the Member States but can rather, by reason of the need for harmonisation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union.	(110) Since the objective of this Regulation, namely to guarantee the functioning of the internal market while ensuring that batteries placed on the market fulfil the requirements providing for a high level of protection of human health, safety, property and the environment, cannot be sufficiently achieved by the Member States but can rather, by reason of the need for harmonisation, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective,	
Formula				

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121	HAVE ADOPTED THIS REGULATION:		HAVE ADOPTED THIS REGULATION:	
Chapter I				
122	Chapter I General provisions		Chapter I General provisions	
Article 1				
123	Article 1 Subject matter and scope		Article 1 Subject matter and scope	
Article 1(1)				
124	1. This Regulation establishes requirements on sustainability, safety, labelling and information to allow the placing on the market or putting into service of batteries, as well as requirements for the collection, treatment and recycling of waste batteries.	1. This Regulation establishes requirements on ***environmental, economic and social*** sustainability, safety, labelling and information to allow the placing on the market or putting into service of batteries~~, as well as requirements for the collection, treatment and recycling of waste batteries.~~.	1. This Regulation establishes requirements on sustainability, safety, labelling and information to allow the placing on the market or putting into service of batteries, as well as **minimum** requirements for the **extended producer responsibility,** collection, treatment and recycling of waste batteries **and reporting**.	
Article 1(1a)				
124a		***In addition, this Regulation lays down measures to protect the***	***1a.*** **This Regulation lays down**	

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		environment and human health by preventing and reducing the generation of waste batteries and the adverse impacts of the generation and management of such batteries, as well as by reducing the overall impacts of resource use and by improving the efficiency of such use.	**the supply chain due diligence obligations of economic operators placing batteries on the market or putting them into service and requirements for green public procurement when procuring batteries or products in which batteries are incorporated.**	
Article 1(2)				
125	2. This Regulation shall apply to all batteries, namely portable batteries, automotive batteries, electric vehicle batteries and industrial batteries, regardless of their shape, volume, weight, design, material composition, use or purpose. It shall also apply to batteries incorporated in or added to other products.	2. This Regulation shall apply to all batteries, namely portable batteries, ***light means of transport batteries,*** automotive batteries, electric vehicle batteries and industrial batteries, regardless of their shape, volume, weight, design, material composition, use or purpose. It shall also apply to batteries incorporated in or added to other products.	2. This Regulation shall apply to all **categories of** batteries, namely portable batteries, **SLI batteries, light means of transport** ~~automotive~~ batteries, electric vehicle batteries and industrial batteries, regardless of their shape, volume, weight, design, material composition, **type, chemistry,** use or purpose. It shall also apply to batteries **designed to be or** incorporated ~~in~~ **into** or added to **products. For the purpose of chapters II and VIa, when batteries placed on the market can be considered to fall under more than one category, the strictest requirements provided thereof shall apply** ~~other products~~.	

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Article 1(3), introductory part				
126	3. This Regulation shall not apply to batteries in:		3. This Regulation shall not apply to batteries **designed to be or incorporated into** ~~in~~:	
Article 1(3), point (a)				
127	(a) equipment connected with the protection of Member States' essential security interests, arms, munitions and war material, with the exclusion of products that are not intended for specifically military purposes; and		(a) equipment connected with the protection of Member States' essential security interests, arms, munitions and war material, with the exclusion of products that are not intended for specifically military purposes; and	

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Article 1(3), point (b)				
128	(b) equipment designed to be sent into space.		(b) equipment designed to be sent into space.	
Article 1(3), point (ba)				
128a		***Equipment specifically designed for the safety of nuclear installations, as defined in Article 3 of Council Directive 2009/71/Euratom[1].*** _____ ***1. Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (OJ L 172, 2.7.2009, p.18).***		
		3a. With the exception of Chapter VII, this regulation shall not apply to batteries which the producer can prove were produced before the entry into force of this regulation		
			Article 1a **Objectives**	

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Article 1a, first paragraph				
			The objectives of this Regulation are to contribute to the efficient functioning of the internal market, also while preventing and reducing the adverse impacts of batteries on the environment, and to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste batteries.	
Article 2				
129	Article 2 Definitions		Article 2 Definitions	
Article 2, first paragraph, introductory part				
130	For the purposes of this Regulation, the following definitions shall apply:		For the purposes of this Regulation, the following definitions shall apply:	
Article 2, first paragraph, point (1)				
131	(1) 'battery' means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or	(1) 'battery' means any source of electrical energy generated by direct conversion of chemical energy and consisting of one or	(1) 'battery' means any**, ready for use,** source of electrical energy generated by direct conversion of chemical energy**,**	

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	more non-rechargeable or rechargeable battery cells or of groups of them;	more non-rechargeable or rechargeable battery cells or of groups of them***, such as battery packs and battery modules***;	**having internal or external storage,** and consisting of one or more non-rechargeable or rechargeable battery cells**, modules or packs** ~~or of groups~~ of them**, including a battery that has been subject to preparing for re-use, preparing for repurpose or repurposing, or remanufacturing**;	
Article 2, first paragraph, point (1a)				
131a			**(1a) 'battery pack' means any set of battery cells or modules that are connected together or encapsulated within an outer casing, so as to form a complete unit that the end-user is not intended to split up or open;**	
Article 2, first paragraph, point (1b)				
131b			**(1b) 'battery module' means a set of battery cells that are connected together or encapsulated within an outer casing to protect the cells against external impact, and which is meant to be used either stand-alone or in combination**	

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			with other modules. For the purpose of this Regulation, a battery module that is placed on the market ready to be used or to be assembled has to be considered as a battery.	
Article 2, first paragraph, point (2)				
132	(2) 'battery cell' means the basic functional unit in a battery constituted by electrodes, electrolyte, container, terminals and, if applicable, separators and containing the active materials the reaction of which generates electrical energy;		(2) 'battery cell' means the basic functional unit in a battery constituted by electrodes, electrolyte, container, terminals and, if applicable, separators**,** and containing the active materials the reaction of which generates electrical energy;	
Article 2, first paragraph, point (3)				
133	(3) 'active materials' means material which reacts chemically to produce electric energy when the battery cell discharges;		(3) 'active materials' means material which reacts chemically to produce electric energy when the battery cell discharges **or to store electric energy when the battery is being charged**;	
Article 2, first paragraph, point (4)				
134	(4) 'non-rechargeable battery'		(4) 'non-rechargeable battery'	

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	means a battery that is not designed to be electrically recharged;		means a battery that is not designed to be electrically recharged;	
Article 2, first paragraph, point (5)				
135	(5) ‘ rechargeable battery’ means a battery that is designed to be electrically recharged;		(5) ‘ rechargeable battery’ means a battery that is designed to be electrically recharged;	
Article 2, first paragraph, point (6)				
136	(6) ‘battery with internal storage’ means a battery with no attached external devices to store energy;	(6) ~~*‘battery with internal storage’ means a battery with no attached external devices to store energy;*~~ ***deleted***	(6) ‘battery with ~~internal~~ **external** storage’ means a battery **designed to have the energy stored exclusively in one or more** ~~with no~~ attached external devices ~~to store energy~~;	
Article 2, first paragraph, point (7), introductory part				
137	(7) ‘portable battery’ means any battery that:		(7) ‘portable battery’ means any battery that:	
Article 2, first paragraph, point (7), first indent				
138	- is sealed;		- is sealed;	
Article 2, first paragraph, point (7), second indent				

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139	- weighs below 5 kg;		- weighs below **or equal to** 5 kg;	
Article 2, first paragraph, point (7), third indent				
140	- is not designed for industrial purposes; and	- ___ is not designed ***exclusively*** for industrial ~~*purposes*~~***uses***; and	- is not designed **specifically** for industrial purposes; and	
Article 2, first paragraph, point (7), fourth indent				
141	- is neither an electric vehicle battery nor an automotive battery;	- ___ is neither ***a light means of transport battery nor*** an electric vehicle battery nor an automotive battery~~;~~	- is neither an electric vehicle battery**, nor a lights means of transport battery, nor an SLI** ~~nor an automotive~~ battery;	
Article 2, first paragraph, point (8)				
142	(8) 'portable batteries of general use' means portable batteries with the following common formats: 4,5 Volts (3R12), D, C, AA, AAA, AAAA, A23, 9 Volts (PP3);	(8) 'portable batteries of general use' means portable batteries with the following common formats: 4,5 Volts (3R12), ***button cell,*** D, C, AA, AAA, AAAA, A23, 9 Volts (PP3);	(8) 'portable batteries of general use' means **rechargeable and non-rechargeable** portable batteries **specifically produced to be interoperable and** with the following common formats: ~~4,5 Volts (3R12),~~ D, C, AA, AAA~~,~~ ~~AAAA, A23~~, 9 Volts (PP3);	
Article 2, first paragraph, point (9)				
143	(9) 'light means of transport'	(9) ***(9)*** 'light means of	(9) 'light means of transport	

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	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;	transport ***battery*** ' means ~~*wheeled*~~***any battery in*** vehicles that ~~*have an*~~***can be powered by the*** electric motor ***alone or by a combination of motor and human power, including type-approved vehicles belonging to***~~*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*~~***categories laid down in Regulation(EU) No 168/2013 of the European Parliament and of the Council[1], and with a weight below 25 kg***; ***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)***	**battery' or 'LMT battery' means any battery that is sealed and weights below or equal to 25 kg, designed to provide traction to wheeled vehicles that** ~~' 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 **including type-approved vehicle of category L in the meaning of Regulation (EU) No 168/2013, and that is not an electric vehicle battery**;	
Article 2, first paragraph, point (10)				
144	(10) 'automotive battery' means any battery used only for automotive starter, lighting or ignition power;	(10) 'automotive battery' means any battery used ~~*only*~~***primarily*** for automotive ***and non-road mobile machinery*** starter, lighting or	(10) '~~automotive~~ **SLI** battery' means any battery ~~used only for automotive~~ **designed to supply electric power for** starter,	

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		ignition power ***or other support functions***;	lighting**,** or ignition ~~power~~**and may also be used for auxiliary or backup purposes in vehicles, other means of transport or machinery**;	
Article 2, first paragraph, point (11)				
145	(11) 'industrial battery' means any battery designed for industrial uses and any other battery excluding portable batteries, electric vehicle batteries and automotive batteries;	(11) 'industrial battery' means any battery designed ***exclusively*** for industrial uses and any other battery***, including batteries within stationary energy storage systems,*** excluding portable ***batteries, light means of transport*** batteries, electric vehicle batteries and automotive batteries;	(11) 'industrial battery' means any battery designed **specifically for industrial uses, or any battery intended** for industrial uses **after being subject to preparing for repurpose or repurposing,** and any other battery **with a weight above 5 kg** excluding ~~portable~~ **LMT** batteries, electric vehicle batteries and ~~automotive~~**SLI** batteries~~;~~	
Article 2, first paragraph, point (12)				
146	(12) 'electric vehicle battery' means any battery specifically designed to provide traction to hybrid and electric vehicles for road transport;	(12) 'electric vehicle battery' means any battery specifically designed to provide ***energy for the*** traction ~~*to hybrid and electric vehicles for road transport*~~***of a vehicle of L category as provided for in Regulation (EU) No 168/2013, and with a weight above 25 kg, or to a vehicle of***	(12) 'electric vehicle battery' **or 'EV battery'** means any battery ~~specifically~~ designed to provide traction to hybrid **or electric vehicles of type-approved categories M, N and O in the meaning of Regulation (EU) 2018/858 or any battery that weights above 25 kg, designed to**	

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		categories M, N or O as provided for in Regulation (EU) 2018/858 of the European Parliament and of the Council[1]; ***Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018, p. 1).***	**provide traction to** ~~and electric~~ vehicles ~~for road transport~~**of type-approved category L in the meaning of Regulation (EU) No 168/2013**;	
Article 2, first paragraph, point (13)				
147	(13) 'stationary battery energy storage system' means a rechargeable industrial battery with internal storage specifically designed to store and deliver electric energy into the grid, regardless of where and by whom this battery is being used;	(13) '~~*stationary battery*~~***battery within a stationary*** energy storage system' means a rechargeable industrial battery ~~*with internal storage*~~ specifically designed to store and deliver electric energy ~~*into the*~~***when connected to an electricity*** grid, regardless of where and by whom this battery is being used;	(13) 'stationary battery energy storage system' means a ~~rechargeable~~ industrial battery with internal storage specifically designed to store and deliver electric energy **from and** into the grid **or store and deliver electric energy to end-user**, regardless of where and by whom this battery is being used;	

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Article 2, first paragraph, point (14)				
148	(14) 'placing on the market' means making available a battery for the first time on the Union market;		(14) 'placing on the market' means **the first** making available **of** a battery ~~for the first time~~ on the Union market;	
Article 2, first paragraph, point (15)				
149	(15) 'making available on the market' means any supply of a battery for distribution or use on the market in the course of a commercial activity, whether in return for payment or free of charge;		(15) 'making available on the market' means any supply of a battery for distribution or use on the **Union** market in the course of a commercial activity, whether in return for payment or free of charge;	
Article 2, first paragraph, point (16)				
150	(16) 'putting into service' means the first use, for its intended purpose, in the Union, of a battery;		(16) 'putting into service' means the first use, for its intended purpose, in the Union, of a battery**, without having been placed on the market previously**;	
Article 2, first paragraph, point (17)				
151	(17) 'battery model' is any		(17) 'battery model' **means a**	

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	manufactured battery that is produced in series;		**version of a** ~~is any manufactured~~ battery ~~that is produced in series~~**of which all units share the same technical characteristics relevant for sustainability and safety requirements and labelling, marking and information requirements pursuant to this Regulation and the same model identifier**;	
Article 2, first paragraph, point (17a)				
151a			**(17a) 'battery presenting a risk' means a battery having the potential to affect adversely health or safety of persons, property or the environment to a degree which goes beyond that considered reasonable and acceptable in relation to its intended purpose or under the normal or reasonably foreseeable conditions of use of the battery concerned, including the duration of use and, where applicable, its putting into service, installation and maintenance requirements;**	
Article 2, first paragraph, point (18)				

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152	(18) 'carbon footprint' means the sum of greenhouse gas (GHG) emissions and GHG removals in a product system, expressed as carbon dioxide (CO2) equivalents and based on a Product Environmental Footprint (PEF) study using the single impact category of climate change ;		(18) 'carbon footprint' means the sum of greenhouse gas (GHG) emissions and GHG removals in a product system, expressed as carbon dioxide (CO2) equivalents and based on a Product Environmental Footprint (PEF) study using the single impact category of climate change ;	
Article 2, first paragraph, point (19)				
153	(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;		(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 ~~the present~~ **this** Regulation;	

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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;	

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Article 2, first paragraph, point (21)				
155	(21) 'QR code' means a matrix barcode that links to information about a battery model;	(21) 'QR code' means a ***machine-readable*** matrix ~~*barcode*~~***code*** that links to information ~~*about a battery model*~~***as required by this Regulation***;	(21) 'QR code' means a matrix barcode that links to information about a battery model;	
Article 2, first paragraph, point (22)				
156	(22) 'battery management system' means an electronic device that controls or manages the electric 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;	(22) 'battery management system' means an electronic device that controls or manages the electric and thermal functions of the battery ***in order to influence the battery's safety, performance and service life***, 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;	(22) 'battery management system' means an electronic device that controls or manages the electric 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**, light mean of transport** or appliance in which the battery is incorporated**, or with a public or private charging infrastructure**;	
Article 2, first paragraph, point (23)				
157	(23) 'appliance' means any electrical or electronic equipment, as defined by Directive		(23) 'appliance' means any electrical or electronic equipment, as defined by Directive	

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	2012/19/EU, which is fully or partly powered by a battery or is capable of being so;		2012/19/EU, which is fully or partly powered by a battery or is capable of being so;	
Article 2, first paragraph, point (24)				
158	(24) 'state of charge' means the available capacity in a battery expressed as a percentage of rated capacity;		(24) 'state of charge' means the available capacity in a battery expressed as a percentage of rated capacity **as defined by the manufacturer**;	
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;	
Article 2, first paragraph, point (25a)				
159a			**(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;**	

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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 **that is not a waste battery,** being used for a different purpose or application than the one that the battery was originally designed for;	
Article 2, first paragraph, point (26a)				
		(26a) 'preparing for repurposing' means any operation by which parts of or a complete waste battery is prepared so that it can be used for a purpose or application different from that which the battery was originally designed for;		
Article 2, first paragraph, point (26b)				
160b1 60a		***(26b) 'remanufacturing' means any operation of disassembly, restoring, replacing components of used battery packs, battery modules and/or battery cells to***	**(26a) 'remanufacturing' means any technical operation on a used battery that includes the disassembly and evaluation of all its battery modules and cells**	

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		return a battery to a level of performance and quality equivalent to that of the original battery, for the original or a different purpose;	**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;**	
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 **or puts it into service for its own purposes**;	
Article 2, first paragraph, point (28)				
162	(28) 'technical specification'		(28) 'technical specification'	

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	means a document that prescribes technical requirements to be fulfilled by a product, process or service;		means a document that prescribes technical requirements to be fulfilled by a product, process or service;	
Article 2, first paragraph, point (29)				
163	(29) ‘harmonised standard’ means a standard as defined in Article 2(1)(c) of Regulation (EU) No 1025/2012;		(29) ‘harmonised standard’ means a standard as defined in Article 2(1)(c) of Regulation (EU) No 1025/2012;	

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Article 2, first paragraph, point (30)				
164	(30) 'CE marking' means a marking by which the manufacturer indicates that the battery is in conformity with the applicable requirements set out in Union harmonisation legislation providing for its affixing;		(30) 'CE marking' means a marking by which the manufacturer indicates that the battery is in conformity with the applicable requirements set out in Union harmonisation legislation providing for its affixing;	
Article 2, first paragraph, point (31)				
165	(31) 'accreditation' means accreditation as defined in Article 2(10) of Regulation (EC) No 765/2008;		(31) 'accreditation' means accreditation as defined in Article 2(10) of Regulation (EC) No 765/2008;	
Article 2, first paragraph, point (32)				
166	(32) 'national accreditation body' a national accreditation body as defined in Article 2(11) of Regulation (EC) No 765/2008;		(32) 'national accreditation body' **means** a national accreditation body as defined in Article 2(11) of Regulation (EC) No 765/2008;	
Article 2, first paragraph, point (33)				
167	(33) 'conformity assessment' means the process demonstrating whether the sustainability, safety and labelling requirements of this		(33) 'conformity assessment' means the process demonstrating whether the sustainability, safety**, labelling and information** ~~and~~	

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	Regulation relating to a battery have been fulfilled;		~~labelling~~ requirements of this Regulation**,** relating to a battery have been fulfilled;	
Article 2, first paragraph, point (34)				
168	(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;	
Article 2, first paragraph, point (34a)				
168a			**(34a) 'third-party verification body' means a body that performs verification of supply chain due diligence policies;**	
Article 2, first paragraph, point (35)				
169	(35) 'notified body' means a conformity assessment body notified in accordance with Article 22 of this Regulation;		(35) 'notified body' means a conformity assessment body **or a third-party verification body** notified in accordance with ~~Article 22~~**Chapter V** of this Regulation;	
Article 2, first paragraph, point (36)				
170	(36) 'supply chain due diligence'	(36) '~~*supply*~~***battery value*** chain	(36) 'supply chain due diligence'	

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	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;	due diligence' means the obligations of the economic operator which places a ~~*rechargeable industrial battery or an electric-vehicle battery on the market*~~***battery on the market, with regard to social and environmental risk categories***, in relation to its management system, risk management, third party verifications– by notified bodies and disclosure of information with a view to identifying***, preventing*** and addressing actual and potential risks linked to the sourcing, processing and trading of the raw materials***, chemicals and secondary raw materials*** required for battery manufacturing ***and waste battery treatment, linked to its manufacturing operations and linked to related other business relationships***;	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– **and surveillance** 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;	
Article 2, first paragraph, point (36a)				
170a		***(36a) 'business relationships' means the relationships between an undertaking and its subsidiaries and the commercial relationships of an undertaking throughout its value chain,***		

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		including suppliers and sub-contractors, and which are directly linked to the undertaking's business operations, products or services;		

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Article 2, first paragraph, point (36b)				
170b		***(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;***		
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 **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, ~~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;~~**alternatively:**	
Article 2, first paragraph, point (37)(i)				
171a			**(i) is established in a Member**	

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			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 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			**(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				

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			(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 transport or vehicles, from a third country or from another Member State;	
Article 2, first paragraph, point (37)(iv)				
171d			**(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			**(37a) 'authorised representative for the EPR' means a legal or natural person established in Member State where the producer places batteries on the**	

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			market and is different from the Member State where the producer is established, and is appointed by the producer in 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;	
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 ***financially and*** 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;	
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*~~***or battery cell covered by the definition of*** 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;	
Article 2, first paragraph, point (40)				

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174	(40) 'reuse' means the complete or partial direct re-use of the battery for the original purpose the battery was designed for;	(40) 'reuse' means the complete or partial direct re-use of the battery ***that is not waste*** for the ~~*original*~~***same*** purpose the battery was designed for;	*deleted*	
Article 2, first paragraph, point (41), introductory part				
175	(41) 'hazardous substance' means any substance which fulfils the criteria for any of the following hazard classes or categories set out in Annex I of Regulation (EC) No 1272/2008 of the European Parliament and of the Council[1]: _____ 1. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1)	(41) 'hazardous substance' means any substance which fulfils the criteria for any of the ~~*following*~~ hazard classes or categories set out in Annex I of Regulation (EC) No 1272/2008 of the European Parliament and of the Council[1]:	(41) 'hazardous substance' means ~~any~~ **a** substance **classified as a hazardous as a consequence of fulfilling the criteria laid down in Parts 2 to 5 of the** ~~which fulfils the criteria for any of the following hazard classes or categories set out in~~ Annex I of Regulation (EC) No 1272/2008 of the European Parliament and of the Council[1]~~:~~ _____ 1. Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC)	

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			No 1907/2006 (OJ L 353, 31.12.2008, p. 1)	
Article 2, first paragraph, point (41)(a)				
176	(a) hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;	(a) ~~*hazard classes 2.1 to 2.4, 2.6 and 2.7, 2.8 types A and B, 2.9, 2.10, 2.12, 2.13 categories 1 and 2, 2.14 categories 1 and 2, 2.15 types A to F;*~~***deleted***	*deleted*	

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Article 2, first paragraph, point (41)(b)				
177	(b) hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;	(b) ~~*hazard classes 3.1 to 3.6, 3.7 adverse effects on sexual function and fertility or on development, 3.8 effects other than narcotic effects, 3.9 and 3.10;*~~***deleted**	*deleted*	
Article 2, first paragraph, point (41)(c)				
178	(c) hazard class 4.1;	(c) ~~*hazard class 4.1;*~~***deleted**	*deleted*	
Article 2, first paragraph, point (41)(d)				
179	(d) hazard class 5.1;	(d) ~~*hazard class 5.1;*~~***deleted**	*deleted*	
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**, preparing for re-use, preparing for repurpose** or preparation for recycling;	
Article 2, first paragraph, point (43)				

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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 **handed over to producers, to producer responsibility organisations or to** ~~picked up by~~ waste management operators ~~for subsequent treatment~~;	
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 **or recycling** of waste batteries;	
Article 2, first paragraph, point (45)				
183	(45) 'permitted facility' means any facility that is permitted in		(45) 'permitted facility' means any facility that is permitted in	

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	accordance with Directive 2008/98/EC to carry out the treatment or recycling of waste batteries;		accordance with Directive 2008/98/EC to carry out the treatment or recycling of waste batteries;	

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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;	
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;	
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;		*deleted*	

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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;		*deleted*	
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 **sorted** waste batteries input fraction, expressed as a percentage;	
Article 2, first paragraph, point (51)				
189	(51) ‘Union harmonisation legislation’ means any Union legislation harmonising the conditions for the marketing of products;		(51) ‘Union harmonisation legislation’ means any Union legislation harmonising the conditions for the marketing of products;	
Article 2, first paragraph, point (52)				
190				

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	(52) 'national authority' means an approval authority or any other authority involved in and responsible for market surveillance as set out in Chapter VI or border control in a Member State in respect of batteries;		(52) 'national authority' means an approval authority or any other authority involved in and responsible for market surveillance as set out in Chapter ~~VI~~ **IX** or border control in a Member State in respect of batteries;	
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 **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 country on the Union market;		(54) 'importer' means any natural or legal person established within the Union who places a battery from a third country on the ~~Union~~ market;	
Article 2, first paragraph, point (55)				

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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;	
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*	
Article 2, second paragraph				
195	The definitions of 'waste', 'waste holder', 'waste management', 'collection', 'separate collection', 'prevention', 'preparing for re-use', 'recovery' and 'recycling' laid down in Article 3 of Directive 2008/98/EC shall apply.		The definitions of 'waste', 'waste holder', 'waste management', '**prevention', '**collection', 'separate collection', '~~prevention~~ **extended producer responsibility scheme', 'reuse**', 'preparing for re-use', '**material** recovery' and 'recycling' laid down in Article 3 of Directive 2008/98/EC shall apply.	
Article 2, third paragraph				

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196	The definitions of 'end-user', 'market surveillance', 'market surveillance authority', 'fulfilment service provider', 'corrective action', 'recall' and 'withdrawal' laid down in Article 3 of Regulation (EU) 2019/1020 shall apply.		The definitions of ~~'end-user'~~, 'market surveillance', 'market surveillance authority', 'fulfilment service provider', 'corrective action', '**end-user', '**recall' and 'withdrawal'**, as well as of 'risk' in relation to requirements of Chapters I, IV, VI, VII, IX and Annex V, Annex VIII and Annex XIII,** laid down in Article 3 of Regulation (EU) 2019/1020 shall apply.	
Article 2, fourth paragraph				
197	The definitions of 'independent aggregator' and 'market participant' laid down in Article 2 of Directive (EU) 2019/944 shall apply.		The definitions of 'independent aggregator'**, 'market participant'** and '~~market participant~~**energy storage**' laid down in Article 2 of Directive (EU) 2019/944 shall apply.	
Article 3				
198	Article 3 Free movement		Article 3 Free movement	
Article 3(1)				
199				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Member States shall not, for reasons relating to sustainability, safety, labelling and information requirements of batteries or management of waste batteries covered by this Regulation, prohibit, restrict or impede the making available on the market or the putting into service of batteries that comply with this Regulation.	1. Member States shall not, for reasons relating to ***social and environmental*** sustainability, safety, labelling and information requirements of batteries or management of waste batteries covered by this Regulation, prohibit, restrict or impede the making available on the market or the putting into service of batteries that comply with this Regulation.	1. Member States shall not, for reasons relating to sustainability, safety, labelling and information requirements of ~~batteries or management of waste~~ batteries covered by this Regulation, prohibit, restrict or impede the making available on the market or the putting into service of batteries that comply with this Regulation.	
Article 3(2)				
200	2. At trade fairs, exhibitions, demonstrations or similar events, Member States shall not prevent the showing of batteries, which do not comply with this Regulation, provided that a visible sign clearly indicates that such batteries do not comply with this Regulation and that they are not for sale until they have been brought into conformity.	2. At trade fairs, exhibitions, demonstrations or similar events, Member States shall not prevent the showing of batteries, which do not comply with this Regulation, provided that a visible sign clearly indicates that such batteries do not comply with this Regulation and that they ~~*are not for sale*~~***cannot be made available on the market*** until they have been brought into conformity. ***During demonstrations, the relevant economic operator shall take adequate measures to ensure the safety of persons.***	2. At trade fairs, exhibitions, demonstrations or similar events, Member States shall not prevent the showing of batteries, which do not comply with this Regulation, provided that a visible sign clearly indicates that such batteries do not comply with this Regulation and that they are not for **made available on the market or put into service** ~~sale~~ until they have been brought into conformity.	
Article 4				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
201	Article 4 Sustainability, safety, labelling and information requirements for batteries	Article 4 Sustainability, safety, labelling, ***information and due diligence*** ~~*and information*~~ requirements for batteries	Article 4 Sustainability, safety, labelling and information requirements for batteries	
Article 4(1), introductory part				
202	1. Batteries shall only be placed on the market or put into service if they meet:		1. Batteries shall only be placed on the market or put into service if they meet:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4(1), point (a)				
203	(a) the sustainability and safety requirements set out in Chapter II;		(a) the sustainability and safety requirements set out in **Articles 6 to 10 and 12** ~~Chapter II~~; **and**	
Article 4(1), point (b)				
204	(b) the labelling and information requirements set out Chapter III.		(b) the labelling and information requirements set out **in** Chapter III.	
Article 4(1), point (ba)				
204a		***(ba) the due diligence requirements set out in Article 39.***		
Article 4(1a)				
204b		***1a. For electric vehicle batteries and automotive batteries placed on the market as replacements for defective batteries, the same requirements shall apply as for the replaced batteries in accordance with the 'repair as produced' principle.***		
Article 4(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
205	2. For any aspects not covered by Chapters II and III, batteries shall not present a risk to human health, to safety, to property or to the environment.	2. For any aspects not covered by Chapters II and III ***and Article 39***, batteries shall not present a risk to human health, to safety, to property or to the environment.	2. For any aspects not covered by Chapters II and III, batteries **referred to in paragraphs 1** shall not present a risk to human health, to safety **of persons**, to property or to the environment.	
Article 5				
206	Article 5 Competent authority		*deleted*	
Article 5(1)				
207	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.		*deleted*	
Article 5(1), point (a)				
207a		***Each Member State shall also designate one contact point, among the competent authorities***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		referred to in the first subparagraph, for the purpose of communicating with the Commission pursuant to paragraph 3.		
Article 5(2), introductory part				
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:		*deleted*	
Article 5(2), point (a)				
209	(a) the registration of producers in accordance with Article 46;		*deleted*	
Article 5(2), point (b)				
210	(b) the authorisation of producers and producer responsibility organisations in accordance with Article 47 and the authorisation and monitoring regarding the requirements under Article 48;		*deleted*	
Article 5(2), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
211	(c) the oversight of implementation of extended producer responsibility obligations in accordance with Article 47;		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 5(2), point (d)				
212	(d) the collection of data on batteries in accordance with Article 61;		*deleted*	
Article 5(2), point (e)				
213	(e) making information available in accordance with Article 62.		*deleted*	
Article 5(3)				
214	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.	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*~~***name and address*** of the ~~*competent authorities*~~***contact point*** 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*~~***name or address of the contact point***.	*deleted*	
Chapter II				
215				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Chapter II Sustainability and safety requirements		Chapter II Sustainability and safety requirements	
Article 6				
216	Article 6 Restrictions of hazardous substances		Article 6 Restrictions of ~~hazardous~~ substances	
Article 6(1)				
217	1. In addition to the restrictions set out in Annex XVII of Regulation (EC) No 1907/2006, batteries shall not contain hazardous substances for which Annex I contains a restriction unless they comply with the conditions of that restriction.		1. ~~In addition~~ **Without prejudice** to the restrictions set out in Annex XVII of Regulation (EC) No 1907/2006 **and in Annex II of Directive 2000/53/EC**, batteries shall not contain ~~hazardous~~ substances for which Annex I contains a restriction unless they comply with the conditions of that restriction.	
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		2. ~~When there is~~**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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 Article 71.		**the presence of** a substance ~~present~~ 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** ~~the~~ waste~~ phase, that~~ **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 restrictions in Annex I, pursuant to the procedure laid down in Article 71. **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**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			the hazardous substance.	
Article 6(2a)				
218a			**2a. Where the draft amendment of Annex I diverges from the 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.**	
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.		*deleted*	
Article 6(3a)				
219a			**3a. When preparing a dossier for a restriction proposal which**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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 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.	
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.	
Article 6(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
221	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.		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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 6(5a)				
221a		***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, where appropriate, a delegated act in accordance with Article 73 of this Regulation to amend those provisions accordingly.***		
Article 6(5b)				
221b		***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***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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 in the second paragraph.		
Article 7				
222	Article 7 Carbon footprint of electric vehicle batteries and rechargeable industrial batteries	Article 7 Carbon footprint of electric vehicle batteries***, light means of transport*** and ~~*rechargeable*~~ industrial batteries	Article 7 Carbon footprint of electric vehicle batteries and ~~rechargeable~~ industrial batteries	
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	1. Electric vehicle batteries***, light means of transport batteries and industrial batteries*** ~~*and rechargeable industrial batteries with internal storage and a capacity above 2 kWh*~~ shall be accompanied by technical documentation that includes, for	1. ~~Electric vehicle batteries and rechargeable~~ **For** 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,~~**, except**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	footprint declaration drawn up in accordance with the delegated act referred to in the second sub-paragraph and containing, at least, the following information:	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 sub-paragraph and containing, at least, the following information:	**those with exclusively external storage, 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 ~~sub-paragraph~~**subparagraph** and containing, at least, the following information:	
Article 7(1), first subparagraph, point (a)				
224	(a) administrative information about the producer;		(a) administrative information about the ~~producer~~ **manufacturer**;	
Article 7(1), first subparagraph, point (b)				
225	(b) information about the battery for which the declaration applies;		(b) information about the battery **model** for which the declaration applies;	
Article 7(1), first subparagraph, point (c)				
226	(c) information about the geographic location of the battery manufacturing facility;		(c) information about the geographic location of the battery manufacturing facility;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(1), first subparagraph, point (ca)				
226a		***information about the raw materials used, including the share of renewable content;***		
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 ***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***;	(d) the ~~total~~ **life-cycle** carbon footprint of the battery, calculated as kg of carbon dioxide equivalent;	
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;	
Article 7(1), first subparagraph, point (f)				
229	(f) the independent third party verification statement;		(f) **identification number of the EU declaration of conformity of the battery**~~the independent third party verification statement~~;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(1), first subparagraph, point (g)				
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 **values referred to in points (d) and (e)** ~~declaration results~~.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(1), second subparagraph				
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***, light means of transport 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 and to rechargeable industrial batteries.~~	
Article 7(1), second subparagraph, point (a)				
231a			**(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 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)				
231b			**(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)**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			of the third subparagraph, whichever is the latest, for industrial batteries	
Article 7(1), third subparagraph				
231c			**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				
232	The Commission shall, no later than 1 July 2023, adopt:	The Commission shall, no later than 1 ~~*July*~~***January*** 2023, adopt:	The Commission shall, no later than ~~1 July 2023~~**6 months after entry into force of the Regulation for electric vehicle batteries and 24 months after entry into force of the Regulation for industrial batteries**, 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	(a) a delegated act in accordance with Article 73 to supplement this Regulation by establishing the methodology ~~*to calculate the total*~~***for calculation and***	(a) a delegated act in accordance with Article 73 to supplement this Regulation by establishing the methodology to calculate the ~~total~~**values of** carbon footprint of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	referred to in point (d), in accordance with the essential elements set out in Annex II;	***verification of the*** carbon footprint of the battery referred to in point (d), in accordance with the essential elements set out in Annex II;	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;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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 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 format for the carbon footprint declaration referred to in the first subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).	
Article 7(1), fourth subparagraph				
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 ***in view of scientific and technical progress***.	*deleted*	
Article 7(2), first subparagraph				
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	2. Electric vehicle batteries ~~*and rechargeable industrial batteries with internal storage and a capacity above 2 kWh*~~***, light means of transport batteries and industrial batteries*** shall bear a conspicuous, clearly legible and indelible label indicating ***the***	2. ~~Electric vehicle~~ **Industrial** batteries ~~and rechargeable industrial batteries with internal~~**with a capacity above 2 kWh, except those with exclusively external** storage**, and electric vehicle batteries** ~~and a capacity above 2 kWh~~ shall bear a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	corresponds to.	***carbon footprint of the battery referred to in point (d) of paragraph 1 and*** the carbon footprint performance class that the individual battery corresponds to.	conspicuous, clearly legible and indelible label indicating the carbon footprint performance class that the ~~individual~~ **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~~**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 ~~act~~ **acts** adopted by the Commission pursuant to the **point (a) of third subparagraph of paragraph 1 and point (a) of third** ~~fourth~~ subparagraph.	
Article 7(2), third subparagraph				
238	The carbon footprint performance	The carbon footprint performance	The carbon footprint performance	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	class requirements in the first subparagraph shall apply as of 1 January 2026 for electric vehicle batteries and for rechargeable industrial batteries.	class requirements in the first subparagraph shall apply as of 1 ~~*January 2026*~~***July 2025*** for electric vehicle batteries***, light means of transport batteries*** and for ~~*rechargeable*~~ industrial batteries.	class requirements in the first subparagraph shall apply as of ~~1 January 2026 for electric vehicle batteries and for rechargeable industrial batteries.~~**:**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(2), third subparagraph, point (a)				
238a			**(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)				
238b			**(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.**	
Article 7(2), fourth subparagraph, introductory part				
239	The Commission shall, no later than 31 December 2024, adopt	The Commission shall, no later than ~~*31 December*~~***1 January*** 2024, adopt**:**	The Commission shall, no later than ~~31 December 2024~~**18 months after entry into force of the Regulation for electric**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			vehicle batteries and 42 months after entry into force of the Regulation for industrial batteries, 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~~**conditions** set out in **point 8 of** Annex II;	
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).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(2), fifth subparagraph				
241a			**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 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	3. Electric vehicle batteries***, light means of transport*** ~~*and rechargeable industrial*~~ batteries ~~*with internal storage and a capacity*~~***and industrial batteries with nominal energy*** 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,	3. ~~Electric vehicle batteries and rechargeable~~ **For** 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**	

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	Commission pursuant to the third subparagraph.	is below the maximum threshold established in the delegated act adopted by the Commission pursuant to the third subparagraph.	~~demonstrating~~ 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(3), second subparagraph, introductory part				
243	The requirement for a maximum life cycle carbon footprint threshold in the first subparagraph shall apply as of 1 July 2027 for electric vehicle batteries and for rechargeable industrial batteries.	The requirement for a maximum life cycle carbon footprint threshold in the first subparagraph shall apply as of 1 ~~*July*~~***January*** 2027 for electric vehicle batteries***, light means of transport batteries*** and for ~~*rechargeable*~~ industrial batteries ***with nominal energy above 2 Kwh***.	~~The~~**This** requirement for a maximum life cycle carbon footprint threshold in the first subparagraph shall apply as of ~~1 July 2027 for electric vehicle batteries and for rechargeable industrial batteries.~~**:**	
Article 7(3), second subparagraph, point (a)				
243a			**(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)				
243b			**(b) 78 months after entry into force of the Regulation or 18 months after entry into force either of the delegated act or of**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			the implementing act respectively referred to in points (a) and (b) of the third subparagraph, whichever is the latest, for industrial batteries.	
Article 7(3), third subparagraph				
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 **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** ~~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~~ **conditions** set out in **point 9 of** Annex II.	
Article 7(3), fourth subparagraph				
245	The introduction of a maximum life cycle carbon footprint	***The Commission shall be empowered to adopt delegated***	The introduction of a maximum life cycle carbon footprint	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	threshold shall trigger, if necessary, a reclassification of the carbon footprint performance classes of the batteries referred to in paragraph 2.	***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.*** 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~~.~~	
Article 7(3a)				
245a		***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 the appropriate measures, including the adoption of legislative proposals.***	***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.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 8				
246	Article 8 Recycled content in industrial batteries, electric vehicle batteries and automotive batteries	Article 8 Recycled content in ***portable batteries, light means of transport batteries,*** industrial batteries, electric vehicle batteries and automotive batteries	Article 8 Recycled content in industrial batteries, electric vehicle batteries and ~~automotive~~ **SLI** batteries	

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Article 8(1), introductory part				
247	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.	1. From 1 ~~*January 2027, industrial*~~***July 2025, portable*** batteries, ~~*electric vehicle*~~***with the exception of portable*** batteries ~~*and automotive*~~***of general use, light means of transport*** batteries***, 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.	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** ~~1 January 2027~~, industrial batteries, ~~electric vehicle batteries and automotive batteries with internal~~**with a capacity above 2 kWh, except those with exclusively external** storage**, electric vehicle batteries and SLI batteries** ~~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~~ **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** ~~in~~ each battery model ~~and batch~~ **per year and** per manufacturing plant.	

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Article 8(1), first paragraph				
248	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).	By 31 December ~~2025,~~ ***2023*** the Commission shall adopt***:*** ***(a) a delegated act in accordance with Article 73 to supplement this Regulation by*** ~~*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**.** ***(b) an implementing act laying down*** ~~*and*~~ the format ~~*for*~~***and*** the technical documentation ***for the declaration on recovered materials***. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).	By **36 months after entry into force of the Regulation** ~~31 December 2025~~, the Commission shall adopt **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~~ **share** of cobalt, ~~lead,~~ 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 ~~technical~~ documentation. ~~That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).~~	
Article 8(2), introductory part				
249	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	2. From 1 January 2030, ~~*industrial*~~***portable*** batteries, ~~*electric vehicle*~~***with the exception of portable*** batteries ~~*and automotive*~~***of general use, light means of transport*** batteries**,**	2. From **96 months after entry into force of the Regulation, for industrial** ~~1 January 2030, industrial batteries, electric vehicle batteries and automotive~~ batteries with ~~internal storage and~~	

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	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:	***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:	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** ~~shall be accompanied by technical documentation demonstrating~~ that those batteries contain the following minimum share of ~~cobalt, lead,~~ **, 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** ~~in~~ each battery model ~~and batch~~ **per year and** per manufacturing plant:	
Article 8(2), point (a)				
250	(a) 12% cobalt;		(a) 12% cobalt;	
Article 8(2), point (b)				
251	(b) 85% lead;		(b) 85% lead;	

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Article 8(2), point (c)				
252	(c) 4% lithium;		(c) 4% lithium;	
Article 8(2), point (d)				
253	(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 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:	3. From 1 January ~~*2035, industrial*~~***2030, portable*** batteries, ~~*electric vehicle*~~***with the exception of portable*** batteries ~~*and automotive*~~***of general use, light means of transport*** batteries**,** ***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 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:	3. From **156 months after entry into force of the Regulation** ~~1 January 2035~~, industrial batteries, ~~electric vehicle batteries and automotive batteries with internal storage and a capacity above 2 kWh~~ **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 documentation referred to in Annex VIII shall demonstrate** ~~shall be accompanied by a technical documentation demonstrating~~ that those batteries contain the following minimum share of**, respectively,** cobalt, lead, lithium or nickel recovered	

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			from **manufacturing scrap or post-consumer** waste present in active materials**, and share of lead recovered from waste present in the battery, for** ~~in~~ each battery model ~~and batch~~ **per year and** per manufacturing plant:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 8(3), point (a)				
255	(a) 20% cobalt;		(a) 20% cobalt;	
Article 8(3), point (b)				
256	(b) 85 % lead;		(b) 85 % lead;	
Article 8(3), point (c)				
257	(c) 10% lithium;		(c) 10% lithium;	
Article 8(3), point (d)				
258	(d) 12% nickel.		(d) 12% nickel.	
Article 8(3a)				
258a			**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.**	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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 December 2027, a delegated act in accordance with Article 73, to amend the targets laid down in paragraphs 2 and 3.	4. ~~*Where justified and appropriate*~~***Following the establishment of the methodology referred to in paragraph 1 and no later than 31 December 2027, the Commission shall assess whether,*** due to the ***existing and forecasted*** availability ***for 2030 and 2035*** of cobalt, lead, lithium or nickel recovered from waste, or ~~*the*~~ lack thereof, ***and in view of technical and scientific progress, it is appropriate to revise the targets laid down in paragraphs 2 and 3.*** The Commission shall ~~*be empowered to adopt, by 31 December 2027, a delegated act in accordance with Article 73*~~***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*** ~~*to amend*~~ the targets ~~*laid down in paragraphs 2 and 3*~~***to only post-consumption waste. On the basis of the assessment, the Commission shall, where appropriate, submit a legislative proposal***.	4. Where justified and appropriate due to the availability of cobalt, lead, lithium or nickel recovered from waste, or the lack thereof, **or other considerable changes in battery technologies impacting the type of materials recovered,** the Commission shall be empowered to adopt, by **72 months after entry into force of the Regulation** ~~31 December 2027~~, a delegated ~~act~~ **acts** in accordance with Article 73, to amend the targets laid down in paragraphs 2 and 3.	

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Article 8(4a)				
259a		***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.***	**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, 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.**	
Article 9				
260	Article 9 Performance and durability requirements for portable batteries of general use	Article 9 Performance and durability requirements for portable batteries ~~*of general use*~~	Article 9 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	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	1. From ~~1 January 2027~~**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**	

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	laid down in the delegated act adopted by the Commission pursuant to paragraph 2.	laid down in the delegated act adopted by the Commission pursuant to paragraph 2.	**paragraph 2, whichever is later**, portable batteries of general use 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 pursuant to paragraph 2.	
Article 9(2), first subparagraph				
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*~~ ***1 July*** 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, ***including portable batteries*** of general use, shall attain.	2. By ~~31 December 2025~~**48 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 Annex III that portable batteries of general use shall attain.	
Article 9(2), second subparagraph				
263	The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the electrochemical performance and	The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the ***minimum values and add further***	The Commission **shall be** ~~is~~ empowered to adopt delegated acts in accordance with Article 73 to amend the electrochemical	

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	durability parameters laid down in Annex III in view of technical and scientific progress.	electrochemical performance and durability parameters laid down in Annex III in view of technical and scientific progress.	performance and durability parameters laid down in Annex III in view of technical and scientific progress.	

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Article 9(2), third subparagraph				
264	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.	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 increase resource efficiency of portable batteries*** 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 ***safety and*** 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.*~~	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**, 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 shall be imposed on manufacturers of the batteries and the appliances**, light means of transport or vehicles** concerned.	
Article 9(3)				
265				

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	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. ~~*By 31 December 2030*~~ ***In preparing the delegated act referred to in the first subparagraph***, the Commission shall ~~*assess the feasibility of measures to phase out the use of non-rechargeable*~~***consider the need to reduce the life cycle environmental impact and increase resource efficiency of*** 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*~~***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 safety and functionality of those batteries or the appliances into which those batteries are incorporated, the affordability and the cost for end-users and***	3. By **108 months after entry into force of the Regulation** ~~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~~ **take the necessary** measures, including**, if appropriate,** the adoption of legislative proposals.	

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		the industry's competitiveness.		

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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 ***and light means of transport batteries***	Article 10 Performance and durability requirements for ~~rechargeable~~**LMT batteries,** industrial batteries and electric vehicle batteries	
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 documentation containing values for the electrochemical performance and durability parameters laid down in Part A of Annex IV.	1. From [12 months after entry into force of the Regulation], ~~rechargeable~~ industrial batteries, ***light means of transport*** ~~and electric vehicle~~ batteries ~~with internal storage and a capacity above 2 kWh~~***and electric vehicle batteries*** shall be accompanied by a technical documentation containing values for the electrochemical performance and durability parameters laid down in Part A of Annex IV.	1. From ~~[~~***12 months after entry into force of the Regulation***~~12 months after entry into force of the Regulation]~~, **LMT batteries,** ~~rechargeable~~ industrial batteries ~~and electric vehicle batteries with internal storage and a capacity 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~~ **document** containing values for the electrochemical performance and durability parameters laid down in Part A of Annex IV.	

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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.		**For batteries referred to in first subparagraph** the technical documentation referred to in ~~the first subparagraph~~**Annex VIII** 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.	
Article 10(1a)				
268a		***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.***		

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Article 10(1b)				
268b		***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.***		
Article 10(1c)				
268c		***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.***		

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Article 10(2)				
269	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 durability parameters set out in Part A of Annex IV.	2. From 1 January 2026~~,~~ ~~*rechargeable*~~ industrial batteries**,** ***light means of transport batteries and electric vehicle batteries*** ~~*with internal storage and a capacity above 2 kWh*~~ shall meet the minimum values ***for the specific battery type*** 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.	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,** ~~1 January 2026, rechargeable~~ industrial batteries with ~~internal storage and~~ a capacity above 2 kWh**, except those with exclusively external storage,** 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.	
Article 10(2a)				
269a			**2a. The requirements laid down in paragraphs 1 and 2 shall not 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**	

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			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.	
Article 10(3), introductory part				
270	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 with internal storage and capacity above 2 kWh shall attain.	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*~~***light means of transport*** batteries**,** ***electric vehicle batteries and industrial batteries*** ~~*with internal storage and capacity above 2 kWh*~~ shall attain.	3. By **30 months after entry into force of the Regulation** ~~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 with ~~internal storage and~~ **a** capacity above 2 kWh**, except those with exclusively external storage,** shall attain.	
Article 10(3), first paragraph				
271	In preparing the delegated act referred to in the first	In preparing the delegated act referred to in the first	In preparing the delegated act referred to in the first	

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	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 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.	subparagraph, the Commission shall consider the need to reduce the life cycle environmental impact of ~~*rechargeable*~~ industrial batteries***, electric vehicle batteries and light means of transport 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.*~~	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**, except of 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.	
Article 10(3a)				
271a		***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***	**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**	

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		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.	**scientific progress, including in particular related to technical specifications of the informal UNECE Working Group on Electric Vehicles and the Environment.**	
Article 11				
272	Article 11 Removability and replaceability of portable batteries	Article 11 Removability and replaceability of portable batteries ***and batteries for light means of transport***	Article 11 Removability and replaceability of portable batteries **and LMT batteries**	
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	1. ***By 1 January 2024*** portable batteries incorporated in appliances ***and batteries for light means of transport*** shall be ***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***	1. **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** ~~in appliances~~ shall be readily	

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	appliance.	***the appliance or the batteries. Portable batteries shall be*** removable and replaceable by the end-user ***and batteries for light means of transport shall be removable and replaceable by the end-users*** 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. ***Battery cells for light means of transport shall be removable and replaceable by independent operators.***	removable and replaceable by the end-user or by independent operators during the lifetime of the appliance **or light mean of 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**.	
Article 11(1a)				
273a			**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**	

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			with instructions and safety information on the use and removal of the batteries.	
Article 11(1a), second paragraph				
273b			**For appliances that are designed to operate normally in a wet environment, portable batteries shall be removable and replaceable only by qualified independent operators.**	

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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 ***or a light means of transport***, it can be substituted by a ~~*similar*~~***compatible*** battery~~,~~ without affecting the functioning***, the performance*** or the ~~*performance*~~***safety*** of that appliance ***or light means of transport***.	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**.	
Article 11(1), first paragraph a				
274a		***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***		
Article 11(1), first paragraph b				
274b		***1a. Clear and detailed instructions for removal and replacement shall be provided by***		

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		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.		
Article 11(1a)				
274c		***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.***		
Article 11(2), introductory part				
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	
Article 11(2), point (a)				
276	(a) continuity of power supply is necessary and a permanent connection between the appliance and the portable battery is required for safety, performance,	(a) continuity of power supply is necessary and a permanent connection between the appliance and the portable battery is required for safety~~, *performance, medical*~~	~~(a)~~ continuity of power supply is necessary and a permanent connection between the ~~appliance~~**product** and the **respective** portable battery is	

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	medical or data integrity reasons; or	~~*or data integrity reasons; or*~~ ***and it can be proved by the manufacturer that there is no alternative available on the market;***	required for safety, ~~performance,~~ medical or data integrity reasons~~;~~ ~~or~~	
Article 11(2), point (aa)				
276a		***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;***		
Article 11(2), point (b)				
277	(b) the functioning of the battery is only possible when the battery is integrated into the structure of the appliance.	(b) the functioning of the battery is only possible when the battery is integrated into the structure of the appliance ***and it can be proved by the manufacturer that there is no alternative available on the market***.	*deleted*	
Article 11(2) subparagraph 1a				
277a		***The relevant economic operator***		

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		shall inform end-users in a clear and comprehensible manner at 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.		
Article 11(3)				
278	3. The Commission shall adopt guidance to facilitate harmonised application of the derogations set out in paragraph 2.	3. The Commission shall adopt, ***no later than 12 months after the entry into force of this Regulation,*** guidance to facilitate harmonised application of the derogations set out in paragraph 2.	3. The Commission shall ~~adopt guidance~~ **publish guidelines** to facilitate harmonised application of the ~~derogations~~ **provisions** set out in ~~paragraph 2~~ **this Article**.	
Article 11a				
278a		***Article 11a Removability and replaceability of automotive batteries, electric vehicle batteries and industrial batteries***		
Article 11a(1)				
278b				

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		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. ***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.*** ***3. Software shall not be used to affect the replacement of industrial batteries or electric vehicle batteries or of their key components with another compatible battery or key components.*** ***4. The Commission shall be empowered to adopt delegated acts in accordance with Article 73 laying down detailed rules supplementing those set out in***		

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		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.		
Article 11b				
278c		***Article 11b*** ***Safety of repaired automotive batteries, industrial batteries, light means of transport batteries and electric vehicle batteries***		
Article 11b(1)				
278d		***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.*** ***2. The Commission is empowered to adopt delegated acts in accordance with Article 73 to define the appropriate testing methods to ensure that***		

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		repaired batteries are safe.		
Article 11c				
278e		***Article 11c*** ***Common chargers***		
Article 11c(1)				
278f		***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 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.*** ***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.***		

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		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. ***The assessment of the Commission shall be without prejudice to the adoption of any legislation providing for the introduction of such common chargers at an earlier date.***		
Article 12				
279	Article 12 Safety of stationary battery energy storage systems	Article 12 Safety of ~~*stationary battery*~~***batteries within*** energy ***stationary*** storage systems	Article 12 Safety of stationary battery energy storage ~~systems~~ **system**	

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Article 12(1)				
280	1. Stationary battery energy storage systems shall be accompanied by technical documentation demonstrating that they are safe during their normal operation and use, including evidence that they have been successfully tested for the safety parameters laid down in Annex V, for which state-of-the-art testing methodologies should be used.	1. ~~*Stationary battery*~~***Batteries within stationary*** energy storage systems shall be accompanied by technical documentation demonstrating that they are safe during their normal operation and use, including evidence that they have been successfully tested for the safety parameters laid down in Annex V, for which state-of-the-art testing methodologies ~~*should*~~***shall*** be used.	1. Stationary battery energy storage **system placed on the market or put into service shall be** ~~systems shall be accompanied by technical documentation demonstrating that they are~~ safe during their normal operation and use~~, including evidence that they have been successfully tested for the safety parameters laid down in Annex V, for which state-of-the-art testing methodologies should be used~~.	
Article 12(1a)				
280a			**1a. By 12 months after entry into force of the Regulation, the technical documentation referred to in Annex VIII shall demonstrate that the batteries referred to in paragraph 1 are compliant with the requirements in accordance with paragraph 1and shall include evidence that they have been successfully tested, at a minimum, for the safety parameters laid down in Annex V, for which state-of-the-art**	

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			testing methodologies shall be used.	

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Article 12(2)				
281	2. The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend the safety parameters laid down in Annex V in view of technical and scientific progress.		2. The Commission **shall be** ~~is~~ empowered to adopt delegated acts in accordance with Article 73 to amend the safety parameters laid down in Annex V in view of technical and scientific progress.	
Article 12(2a), introductory part				
281a			**2a. The technical documentation referred to in Annex VIII shall include at least:**	
Article 12(2a), point (a)				
281b			**(a) an assessment of possible additional safety hazards, not addressed in Annex V, of the specific battery energy storage system, based on its technology and the specific application and environment of the battery energy storage system. The documentation should be reviewed if a battery is prepared for re-use, prepared for repurpose, remanufactured or repurposed;**	

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Article 12(2a), point (b)				
281c			**(b) evidence that the additional hazards have been successfully mitigated and tested for which state-of-the-art testing methodologies should be used;**	
Article 12(2a), point (c)				
281d			**(c) mitigation instructions in case the identified hazards addressed in Annex V may occur, for example a fire or explosion.**	
Chapter III				
282	Chapter III Labelling and information requirements		Chapter III Labelling**, marking** and information requirements	
Article 13				
283	Article 13 Labelling of batteries		Article 13 Labelling **and marking** of batteries	

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Article 13(1)				
284	1. From 1 January 2027, batteries shall be marked with a label containing the information laid down in Part A of Annex VI.	1. From ~~*1 January 2027*~~***... [24 months after the entry into force of this Regulation]***, batteries shall be marked with a label containing the information laid down in Part A of Annex VI ***and the specific information required pursuant to Regulation (EU) 2017/1369 of the European Parliament and of the Council***.	1. From **either 48 months after entry into force of the Regulation or 18 months after the entry into force of the implementing act referred to in paragraph 7, whichever is later, all** ~~1 January 2027,~~ batteries shall be marked with a label containing the **general** information **about batteries** laid down in Part A of Annex VI.	
Article 13(2)				
285	2. From 1 January 2027, portable and automotive batteries shall be marked with a label containing information on their capacity and portable batteries shall be marked with a label containing information on their minimum average duration when used in specific applications.	2. From 1 January 2027, portable ***batteries, light means of transport batteries*** and automotive batteries shall be marked with a label containing information on their ***nominal energy*** capacity and ~~*portable batteries shall be*~~ marked with a label containing information on their minimum average duration when used in specific applications ***and the expected lifetime in terms of number of cycles and calendar years***.	2. From **either 48 months after entry into force of the Regulation or 18 months after the entry into force of the implementing act referred to in paragraph 7, whichever is later, rechargeable** ~~1 January 2027, portable and automotive batteries shall be marked with a label containing information on their capacity and~~ portable batteries **and SLI batteries** shall be marked with a label containing information on their ~~minimum average duration when used in specific applications~~**capacity** .	

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Article 13(2a)				
285a		***2a. From 1 January 2023, non-rechargeable portable batteries of general use shall be marked with a label indicating 'non-rechargeable'.***	**2a. From either 48 months after entry into force of the Regulation or 18 months after the entry into force of the implementing act referred to in paragraph 7, whichever is later, non-rechargeable portable batteries shall be marked with a label containing information on their minimum average duration when used in specific applications.**	
Article 13(3), first subparagraph				
286	3. From 1 July 2023, batteries shall be labelled with the symbol indicating 'separate collection' in accordance with the requirements laid down in Part B of Annex VI.		3. From **24 months after entry into force of the Regulation, all** ~~1 July 2023,~~ batteries shall be ~~labelled~~ **marked** with the symbol indicating 'separate collection' in accordance with the requirements laid down in Part B of Annex VI.	
Article 13(3), second subparagraph				
287	The symbol shall cover at least 3 % of the area of the largest side of the battery up to a maximum size of 5 × 5 cm.		*deleted*	

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Article 13(3), third subparagraph				
288	In the case of cylindrical battery cells, the symbol shall cover at least 1,5 % of the surface area of the battery and shall have a maximum size of 5 × 5 cm.		*deleted*	
Article 13(3), fourth subparagraph				
289	Where the size of the battery is such that the symbol would be smaller than 0,5 × 0,5 cm, the battery does not need to be marked but a symbol measuring at least 1 × 1 cm shall be printed on the packaging.	Where the size of the battery is such that the symbol would be smaller than ~~*0,5 × 0,5*~~***0,47 × 0,47*** cm, the battery does not need to be marked but a symbol measuring at least 1 × 1 cm shall be printed on the packaging.	Where the size of the battery is such that **it can not be marked in accordance with previous subparagraph, a symbol shall be printed on the packaging and on the documentation accompanying the battery in accordance with the requirements laid down in Part B of Annex VI** ~~the symbol would be smaller than 0,5 × 0,5 cm, the battery does not need to be marked but a symbol measuring at least 1 × 1 cm shall be printed on the packaging~~.	
Article 13(3a)				
289a		***From 1 July 2023, batteries shall be labelled with a symbol indicating a harmonised colour code based on the battery type***		

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		and its chemical composition.		

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Article 13(4), introductory part				
290	4. From 1 July 2023, batteries containing more than 0,002 % cadmium or more than 0,004 % lead, shall be marked with the chemical symbol for the metal concerned: Cd or Pb.		4. From **24 months after entry into force of the Regulation, all** ~~1 July 2023,~~ batteries containing more than **0,0005 % mercury or more than** 0,002 % cadmium or more than 0,004 % lead, shall be marked with the chemical symbol for the metal concerned: **Hg or** Cd or Pb.	
Article 13(4), first paragraph				
291	The symbol indicating the heavy metal content shall be printed beneath the symbol shown in Part B of Annex VI and shall cover an area of at least one-quarter the size of that symbol.		The symbol indicating the heavy metal content shall be printed beneath the symbol shown in Part B of Annex VI and shall cover an area of at least one-quarter the size of that symbol.	
Article 13(4a)				
291a			**4a. From the date provided in Article 7(2), industrial batteries, with a capacity above 2 kWh, except those with exclusively external storage, and electric vehicle batteries shall be marked with a label containing the information in accordance**	

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			with Article 7(2).	

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Article 13(5), introductory part				
292	5. Batteries shall be marked with a QR code in accordance with Part C of Annex VI which shall provide access to the following information:		5. **From 48 months after entry into force of the Regulation, all** batteries shall be marked with a QR code in accordance with Part C of Annex VI**. The QR code** ~~which~~ shall provide access to the ~~following information~~**information on the respective battery model**:	
Article 13(5), point (a)				
293	(a) from 1 January 2027, for all batteries the information referred to in paragraph 1;		(a) ~~from 1 January 2027, for all batteries~~ **for industrial batteries and LMT batteries with a capacity above 2 kWh and electric vehicle batteries, by linking to** the information **on that model in the electronic exchange system** referred to in ~~paragraph 1;~~**Part A of Annex XIII.**	
Article 13(5), point (aa)				
293a		***from 1 January 2025, the information laid down in Part Aa of Annex VI;***		

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Article 13(5), point (b)				
294	(b) from 1 January 2027, for portable and automotive batteries the information referred to in paragraph 2;	(b) from 1 January 2027, for portable***, light means of transport batteries*** and automotive batteries**,** the information referred to in paragraph 2;	(b) ~~from 1 January 2027, for portable and automotive batteries the~~ **for other batteries by linking to the applicable** information referred to in ~~paragraph 2;~~	
Article 13(5), point (ba)				
294a		***(ba) from 1 January 2023, for portable batteries of general use, the information referred to in paragraph 2a;***		
Article 13(5), point (c)				
295	(c) from 1 January 2023, for all batteries the symbol referred to in paragraph 3;		*deleted*	
Article 13(5), point (d)				
296	(d) from 1 January 2023, for batteries containing more than 0,002 % cadmium or more than 0,004 % lead, the symbol referred to in paragraph 4;		*deleted*	

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Article 13(5), point (e)				
297	(e) from [12 months after the entry into force of this Regulation], for rechargeable industrial batteries and electric vehicle batteries the report referred to in Article 39(6);	(e) from [12 months after the entry into force of this Regulation], for ~~*rechargeable industrial*~~***all*** batteries~~*and electric vehicle batteries*~~**,** the report referred to in Article 39(6);	*deleted*	
Article 13(5), point (f)				
298	(f) from 1 July 2024, for electric vehicle batteries and for rechargeable industrial batteries with internal storage and a capacity above 2 kWh the carbon footprint declaration referred to in Article 7(1);	(f) from ~~*1*~~ July 2024, for electric vehicle batteries**, *light means of transport*** ~~*and for rechargeable industrial*~~ batteries ~~*with internal storage and a capacity above 2 kWh*~~***and for industrial batteries,*** the carbon footprint declaration referred to in Article 7(1);	*deleted*	
Article 13(5), point (g)				
299	(g) from 1 January 2026, for electric vehicle batteries and for rechargeable industrial batteries with internal storage and a capacity above 2 kWh the carbon footprint performance class referred to in Article 7(2);	(g) from 1 ~~*January 2026*~~***July 2025***, for electric vehicle batteries**, **light means of transport vehicles*** and for ~~*rechargeable*~~ industrial batteries with internal storage ~~*and a capacity above 2 kWh*~~ the carbon footprint performance class referred to in Article 7(2);	*deleted*	

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Article 13(5), point (h)				
300	(h) from 1 January 2027, for rechargeable industrial batteries, automotive batteries and electric vehicle batteries with internal storage and a capacity above 2 kWh the amount of cobalt, lead, lithium or nickel recovered from waste and present in active materials in the battery, in accordance with Article 8;	(h) from 1 ~~*January 2027, for rechargeable industrial*~~***July 2025, for portable*** batteries, ~~*automotive batteries and electric vehicle*~~***with the exception of portable*** batteries ~~*with internal storage and a capacity above 2 kWh*~~***of general use, light means of transport batteries, industrial batteries, automotive batteries and electric vehicle batteries,*** the amount of cobalt, lead, lithium or nickel recovered from waste and present in active materials in the battery, in accordance with Article 8;	*deleted*	
Article 13(5), point (i)				
301	(i) from 1 January 2023, for all batteries the declaration referred to in Article 18;		~~(i) from 1 January 2023, for all batteries~~ **paragraphs 1 to 4 of this article,** the declaration **of conformity** referred to in Article 18~~;~~ **and the information regarding the prevention and management of waste batteries laid down in Article 60(1) points (a) to (f).**	

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Article 13(5), point (j)				
302	(j) from 1 July 2023, for all batteries the information referred to in points (a) to (f) of Article 60(1).		*deleted*	
Article 13, first subparagraph				
302a			**This information shall be complete and accurate.**	
Article 13(5), point (ja)				
302b		***(ja) from 1 January 2026, for light means of transport batteries, electric vehicle batteries and industrial batteries the information contained in the battery passport referred to in Article 65.***	***5a.*** **From the date specified in Article 65(1) industrial batteries, LMT batteries with a capacity above 2 kWh, except those with exclusively external storage, and electric vehicle batteries shall be marked with a data carrier linking to a unique identifier in accordance with Article 65(2) and with Part C of Annex VI.**	
Article 13(6)				
303	6. Labels and QR code referred to in paragraphs 1 to 5 shall be	6. Labels and QR code referred to in paragraphs 1 to 5 shall be	6. Labels**, QR code and data carrier linking to a unique**	

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	printed or engraved visibly, legibly and indelibly on the battery. Where this is not possible or not warranted on account of the nature and size of the battery, labels shall be affixed to the packaging and to the documents accompanying the battery.	printed or engraved visibly, legibly and indelibly on the battery. Where this is not possible or not warranted on account of the nature and size of the battery, labels shall be affixed to the packaging and to the documents accompanying the battery. ***In the event of remanufacturing or repurposing, labels shall be updated by a new label reflecting the new status of the battery.*** ***Where batteries are incorporated in appliances, the labels and QR code referred to in paragraphs 1, 2, 3 and 5 shall be printed or engraved visibly, legibly and indelibly on the appliances.*** ***The QR code shall also provide access to the publicly accessible part of the battery passport established pursuant to Article 65.***	**identifier** ~~and QR code~~ referred to in paragraphs 1 to ~~5~~**5a** shall be printed or engraved visibly, **clearly** legibly and indelibly on the battery. Where this is not possible or not warranted on account of the nature and size of the battery, labels **and QR code** shall be affixed to the packaging and to the documents accompanying the battery.	
Article 13(6a)				
303a		***The Commission is empowered to adopt delegated acts in accordance with Article 73 to provide for alternative types of smart labels instead of or in addition to the QR-code, in view***	***6a.*** **Batteries that have been subject to preparing for re-use, preparing for repurpose or repurposing, or remanufacturing shall be**	

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		of technical and scientific progress.	**marked with new labels or markings in accordance with this Article, and containing information on their change of status in accordance with Article 65(3)(b), which shall be accessible through QR code.**	

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Article 13(7)				
304	7. The Commission shall, by 31 December 2025, adopt implementing acts to establish harmonised specifications for the labelling requirements referred to in paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).	7. ***The Commission shall, by 1 July 2025, adopt implementing acts to establish harmonised specifications for the labelling requirements referred to in paragraphs 1 and 2. For portable batteries of general use, such labelling shall include an easily recognisable classification of their performance and durability. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).*** The Commission shall, by 31 December 2025, adopt implementing acts to establish harmonised specifications for the labelling requirements referred to in paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).	7. The Commission shall, by **30 months after entry into force of the Regulation** ~~31 December 2025~~, adopt implementing acts to establish harmonised specifications for the labelling requirements referred to in paragraphs 1**, 2 and 2a** ~~and 2~~. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).	
Article 13(7a)				
304a		***The Commission shall, by 1 January 2023, adopt implementing acts to establish harmonised specifications for the***	***7a.*** **The Commission shall develop guidelines for economic operators about the different**	

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		labelling requirements referred to in paragraph 3 concerning the harmonised colour code. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).	**labelling, marking and information requirements pursuant to articles 13, 14, 64 and 65.**	
Article 14				
305	Article 14 Information on the state of health and expected lifetime of batteries		Article 14 Information on the state of health and expected lifetime of batteries **using a battery management system**	
Article 14(1)				
306	1. Rechargeable industrial batteries and electric vehicle batteries with internal storage and a capacity above 2 kWh shall include a battery management system containing data on the parameters for determining the state of health and expected lifetime of batteries as laid down in Annex VII.	1. ~~*Rechargeable industrial batteries and*~~***Batteries within stationary energy storage systems,*** electric vehicle batteries ~~*with internal storage and a capacity above 2 kWh*~~***and light means of transport batteries that include a battery management system*** shall ~~*include a*~~***contain within the*** battery management system ~~*containing*~~***real time*** data on the parameters for determining the state of health***, safety*** and	1. ~~Rechargeable~~ Industrial batteries**, except those with exclusively external storage, LMT batteries with**~~and electric vehicle batteries with internal storage and~~ a capacity above 2 kWh ~~shall include~~**and electric vehicle batteries that use** a battery management system ~~containings~~**hall contain in their battery management system up-to-date** data on the parameters for determining the state of health and	

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		expected lifetime of batteries as laid down in Annex VII.	expected lifetime of batteries as laid down in Annex VII.	

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Article 14(2), introductory part				
307	2. Access to the data in the battery management system referred to in paragraph 1 shall be provided on a non-discriminatory basis to the legal or natural person who has legally purchased the battery or any third party acting on their behalf at any time for the purpose of:	2. ***Read-only*** access to the data in the battery management system**,** referred to in paragraph 1**, *and in portable batteries that include a battery management system,*** shall be provided on a non-discriminatory basis to the legal or natural person who has legally purchased the battery or any third party acting on their behalf at any time for the purpose of:	2. **Read-only** access to the **values data of the parameters referred to in Annex VII through** ~~data in~~ the battery management system referred to in paragraph 1 shall be provided**, respecting intellectual property rights of battery manufacturer,** on a non-discriminatory basis to the legal or natural person who has legally purchased the battery **or to waste management operators** or any third party acting on their behalf at any time for the purpose of:	
Article 14(2), point (c)				
307a	(c) making the battery available to independent aggregators or market participants through energy storage. Moved reference text		~~(c)~~**(-a)** making the battery available to independent aggregators or market participants through energy storage. Moved from row 310	
Article 14(2), point (a)				
308	(a) evaluating the residual value of the battery and capability for		(a) evaluating the residual value **or remaining lifetime** of the	

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	further use;		battery and capability for further use**, based on the estimation of the state of health**;	
Article 14(2), point (b)				
309	(b) facilitating the reuse, repurposing or remanufacturing of the battery;	(b) facilitating the ***preparation for*** reuse***, reuse, the preparation for repurposing***, repurposing or remanufacturing of the battery;	(b) facilitating the ~~reuse~~**preparing for re-use, preparing for repurpose**, **or** repurposing or remanufacturing of the battery;	
Article 14(2), point (c)				
310	(c) making the battery available to independent aggregators or market participants through energy storage.		Moved to row 307a	
Article 14(2a)				
310a		***2a. Manufacturers shall make available for electric vehicle batteries and light means of transport batteries that contain a battery management system real-time in-vehicle data related to the battery state of health, battery state of charge, battery power set point and battery capacity.***	**2a. The battery management system shall be designed in a way that economic operators carrying out preparing for reuse, preparing for repurpose, repurposing or remanufacturing, can upload the necessary software for the purpose and application for**	

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			which the battery will be used after such operations.	
Article 14(2b)				
310b		***By 1 January 2024, the battery management system for electric vehicle batteries shall be designed in such a manner that it can communicate with smart charging systems, including by having vehicle-to-grid, vehicle-to-load, vehicle-to-vehicle, vehicle-to-power bank and vehicle-to-building charging functions.***	***2b.*** **The Commission shall be empowered to adopt a delegated act in accordance with Article 73 to amend the parameters for determining the state of health and expected lifetime of batteries laid down in Annex VII in view of market development and technical and scientific progress, with due regard to the intellectual property rights of battery manufacturer.**	
Article 14(3)				
311	3. The provisions of this Article shall apply in addition to those laid down in Union law on type approval of vehicles.		3. The provisions of this Article shall apply ~~in addition~~ **without prejudice** to those laid down in Union law on type approval of vehicles.	
Article 14(3), subparagraph 1 a (new)				
311a		***The Commission is empowered***		

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		to adopt a delegated act in accordance with Article 73 to amend the parameters for determining the state of health and expected lifetime of batteries as laid down in Annex VII, in view of technical and scientific progress, and to ensure synergies with the parameters that may originate from the work of the informal UNECE Working Group on Electric Vehicles and the Environment.		
Chapter IV				
312	Chapter IV Conformity of batteries		Chapter IV Conformity of batteries	
Article 15				
313	Article 15 Presumption of conformity of batteries		Article 15 ~~Presumption of conformity of batteries~~**Harmonised standards**	
Article 15(1)				
314	1. For the purposes of compliance and verification of compliance with the requirements set out in	1. For the purposes of compliance and verification of compliance with the– requirements set out in	1. For the purposes of compliance and verification of compliance **of batteries** with the– requirements	

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	Articles 9, 10, 12, 13 and 59(5)(a) of this Regulation, measurements and calculations shall be made using a reliable, accurate and reproducible method, which takes into account the generally recognised state-of-the-art methods, and whose results are deemed to be of low uncertainty, including methods set out in standards, the reference numbers of which have been published for that purpose in the Official Journal of the European Union.	Articles 9, 10, ***11a,*** 12, 13 and 59(5)(a) of this Regulation, measurements and calculations shall be made using a reliable, accurate and reproducible method, which takes into account the generally recognised state-of-the-art methods, and whose results are deemed to be of low uncertainty, including methods set out in standards, the reference numbers of which have been published for that purpose in the Official Journal of the European Union.	set out in Articles 9, 10, 12, **13(2), 13(2a) and 14(2)(a)** ~~13 and 59(5)(a)~~ of this Regulation, **test,** measurements and calculations shall be made using ~~a~~ reliable, accurate and reproducible ~~method~~ **methods**, which ~~takes~~ **take** into account the generally recognised state-of-the-art methods, and whose results are deemed to be of low uncertainty, including methods set out in standards, the reference numbers of which have been published for that purpose in the Official Journal of the European Union.	
Article 15(2)				
315	2. Batteries which are tested following harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements referred to in Articles 9, 10, 13 and 59(5)(a) to the extent that those requirements are covered by such harmonised standards.	2. Batteries which are tested following harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements referred to in Articles 9, 10, 13 and 59(5)(a) to the extent that those requirements are covered by such harmonised standards ***or parts thereof***.	2. Batteries which are **in conformity with** ~~tested following~~ harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements ~~referred to~~ **set out** in Articles 9, 10, **12, 13(2), 13(2a) and 14(2)(a)** ~~13 and 59(5)(a)~~ to the extent that those requirements are covered by such harmonised	

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			standards **or parts thereof, and, if applicable, to the extent that the minimum values established for those requirements are attained**.	
Article 15(3)				
316	3. Batteries which are in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements set out in Article 12 to the extent that those requirements are covered by such harmonised standards.		*deleted*	
Article 16				
317	Article 16 Common specifications		Article 16 Common specifications	
Article 16(1), first subparagraph, introductory part				
318	1. The Commission shall be empowered to adopt implementing acts laying down	1. The Commission ~~*shall be empowered to adopt*~~***may adopt in exceptional cases, after***	1. The Commission shall be empowered to adopt implementing acts laying down	

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	common specifications for the requirements set out in Articles 9, 10, 12, 13, 59(5)(a) or tests referred to in Article 15(2), where:	***consultation of the relevant European standardisation organisations and European stakeholder organisations receiving Union financing under Regulation (EU) No 1025/2012,*** implementing acts laying down common specifications for the requirements set out in Articles 9, 10***, 11a***, 12, 13, 59(5)(a) or tests referred to in Article 15(2), where:	common specifications for the requirements set out in Articles 9, 10, 12, ~~13, 59(5)(a)~~**13(2), 13(2a) and 14(2)(a)** or tests referred to in Article **15(1), only** ~~15(2),~~ where **at least one of the following conditions have been fulfilled**:	
Article 16(1), first subparagraph, point (a)				
319	(a) those requirements or tests are not covered by harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union; or		(a) those requirements or tests are not covered by harmonised standards or parts– thereof, the references of which have been published in the Official Journal of the European Union; ~~or~~**and**	

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Article 16(1), first subparagraph, first indent				
319a			**- the request has not been accepted by any of the European standardisation organisations; or**	
Article 16(1), first subparagraph, point (b)				
320	(b) the Commission observes undue delays in the adoption of requested harmonised standards, or considers that relevant harmonised standards are not sufficient; or	(b) the Commission observes undue delays in the adoption of requested~~–~~ harmonised standards, ***namely by exceeding the deadlines set for the standardisation organisation in the standardisation request, or reasonably*** ~~*or*~~ considers that relevant harmonised standards ~~*are not sufficient*~~***do not sufficiently fulfil the criteria described in the standardisation request***; or	~~(b)~~ the Commission observes undue delays in the adoption of requested~~ harmonised standards, or considers that relevant~~ harmonised standards~~ are not sufficient~~; or	
Article 16(1), first subparagraph, point (c)				
321	(c) the Commission has decided in accordance with the procedure referred to in Article 11(5) of Regulation (EU) No 1025/2012 to maintain with restriction or to withdraw the references to the harmonised standards or parts		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	thereof by which those requirements or tests are covered.			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 16(1), first subparagraph, third indent				
321a			**- a European standardisation organisation has delivered a standard that does not entirely correspond with the request of the Commission.**	
Article 16(1), second subparagraph				
322	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).		Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).	
Article 16(2)				
323	2. Batteries which are tested following common specifications or parts thereof shall be presumed to be in conformity with the requirements set out in Articles 9, 10, 13 and 59(5)(a) to the extent that those requirements are covered by those common specifications or parts thereof, and, if applicable, to the extent that the minimum values established for those requirements are attained.		2. Batteries which are **in conformity with** ~~tested following~~ common specifications or parts thereof shall be presumed to be in conformity with the requirements set out in Articles 9, 10, **12, 13(2), 13(2a) and 14(2)(a)** ~~13 and 59(5)(a)~~ to the extent that those requirements are covered by those common specifications or parts thereof, and, if applicable, to the extent that the minimum values established for those requirements are attained.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 16(3)				
324	3. Batteries which are in conformity with common specifications or parts thereof shall be presumed to be in conformity with the requirements set out in Article 12 to the extent that those requirements are covered by those common specifications or parts thereof.		3. ~~Batteries which are in conformity with common specifications~~**The Commission shall amend or repeal implementing acts referred to in paragraph 1 within a reasonable period of at least one year after publication of reference numbers of harmonised standards** or parts thereof**, covering the requirements or tests referred to in paragraph 1, in the Official Journal of the European Union, in order to allow manufacturers to take into account the changes as referred to in Article 38(6)** ~~shall be presumed to be in conformity with the requirements set out in Article 12 to the extent that those requirements are covered by those common specifications or parts thereof~~.	
Article 16(3a)				
324a		***The Commission shall actively support the Union industry and strengthen its presence in international standardisation organisations by aiming for the***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		greatest possible coherence between international and European standards, and by promoting the general use of European standards outside the Union.		
Article 17				
325	Article 17 Conformity assessment procedures		Article 17 Conformity assessment procedures	
Article 17(1)				
326	1. Before a battery is placed on the market or put it into service, the manufacturer or its authorised representative shall ensure that an assessment of the product's conformity with the requirements of Chapters II and III of this Regulation is carried out.	1. Before a battery is placed on the market or put ~~it~~ into service, the manufacturer or its authorised representative shall ensure that an assessment of the product's conformity with the requirements of Chapters II and III ***and Article 39*** of this Regulation is carried out.	*deleted*	
Article 17(2)				
327	2. Conformity assessment of batteries with the requirements set out in Articles 6, 9, 10, 11, 12, 13	2. Conformity assessment of batteries with the requirements set out in Articles 6, 9, ~~10, 11, 12~~***11***,	2. Conformity assessment of batteries with the requirements set out in Articles 6, 9, 10, ~~11, 12, 13~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and 14 shall be carried out in accordance with the procedure set out in Part A of Annex VIII.	13 and 14 shall be carried out in accordance with the procedure set out in Part A of Annex VIII.	~~and~~**and 12 to** 14 shall be carried out in accordance with ~~the procedure set out in Part A of Annex VIII.~~**one of the following procedures:**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 17(2), first subparagraph				
327a			**For batteries manufactured in series:**	
Article 17(2), first subparagraph, point (a)				
327b			**(a) 'Module A - Internal production control', set out in Part A of Annex VIII or**	
Article 17(2), first subparagraph, point (b)				
327c			**(b) 'Module D1 - Quality assurance of the production process', set out in Part B of Annex VIII.**	
Article 17(2), second subparagraph				
327d			**For batteries not manufactured in series:**	
Article 17(2), second subparagraph, point (a)				
327e			**(a) 'Module A - Internal production control', set out in Part A of Annex VIII or**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 17(2), second subparagraph, point (b)				
327f			**(b) 'Module G - Conformity based on unit verification', set out in Part C of Annex VIII.**	
Article 17(3)				
328	3. Conformity assessment of batteries with requirements set out in Articles 7, 8 and 39 shall be carried out in accordance with the procedure set out in Part B of Annex VIII.	3. Conformity assessment of batteries with requirements set out in Articles 7, 8***, 10, 12*** and 39 shall be carried out in accordance with the procedure set out in Part B of Annex VIII.	3. Conformity assessment of batteries with requirements set out in Articles 7~~, 8 and 39~~ **and 8** shall be carried out in accordance with ~~the procedure set out in Part B of Annex VIII.~~**one of the following procedures:**	
Article 17(3), point (a)				
328a			**(a) 'Module D1 - Quality assurance of the production process' set out in Part B of Annex VIII for batteries manufactured in series; or**	
Article 17(3), point (b)				
328b			**(b) 'Module G – Conformity based on unit verification' set out in Part C of Annex VIII for batteries not manufactured in series.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 17(4)				
329	4. The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend Annex VIII by introducing additional verification steps in the conformity assessment modules or by replacing those modules by other modules set out in Decision No 768/2008/EC, if necessary after adapting them to the specific requirements for batteries.		*deleted*	
Article 17(4a)				
329a			**4a. Conformity assessment of batteries that have been subject to preparing for re-use, preparing for repurpose or repurposing, or remanufacturing, shall be carried out in accordance with the 'Module A - Internal production control', set out in Part A of Annex VIII, considering the requirements set out in Articles 6, 9, 10 and 12 to 14.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 17(5)				
330	5. Records and correspondence relating to the conformity assessment of batteries shall be drawn up in an official language of the Member State where the notified body carrying out the conformity assessment procedures referred to in paragraphs 1 and 2 is established, or in a language accepted by that body.	5. Records and correspondence relating to the conformity assessment of batteries shall be drawn up in ~~an~~ ***the*** official language ***or languages*** of the Member State where the notified body carrying out the conformity assessment procedures referred to in paragraphs 1 and 2 is established, or in a language accepted by that body.	5. Records and correspondence relating to the conformity assessment **procedures** of batteries shall be drawn up in ~~an~~ **the** official language **or languages** of the Member State where the notified body carrying out the conformity assessment procedures ~~referred to in paragraphs 1 and 2~~ is established, or in a language **or languages** accepted by that body.	
Article 17(5a)				
330a		***5a. This Article shall apply 12 months after the date of publication by the Commission of the list of notified bodies referred to in Article 30(2).***		
Article 18				
331	Article 18 EU declaration of conformity		Article 18 EU declaration of conformity	
Article 18(1)				
332				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. The EU declaration of conformity shall state that the fulfilment of the requirements set out in Chapters II and III has been demonstrated.	1. The EU declaration of conformity shall state that the fulfilment of the requirements set out in Chapters II and III ***and Article 39*** has been demonstrated.	1. The EU declaration of conformity shall state that the fulfilment of the requirements set out in **Articles 6 to 10 and 12 to 14** ~~Chapters II and III~~ has been demonstrated.	
Article 18(2)				
333	2. The EU declaration of conformity shall have the model structure set out in Annex IX, shall contain the elements specified in the relevant modules set out in Annex VIII and shall be continuously updated. It shall be translated into the language or languages required by the Member State in which the battery is placed on the market or put into service.	2. The EU declaration of conformity ***may be completed electronically and*** shall have the model structure set out in Annex IX, shall contain the elements specified in the relevant modules set out in Annex VIII and shall be continuously updated	2. The EU declaration of conformity shall have the model structure set out in Annex IX, shall contain the elements specified in the relevant modules set out in Annex VIII and shall be ~~continuously updated~~**updated, if necessary**. It shall be translated into the language or languages required by the Member State in which the battery is placed ***or made available*** on the market or put into service. **It shall be drawn up in electronic format and where requested, it shall be provided in paper format.**	
Article 18(3)				
334	3. Where a battery model is subject to more than one Union act requiring an EU declaration of		3. Where a battery ~~model~~ is subject to more than one Union act requiring an EU declaration of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	conformity, a single EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall state the Union acts concerned and their publication references.		conformity, a single EU declaration of conformity shall be drawn up in respect of all such Union acts. That declaration shall state the Union acts concerned and their publication references.	
Article 18(3a)				
334a			**3a. By drawing up the EU declaration of conformity, the manufacturer shall assume responsibility for the compliance of the battery with the requirements laid down in this Regulation.**	
Article 18(3b)				
334b			**3b. Without prejudice to paragraph 3, a single EU declaration of conformity may be made up of one or more individual EU declarations of conformity already drawn up in compliance with a different Union act, in order to reduce the administrative burden on economic operators.**	
Article 18(3c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
334c			**3c. An additional EU declaration of conformity shall be drawn up before placing on the market or putting into service of a battery that has been subject to preparing for re-use, preparing for repurpose or repurposing, or remanufacturing.**	
Article 19				
335	Article 19 General principles of the CE marking		Article 19 General principles of the CE marking	
Article 19, first paragraph				
336	The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.		The CE marking shall be subject to the general principles set out in Article 30 of Regulation (EC) No 765/2008.	
Article 20				
337	Article 20 Rules and conditions for affixing the CE marking		Article 20 Rules and conditions for affixing the CE marking	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20(1)				
338	1. The CE marking shall be affixed visibly, legibly and indelibly to the battery. Where that is not possible or not warranted due to the nature of the battery, it shall be affixed to the packaging and to the documents accompanying the battery.		1. The CE marking shall be affixed visibly, legibly and indelibly to the battery. Where that is not possible or not warranted due to the nature of the battery, it shall be affixed to the packaging and to the documents accompanying the battery.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20(2)				
339	2. The CE marking shall be affixed before the battery is placed on the market.		2. The CE marking shall be affixed before the battery is placed on the market **or put into service**.	
Article 20(3)				
340	3. The CE marking shall be followed by the identification number of the notified body that has carried out the conformity assessment. That identification number shall be affixed by the notified body itself or, under its instructions, by the manufacturer or by the manufacturer's authorised representative.		3. The CE marking shall be followed by the identification number of the notified body ~~that has carried out the conformity assessment~~ **where required under Annex VIII**. That identification number shall be affixed by the notified body itself or, under its instructions, by the manufacturer or by ~~the manufacturer's~~ **its** authorised representative.	
Article 20(4)				
341	4. The CE marking and the identification number referred to in paragraph 3 shall be followed, if applicable, by any labelling indicating a special risk, use or other danger linked to the use, storage, treatment or transport of the battery.		4. The CE marking and the identification number referred to in paragraph 3 ~~shall~~ **may** be followed, if applicable, by any **pictogram or other mark** ~~labelling~~ indicating a special risk, use or ~~other~~ **any** danger linked to the use, storage, treatment or transport of the battery.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 20(5)				
342	5. Member States shall build upon existing mechanisms to ensure correct application of the regime governing the CE marking and shall take appropriate action in the event of improper use of that marking.		5. Member States shall build upon existing mechanisms to ensure correct application of the regime governing the CE marking and shall take appropriate action in the event of improper use of that marking.	
Chapter V				
343	Chapter V Notification of conformity assessment bodies		Chapter V Notification of conformity assessment **and third-party verification** bodies	
Article 21				
344	Article 21 Notification		Article 21 Notification	
Article 21, first paragraph				
345	Member States shall notify the Commission and the other Member States of conformity assessment bodies authorised to carry out conformity assessment in accordance with this Regulation	Member States shall notify the Commission and the other Member States of conformity assessment bodies authorised to carry out ***third-party*** conformity assessment – in accordance with this Regulation.	**1.** Member States shall notify the Commission and the other Member States of conformity assessment bodies authorised to carry out conformity assessment **or third-party verification** in accordance with this Regulation**.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 21 (1a)				
345a			**1a. The requirements under this Chapter relating to the conformity assessment procedure and conformity assessment activities shall apply mutatis mutandis to, respectively, periodical audits in accordance with Article 45a(1a) and third-party verification in accordance with Article 45d, and third-party verification activities, unless otherwise specified.**	
Article 21(1b)				
345b			**1b. The requirements under this Chapter relating to the conformity assessment body shall apply mutatis mutandis to third-party verification body in accordance with Article 45d unless otherwise specified.**	
Article 22				
346	Article 22 Notifying authorities		Article 22 Notifying authorities	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 22(1)				
347	1. Member States shall designate a notifying authority that shall be responsible for setting up and carrying out the necessary procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, including compliance with Article 25.		1. Member States shall designate a notifying authority that shall be responsible for setting up and carrying out the necessary procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, including compliance with Article ~~25~~ **27**.	
Article 22(2)				
348	2. Member States may decide that the assessment and monitoring referred to in paragraph 1 shall be carried out by a national accreditation body within the meaning of and in accordance with Regulation (EC) No 765/2008.		2. Member States may decide that the assessment and monitoring referred to in paragraph 1 shall be carried out by a national accreditation body within the meaning of and in accordance with Regulation (EC) No 765/2008.	
Article 22(3)				
349	3. Where the notifying authority delegates or otherwise entrusts the assessment, notification or monitoring referred to in paragraph 1 of this Article to a		3. Where the notifying authority delegates or otherwise entrusts the assessment, notification or monitoring referred to in paragraph 1 of this Article to a	

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	body, which is not a governmental entity, that body shall be a legal entity and shall comply mutatis mutandis with the requirements laid down in Article 23. In addition, it shall have arrangements to cover liabilities arising out of its activities.		body, which is not a governmental entity, that body shall be a legal entity and shall comply ***mutatis mutandis*** ~~mutatis mutandis~~ with the requirements laid down in Article 23. In addition, it shall have arrangements to cover liabilities arising out of its activities.	
Article 22(4)				
350	4. The notifying authority shall take full responsibility for the tasks performed by the body referred to in paragraph 3.		4. The notifying authority shall take full responsibility for the tasks performed by the body referred to in paragraph 3.	
Article 23				
351	Article 23 Requirements relating to notifying authorities		Article 23 Requirements relating to notifying authorities	
Article 23(1)				
352	1. A notifying authority shall be established, organised and operated so as to safeguard the objectivity and impartiality of its activities and to avoid conflicts of		1. A notifying authority shall be established~~, organised and operated so as to safeguard the objectivity and impartiality of its activities and to avoid conflicts~~ **in**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	interest with notified bodies and conformity assessment bodies applying for notification in accordance with Article 28.		**such a way that no conflict** of interest with ~~notified bodies and~~ conformity assessment bodies ~~applying for notification in accordance with Article 28~~**occurs**.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 23(1a)				
352a			**1a. A notifying authority shall be organised and operated so as to safeguard the objectivity and impartiality of its activities.**	
Article 23(2)				
353	2. A notifying authority shall be organised in such a way that each decision relating to notification of a conformity assessment body is taken by competent persons different from those who carried out the assessment of the conformity assessment bodies applying for notification in accordance with Article 28.		2. A notifying authority shall be organised in such a way that each decision relating to notification of a conformity assessment body is taken by competent persons different from those who carried out the assessment of the conformity assessment bodies applying for notification in accordance with Article 28.	
Article 23(3)				
354	3. A notifying authority shall not offer or provide any activities that conformity assessment bodies perform or consultancy services on a commercial or competitive basis.		3. A notifying authority shall not offer or provide any activities that conformity assessment bodies perform or consultancy services on a commercial or competitive basis.	
Article 23(4)				

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355	4. A notifying authority shall safeguard the confidentiality of the information it obtains. However, it shall exchange information on notified bodies with the Commission as well as with notifying authorities of other Member States and other relevant national authorities.		4. A notifying authority shall safeguard the confidentiality of the information it obtains. However, it shall**, upon request,** exchange information on notified bodies with the Commission as well as with notifying authorities of other Member States and other relevant national authorities.	
Article 23(5)				
356	5. A notifying authority shall have a sufficient number of competent personnel at its disposal for the proper performance of its tasks.	5. A notifying authority shall have a sufficient number of competent personnel ***and sufficient funding*** at its disposal for the proper performance of its tasks.	5. A notifying authority shall have a sufficient number of competent personnel at its disposal for the proper performance of its tasks.	
Article 24				
357	Article 24 Information obligation on notifying authorities		Article 24 Information obligation on notifying authorities	
Article 24, first paragraph				
358	Member States shall inform the Commission of their procedures		Member States shall inform the Commission of their procedures	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, and of any changes thereto.		for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies, and of any changes thereto.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 24, second paragraph				
359	The Commission shall make that information publicly available.		The Commission shall make that information publicly available.	
Article 25				
360	Article 25 Requirements related to notified bodies		Article 25 Requirements ~~related~~ **relating** to notified bodies	
Article 25(1)				
361	1. For the purposes of notification, a conformity assessment body shall meet the requirements laid down in paragraphs 2 to 11.		1. For the purposes of notification, a conformity assessment body shall meet the requirements laid down in paragraphs 2 to 11.	
Article 25(2)				
362	2. A conformity assessment body shall be established under the national law of a Member State and have legal personality.		2. A conformity assessment body shall be established under the national law of a Member State and have legal personality.	
Article 25(3)				
363	3. A conformity assessment body	3. A conformity assessment body	3. A conformity assessment body	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall be a third-party body independent from any and all business ties and from the battery model it assesses, in particular from battery manufacturers, the battery manufacturers' trade partners, shareholding investors on the battery manufacturers' plants and from other notified bodies and the notified bodies' business associations, parent companies or subsidiaries.	shall be a third-party body independent from any and all business ties and from the ~~*battery model*~~***batteries*** it assesses, in particular from battery manufacturers, the battery manufacturers' trade partners, shareholding investors on the battery manufacturers' plants and from other notified bodies and the notified bodies' business associations, parent companies or subsidiaries.	shall be a third-party body independent from any and all business ties and from the ~~battery model~~**batteries** it assesses, in particular from battery manufacturers, the battery manufacturers' trade partners, shareholding investors on the battery manufacturers' plants and from other notified bodies and the notified bodies' business associations, parent companies or subsidiaries.	
Article 25(4), first subparagraph				
364	4. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the batteries which they assess, nor the representative of any of those parties. This shall not preclude the use of batteries that are necessary for the operations of the conformity assessment body or the use of batteries for personal purposes.		4. A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be the designer, manufacturer, supplier, **importer, distributor,** installer, purchaser, owner, user or maintainer of the batteries which they assess, nor the representative of any of those parties. This shall not preclude the use of **assessed** batteries that are necessary for the operations of the conformity assessment body or the use of **such** batteries for personal purposes.	

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Article 25(4), second subparagraph				
365	A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design, manufacture, marketing, installation, use or maintenance of those batteries, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall in particular apply to consultancy services.		A conformity assessment body, its top level management and the personnel responsible for carrying out the conformity assessment tasks shall not be directly involved in the design, manufacture, marketing, installation, use or maintenance of those batteries, or represent the parties engaged in those activities. They shall not engage in any activity that may conflict with their independence of judgement or integrity in relation to conformity assessment activities for which they are notified. This shall in particular apply to consultancy services.	
Article 25(4), third subparagraph				
366	A conformity assessment body shall ensure that the activities of its parent or sister companies, subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of its conformity assessment activities.		A conformity assessment body shall ensure that the activities of its parent or sister companies, subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of its conformity assessment activities.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 25(5)				
367	5. A conformity assessment body and its personnel shall carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of its conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.		5. A conformity assessment body and its personnel shall carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence in the specific field and shall be free from all pressures and inducements, particularly financial, which might influence their judgement or the results of its conformity assessment activities, especially as regards persons or groups of persons with an interest in the results of those activities.	
Article 25(6), first subparagraph				
368	6. A conformity assessment body shall be capable of carrying out all the conformity assessment activities mentioned in Annex VIII and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.	6. A conformity assessment body shall be capable of carrying out all the conformity assessment ~~*activities*~~***tasks*** mentioned in Annex VIII and in relation to which it has been notified, whether those tasks are carried out by the conformity assessment body itself or on its behalf and under its responsibility.	6. A conformity assessment body shall be capable of carrying out all the conformity assessment ~~activities mentioned~~**tasks assigned to it** in Annex VIII**, periodical audits in accordance with Article 45a(1a) and third-party verification in accordance with Article 45d** ~~and~~ in relation to which it has been notified, whether those tasks are carried out	

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			by the conformity assessment body itself or on its behalf and under its responsibility.	
Article 25(6), second subparagraph, introductory part				
369	At all times, and for each conformity assessment procedure and each battery model in relation to which it has been notified, a conformity assessment body shall have at its disposal the necessary:		At all times, and for each conformity assessment procedure **set out in Annex VIII, periodical audits in accordance with Article 45a(1a) and third-party verification in accordance with Article 45d, and for the batteries** ~~and each battery model~~ in relation to which it has been notified, a conformity assessment body shall have at its disposal the necessary:	
Article 25(6), second subparagraph, point (a)				
370	(a) in-house personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment activities;	(a) in-house personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment ~~*activities*~~***tasks***;	(a) ~~in-house~~ personnel with technical knowledge and sufficient and appropriate experience to perform the conformity assessment ~~activities~~**tasks**;	
Article 25(6), second subparagraph, point (b)				
371	(b) descriptions of procedures in accordance with which conformity		(b) descriptions of procedures in accordance with which conformity	

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	assessment is carried out, ensuring the transparency and the ability of reproduction of those procedures;		assessment is carried out, ensuring the transparency and the ability of reproduction of those procedures;	
Article 25(6), second subparagraph, point (c)				
372	(c) appropriate policies and procedures to distinguish between activities that it carries out as a notified body and other activities;	(c) appropriate policies and procedures to distinguish between activities that it carries out as a notified body and other ~~*activities*~~***tasks***;	(c) appropriate policies and procedures to distinguish between activities that it carries out as a notified body and other activities;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 25(6), second subparagraph, point (d)				
373	(d) procedures for the performance of conformity assessment activities which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the battery technology in question and the mass or serial nature of the production process.		(d) procedures for the performance of conformity assessment ~~activities~~**tasks** which take due account of the size of an undertaking, the sector in which it operates, its structure, the degree of complexity of the battery technology in question and the mass or serial nature of the production process.	
Article 25(6), third subparagraph				
374	A conformity assessment body shall at all times have access to all testing equipment or facilities needed for each conformity assessment procedure and each battery model in relation to which it has been notified.	A conformity assessment body shall at all times have access to all ***the information,*** testing equipment or facilities needed for each conformity assessment procedure and each battery model in relation to which it has been notified.	A conformity assessment body shall **have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner and shall** ~~at all times~~ have access to all **necessary** testing equipment or facilities**. This shall include establishment and the supervision of internal procedures, general policies, codes of conduct or other internal rules, the assignment of personnel to specific tasks and the conformity assessment decisions, without delegating**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			them to a subcontractor or a subsidiary ~~needed for each conformity assessment procedure and each battery model in relation to which it has been notified~~.	
Article 25(7), introductory part				
375	7. The personnel responsible for carrying out conformity assessment tasks shall have the following:		7. The personnel responsible for carrying out conformity assessment tasks shall have the following:	
Article 25(7), point (a)				
376	(a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body has been notified;		(a) sound technical and vocational training covering all the conformity assessment activities in relation to which the conformity assessment body **or a third-party verification body** has been notified;	
Article 25(7), point (b)				
377	(b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority to carry out those assessments;		(b) satisfactory knowledge of the requirements of the assessments **or verifications** they carry out and adequate authority to carry out those assessments **or**	

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			verifications;	
Article 25(7), point (c)				
378	(c) appropriate knowledge and understanding of the requirements set out in Chapters II and III, of the applicable harmonised standards referred to in Article 15 and common specifications referred to in Article 16 and of the relevant provisions of Union harmonisation legislation and of national legislation;	(c) appropriate knowledge and understanding of the requirements set out in Chapters II and III ***and in Article 39***, of the applicable harmonised standards referred to in Article 15 and common specifications referred to in Article 16 and of the relevant provisions of Union harmonisation legislation and of national legislation;	(c) appropriate knowledge and understanding of the requirements **and obligations** set out in ~~Chapters II and III~~ **Articles 6 to 10 and 12 to 14 and in Articles 45a to 45e**, of the applicable harmonised standards referred to in Article 15 and common specifications referred to in Article 16 and of the relevant provisions of Union harmonisation legislation and of national legislation;	
Article 25(7), point (d)				
379	(d) the ability to draw up certificates, records and reports demonstrating that conformity assessments have been carried out.		(d) the ability to draw up certificates, records and reports demonstrating that conformity assessments **or third-party verification** have been carried out.	
Article 25(8), introductory part				
380	8. The impartiality of a conformity assessment body, its	8. The impartiality of a conformity assessment body, its	8. The impartiality of a conformity assessment body **or a**	

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	top level management and the personnel responsible for carrying out the conformity assessment activities shall be guaranteed.	top level management and the personnel responsible for carrying out the conformity assessment ~~*activities*~~***tasks*** shall be guaranteed.	**third-party verification body**, its top level management and the personnel responsible for carrying out the conformity assessment **or third-party verification tasks** ~~activities~~ shall be guaranteed.	
Article 25(8), first paragraph				
381	The remuneration of the top level management and the personnel responsible for carrying out the conformity assessments activities shall not depend on the number of conformity assessments carried out or on the results of those assessments.	The remuneration of the top level management and the personnel responsible for carrying out the conformity assessments ~~*activities*~~***tasks*** shall not depend on the number of conformity assessments carried out or on the results of those assessments.	The remuneration of the top level management and the personnel responsible for carrying out the conformity assessments ~~activities~~**or third-party verification tasks** shall not depend on the number of conformity assessments carried out or on the results of those assessments.	
Article 25(9)				
382	9. A conformity assessment body shall take out liability insurance unless liability is assumed by the state in accordance with national law in the Member state where its activities are carried out, or that Member State itself is directly responsible for the conformity assessment.		9. A conformity assessment body **or a third-party verification body** shall take out liability insurance unless liability is assumed by the state in accordance with national law in the **notifying** Member- State ~~where its activities are carried out, or that~~**, or the** Member State	

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			itself is directly responsible for the conformity assessment.	
Article 25(10)				
383	10. The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out the conformity assessment activities in accordance with Annex VIII, except in relation to the competent authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.	10. The personnel of a conformity assessment body shall observe professional secrecy with regard to all information obtained in carrying out the conformity assessment ~~*activities*~~***tasks*** in accordance with Annex VIII, except in relation to the competent authorities of the Member State in which its activities are carried out.	10. The personnel of a conformity assessment body **or a third-party verification body** shall observe professional secrecy with regard to all information obtained in carrying out the conformity assessment ~~activities~~ **tasks** in accordance with Annex VIII, **periodical audits in accordance with Article 45a(1a), or third-party verification in accordance with Article 45d,** except in relation to the **notifying authority and national** ~~competent~~ authorities of the Member State in which its activities are carried out. Proprietary rights shall be protected.	
Article 25(11)				
384	11. A conformity assessment body shall participate in, or ensure that its personnel responsible for carrying out the conformity	11. A conformity assessment body shall participate in, or ensure that its personnel responsible for carrying out the conformity	11. A conformity assessment body shall participate in, or ensure that its personnel responsible for carrying out the conformity	

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	assessment activities are informed of, the relevant standardisation activities and the activities of the notified body coordination group established pursuant to Article 37 and shall apply as general guidance the administrative decisions and documents produced as a result of the work of that group.	assessment ~~*activities*~~***tasks*** are informed of, the relevant standardisation activities and the activities of the notified body coordination group established pursuant to Article 37 and shall apply as general guidance the administrative decisions and documents produced as a result of the work of that group.	assessment ~~activities are~~ **tasks is** informed of, the relevant standardisation activities and the activities of the notified body coordination group established pursuant to Article 37 and shall apply as general guidance the administrative decisions and documents produced as a result of the work of that group.	
Article 26				
385	Article 26 Presumption of conformity of notified bodies		Article 26 Presumption of conformity of notified bodies	
Article 26, first paragraph				
386	Where a conformity assessment body demonstrates its conformity with the criteria laid down in the relevant harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union it shall be presumed to comply with the requirements set out in Article 25 in so far as the applicable harmonised standards cover those requirements.		Where a conformity assessment body demonstrates its conformity with the criteria laid down in the relevant harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union it shall be presumed to comply with the requirements set out in Article 25 in so far as the applicable harmonised standards cover those requirements.	

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Article 27				
387	Article 27 Subsidiaries of and subcontracting by notified bodies		Article 27 Subsidiaries of and subcontracting by notified bodies	
Article 27(1)				
388	1. Where a notified body subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article 25 and shall inform the notifying authority accordingly.		1. Where a notified body subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it shall ensure that the subcontractor or the subsidiary meets the requirements set out in Article 25 and shall inform the notifying authority accordingly.	
Article 27(2)				
389	2. A notified body shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever those are established		2. A notified body shall take full responsibility for the tasks performed by subcontractors or subsidiaries wherever those are established**.**	
Article 27(3)				
390	3. Activities may be		3. Activities may be	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	subcontracted or carried out by a subsidiary only with the agreement of the client. The establishment and the supervision of internal procedures, general policies, codes of conduct or other internal rules, the assignment of personnel to specific tasks and the decision on certification may not be delegated to a subcontractor or a subsidiary.		subcontracted or carried out by a subsidiary only with the agreement of the client. ~~The establishment and the supervision of internal procedures, general policies, codes of conduct or other internal rules, the assignment of personnel to specific tasks and the decision on certification may not be delegated to a subcontractor or a subsidiary.~~	
Article 27(4)				
391	4. A notified body shall keep at the disposal of the notifying authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried out by them under Annex VIII.		4. A notified body shall keep at the disposal of the notifying authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried out by them under Annex VIII **and under Articles 45a(1a) and 45d**.	
Article 28				
392	Article 28 Application for notification		Article 28 Application for notification	
Article 28(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
393	1. A conformity assessment body shall submit an application for notification to the notifying authority of the Member State in which it is established.		1. A conformity assessment body **or a third-party verification body** shall submit an application for notification to the notifying authority of the Member State in which it is established.	
Article 28(2)				
394	2. The application for notification shall be accompanied by a description of the conformity assessment activities, of the conformity assessment modules set out in Annex VIII and of the battery model for which the conformity assessment body claims to be competent, as well as by an accreditation certificate, issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Article 25.	2. The application for notification shall be accompanied by a description of the conformity assessment activities, of the conformity assessment ***module or*** modules set out in Annex VIII and of the battery model for which the conformity assessment body claims to be competent, as well as by an accreditation certificate, issued by a national accreditation body attesting that the conformity assessment body fulfils the requirements laid down in Article 25.	2. The application for notification shall be accompanied by a description of the conformity assessment **or third-party verification body** activities, of the conformity assessment **module or** modules set out in Annex VIII **or the procedures set out in Articles 45a(1a) and 45d,** and of the ~~battery model~~ **batteries** for which the conformity assessment body **or the third-party verification body** claims to be competent, as well as by an accreditation certificate, **where applicable,** issued by a national accreditation body attesting that the conformity assessment **body or a third-party verification** body fulfils the requirements laid down in Article 25.	

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Article 28(3)				
395	3. Where the conformity assessment body concerned cannot provide an accreditation certificate as referred to in paragraph 2, it shall provide the notifying authority with all the documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements laid down in Article 25, including appropriate documentation demonstrating that the conformity assessment body is independent in the meaning of paragraph 3 of that Article.		3. Where the conformity assessment body **or a third-party verification body** concerned cannot provide an accreditation certificate as referred to in paragraph 2, it shall provide the notifying authority with all the documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements laid down in Article 25~~, including appropriate documentation demonstrating that the conformity assessment body is independent in the meaning of paragraph 3 of that Article~~.	
Article 29				
396	Article 29 Notification procedure		Article 29 Notification procedure	
Article 29(1)				
397	1. A notifying authority may notify only conformity assessment bodies which have satisfied the requirements laid down in Article		1. A notifying authority may notify only conformity assessment bodies **or a third-party verification body** which have	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	25.		satisfied the requirements laid down in Article 25.	
Article 29(2)				
398	2. The notifying authority shall send a notification to the Commission and the other Member States of each conformity assessment body referred to in paragraph 1 using the electronic notification tool developed and managed by the Commission.		2. The notifying authority shall send a notification to the Commission and the other Member States of each conformity assessment body **or a third-party verification body** referred to in paragraph 1 using the electronic notification tool developed and managed by the Commission.	
Article 29(3)				
399	3. The notification shall include full details of the conformity assessment activities, the conformity assessment module or modules and the batteries concerned and the relevant attestation of competence.		3. The notification shall include full details of the conformity assessment **or third-party verification** activities, the conformity assessment module or modules **or the procedures set out in Articles 45a(1a) and 45d,** and the batteries concerned and the relevant attestation of competence.	
Article 29(4)				
400				

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	4. Where a notification is not based on an accreditation certificate as referred to in Article 28(2), the notifying authority shall provide the Commission and the other Member States with documentary evidence which attests to the conformity assessment body's competence and the arrangements in place to ensure that that body will be monitored regularly and will continue to satisfy the requirements laid down in Article 25.		4. Where a notification is not based on an accreditation certificate as referred to in Article 28(2), the notifying authority shall provide the Commission and the other Member States with documentary evidence which attests to the conformity assessment body's competence and the arrangements in place to ensure that that body will be monitored regularly and will continue to satisfy the requirements laid down in Article 25.	
Article 29(5)				
401	5. The conformity assessment body concerned may perform the activities of a notified body only where no objections are raised by the Commission or the other Member States within two weeks of the notification where it includes an accreditation certificate referred to in Article 28(2) or within two months of the notification where it includes documentary evidence referred to in Article 28(3).		5. The conformity assessment body concerned may perform the activities of a notified body only where no objections are raised by the Commission or the other Member States within two weeks of the notification where it includes an accreditation certificate referred to in Article 28(2) or within two months of the notification where it includes documentary evidence referred to in ~~Article 28(3)~~**paragraph 4. Only such conformity**	

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			assessment body shall be considered as notified body for the purposes of this Regulation.	
Article 29(6)				
402	6. The notifying authority shall inform the Commission and the other Member States of any subsequent relevant changes to the notification referred to in paragraph 2.		6. The notifying authority shall inform the Commission and the other Member States of any subsequent relevant changes to the notification referred to in paragraph 2.	
Article 30				
403	Article 30 Identification numbers and lists of notified bodies		Article 30 Identification numbers and lists of notified bodies	
Article 30(1), introductory part				
404	1. The Commission shall assign an identification number to a notified body.		1. The Commission shall assign an identification number to a notified body.	
Article 30(1), first paragraph				
405	It shall assign a single such number even where the body is notified under several Union acts.		It shall assign a single such number even where the body is notified under several Union acts.	

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Article 30(2), introductory part				
406	2. The Commission shall make publicly available the list of notified bodies, including the identification numbers that have been assigned to them and the conformity assessment activities for which they have been notified.		2. The Commission shall make publicly available the list of notified bodies **under this Regulation**, including the identification numbers that have been assigned to them and the conformity assessment activities for which they have been notified.	
Article 30(2), first paragraph				
407	The Commission shall ensure that the list is kept up to date.		The Commission shall ensure that the list is kept up to date.	
Article 31				
408	Article 31 Changes to notifications		Article 31 Changes to notifications	
Article 31(1)				
409	1. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 25 or that it is failing to fulfil its obligations the		1. Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 25 or that it is failing to fulfil its obligations the	

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	notifying authority shall restrict, suspend or withdraw the notification, as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. It shall immediately inform the Commission and the other Member States accordingly.		notifying authority shall restrict, suspend or withdraw the notification, as appropriate, depending on the seriousness of the failure to meet those requirements or fulfil those obligations. It shall immediately inform the Commission and the other Member States accordingly.	
Article 31(2)				
410	2. In the event of restriction, suspension or withdrawal of notification, or where the notified body has ceased its activity, the notifying authority shall take appropriate steps to ensure that the files of that body are either processed by another notified body or kept available for the responsible notifying and market surveillance authorities at their request.		2. In the event of restriction, suspension or withdrawal of notification, or where the notified body has ceased its activity, the notifying authority shall take appropriate steps to ensure that the files of that body are either processed by another notified body or kept available for the responsible notifying and market surveillance authorities at their request.	
Article 32				
411	Article 32 Challenge of the competence of notified bodies		Article 32 Challenge of the competence of notified bodies	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 32(1)				
412	1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention regarding, the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject.	1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention, ***in particular by economic operators and other relevant stakeholders*** ~~*regarding*~~, ***regarding*** the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject.	1. The Commission shall investigate all cases where it doubts, or doubt is brought to its attention regarding, the competence of a notified body or the continued fulfilment by a notified body of the requirements and responsibilities to which it is subject.	

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Article 32(2)				
413	2. The notifying authority shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the notified body concerned.		2. The notifying authority shall provide the Commission, on request, with all information relating to the basis for the notification or the maintenance of the competence of the notified body concerned.	
Article 32(3)				
414	3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.	3. The Commission ***may seek the advice of the Union testing facility referred to in Article 68a and*** shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.	3. The Commission shall ensure that all sensitive information obtained in the course of its investigations is treated confidentially.	
Article 32(4)				
415	4. Where the Commission ascertains that a notified body does not meet or no longer meets the requirements for its notification, it shall adopt an implementing act requesting the notifying authority to take the necessary corrective action, including withdrawal of the		4. Where the Commission ascertains that a notified body does not meet or no longer meets the requirements for its notification, it shall adopt an implementing act ~~requesting~~ **requiring** the notifying **Member State** ~~authority~~ to take the necessary corrective action,	

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	notification if necessary. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article74(2).		including withdrawal of the notification if necessary. That implementing act shall be adopted in accordance with the advisory procedure referred to in Article74(2).	
Article 33				
416	Article 33 Operational obligations of notified bodies		Article 33 Operational obligations of notified bodies	
Article 33(1)				
417	1. A notified body shall carry out conformity assessments in accordance with the conformity assessment procedures set out in Annex VIII.		1. A notified body shall carry out conformity assessments in accordance with the conformity assessment procedures set out in Annex VIII**, periodical audits in accordance with Article 45a(1a) or third-party verification in accordance with the procedure set out in Article 45d, as determined by its scope of notification**.	
Article 33(2), introductory part				
418	2. A notified body shall perform	2. A notified body shall ~~*perform*~~	2. A notified body shall **carry**	

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	its activities in a proportionate manner, avoiding unnecessary burdens for economic operators, and taking due account of the size of an undertaking, the sector in which the undertaking operates, the structure of the undertaking, the degree of complexity of the battery to be assessed and the mass or serial nature of the production process.	~~*its activities*~~***carry out conformity assessments*** in a proportionate manner, avoiding unnecessary burdens for economic operators, ***in particular small and medium-sized enterprises***, and taking due account of the size of an undertaking, the sector in which the undertaking operates, the structure of the undertaking, the degree of complexity of the battery to be assessed and the mass or serial nature of the production process.	**out procedures referred to in paragraph 1** ~~perform its activities~~ in a proportionate manner, avoiding unnecessary burdens for economic operators, and taking due account of the size of an undertaking, the sector in which the undertaking operates, the structure of the undertaking, the degree of complexity of the battery to be assessed and the mass or serial nature of the production process.	
Article 33(2), first paragraph				
419	In so doing, the notified body shall nevertheless respect the degree of rigour and the level of protection required for the compliance of the battery with this Regulation.		In so doing, the notified body shall nevertheless respect the degree of rigour and the level of protection required for the compliance of the battery with this Regulation.	
Article 33(3)				
420	3. Where a notified body finds that the requirements set out in Chapters II and III , harmonised standards referred to in Article 15, common specifications referred to	3. Where a notified body finds that the requirements set out in ~~*Chapters II and III ,*~~ ***Chapter II or III or Article 39, the*** harmonised standards referred to in Article 15,	3. Where a notified body finds that the **applicable** requirements set out in ~~Chapters II and III ,~~ **Articles 6 to 10 and 12 to 14, in corresponding** harmonised	

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	in Article 16 or other technical specifications have not been met by a manufacturer, it shall require that manufacturer to take appropriate corrective action in view of a second and final certification decision, unless the deficiencies cannot be remedied, in which case the certificate cannot be issued.	common specifications referred to in Article 16 or other technical specifications have not been met by a manufacturer, it shall require ~~*that*~~***the*** manufacturer to take appropriate corrective action in view of a second and final certification decision, unless the deficiencies cannot be remedied, in which case the certificate cannot be issued.	standards referred to in Article 15, common specifications referred to in Article 16 or other technical specifications have not been met ~~by a manufacturer~~, it shall require ~~that~~ **the** manufacturer **or other relevant economic operator,** to take appropriate corrective action in view of a second and final ~~certification decision~~ **conformity assessment**, unless the deficiencies cannot be remedied, in which case **it shall not issue** the certificate **of conformity or approval decision** ~~cannot be issued~~.	
Article 33(3a)				
420a			**3a. Where a notified body finds that the requirements set out in Articles 45b or 45c have not been met by the economic operator referred to in Article 45a, it shall include these findings in the verification report referred to in Article 45d and require that economic operator to take appropriate corrective actions. It shall not issue an approval decision.**	

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Article 33(4)				
421	4. Where, in the course of the monitoring of conformity following the issue of a certificate of conformity or the adoption of an approval decision, a notified body finds that a battery no longer complies, it shall require the manufacturer to take appropriate corrective action and shall suspend or withdraw the certificate of conformity or the approval decision, if necessary.		4. Where, in the course of the monitoring of conformity following the issue of ~~a certificate of conformity or the adoption of~~ an approval decision, a notified body finds that a battery **or the supply chain due diligence policies** no longer ~~complies~~ **comply**, it shall require the manufacturer **or the economic operator referred to in Article 45a, respectively,** to take appropriate corrective action and shall suspend or withdraw ~~the certificate of conformity or~~ the approval decision, if necessary.	
Article 33(5)				
422	5. Where corrective action is not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw any certificates of conformity or approval decisions, as appropriate.		5. Where corrective action is not taken or do not have the required effect, the notified body shall restrict, suspend or withdraw ~~any certificates of conformity or~~ **the** approval ~~decisions~~**decision**, as appropriate.	
Article 34				
423				

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	Article 34 Appeal against decisions of notified bodies		Article 34 Appeal against decisions of notified bodies	
Article 34, first paragraph				
424	Member States shall ensure that an appeal procedure against the decisions of notified bodies is available.		Member States shall ensure that an appeal procedure against the decisions of notified bodies is available.	
Article 35				
425	Article 35 Information obligation on notified bodies		Article 35 Information obligation on notified bodies	
Article 35(1), introductory part				
426	1. A notified body shall inform the notifying authority of the following:		1. A notified body shall inform the notifying authority of the following:	
Article 35(1), point (a)				
427	(a) any refusal, restriction, suspension or withdrawal of a certificate of conformity or approval decision;		(a) any refusal, restriction, suspension or withdrawal of a certificate of conformity or approval decision;	

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Article 35(1), point (b)				
428	(b) any circumstances affecting the scope of, or the conditions for, its notification;		(b) any circumstances affecting the scope of, or the conditions for, its notification;	
Article 35(1), point (c)				
429	(c) any request for information which it has received from market surveillance authorities regarding its conformity assessment activities;		(c) any request for information which it has received from market surveillance authorities regarding its conformity assessment activities;	

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Article 35(1), point (d)				
430	(d) on request, any conformity assessment activities performed within the scope of its notification and any other activity performed, including cross-border activities and subcontracting.		(d) on request, any conformity assessment activities performed within the scope of its notification and any other activity performed, including cross-border activities and subcontracting.	
Article 35(2)				
431	2. A notified body shall provide other notified bodies carrying out similar conformity assessment activities covering the same batteries with relevant information on issues relating to negative and, on request, positive conformity assessment results.	2. A notified body shall provide other ***bodies*** notified ~~*bodies*~~***under this Regulation*** carrying out similar conformity assessment activities covering the same batteries with relevant information on issues relating to negative and, on request, positive conformity assessment results.	2. A notified body shall provide other notified bodies carrying out similar conformity assessment activities **or third-party verification activities referred to in Article 45d** covering the same batteries with relevant information on issues relating to ~~negative and, on request, positive conformity assessment results.~~**:**	
Article 35(2), point (a)				
431a			**(a) negative and, on request, positive conformity assessment or third-party verification results;**	

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Article 35(2), point (b)				
431b			**(b) any suspension, or withdrawal or other restriction of an approval decision.**	
Article 36				
432	Article 36 Exchange of experience	Article 36 Exchange of experience ***and good practice***	Article 36 Exchange of experience	
Article 36, first paragraph				
433	The Commission shall provide for the organisation of exchange of experience between the Member States' national authorities responsible for notification policy.	The Commission shall provide for the organisation of exchange of experience ***and good practice*** between the Member States' national authorities responsible for notification policy.	The Commission shall provide for the organisation of exchange of experience between the Member States' ~~national~~ authorities responsible for notification policy.	
Article 37				
434	Article 37 Coordination of notified bodies		Article 37 Coordination of notified bodies	
Article 37, first paragraph				
435	The Commission shall ensure that	The Commission shall ensure that	The Commission shall ensure that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	appropriate coordination and cooperation between notified bodies are put in place and properly operated in the form of a sectoral group or groups of notified bodies.	appropriate coordination and cooperation between ***bodies*** notified ~~*bodies*~~***under this Regulation*** are put in place and properly operated in the form of a sectoral group or groups of notified bodies.	appropriate coordination and cooperation between notified bodies are put in place and properly operated in the form of a sectoral group ~~or groups~~ of notified bodies.	
Article 37, second paragraph				
436	A notified body shall participate in the work of that group or those groups, directly or by means of designated representatives.		~~A~~ Notified ~~body~~**bodies** shall participate in the work of that group ~~or those groups~~, directly or by means of designated representatives.	
Chapter VI				
437	Chapter VI Obligations of economic operators other than the obligations in Chapter VII		Chapter VI Obligations of economic operators other than the obligations in ~~Chapter~~**Chapters VI.A and** VII	
Article 38				
438	Article 38 Obligations of manufacturers		Article 38 Obligations of manufacturers	
Article 38(1), introductory part				
439				

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	1. When placing a battery on the market or putting it into service, including for the manufacturers' own purposes, manufacturers shall ensure that the battery:	1. ~~*When placing a battery*~~***For all batteries placed*** on the ***Union*** market or ~~*putting it*~~***put*** into service ***in the Union***, including for the manufacturers' own purposes, manufacturers shall ensure that the battery:	1. When placing a battery on the market or putting it into service, including for the manufacturers' own purposes, manufacturers shall ensure that the battery:	
Article 38(1), point (a)				
440	(a) has been designed and manufactured in accordance with the requirements set out in Articles 6 to 12 and Article 14; and		(a) has been designed and manufactured in accordance with the **applicable** requirements set out in Articles 6 to **10, Article 12** ~~12~~ and Article 14**, and is accompanied by clear, understandable and readable instructions, safety information and carbon footprint declaration, provided under those articles in a language or languages, which can be easily understood by end-users, as determined by the Member State in which the battery is to be placed on the market or put into service**; and	
Article 38(1), point (b)				
441	(b) is labelled in accordance with		(b) is labelled in accordance with	

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	the requirements set out in Article 13.		the **applicable** requirements set out in Article 13.	
Article 38(2)				
442	2. Manufacturers shall draw up the technical documentation referred to in Annex VIII for the battery and carry out the relevant conformity assessment procedure, as applicable and referred to, in paragraphs 2 and 3 of Article 17 or have it carried out before placing a battery on the market or putting it into service.		2. **Before placing a battery on the market or putting it into service,** manufacturers shall draw up the technical documentation referred to in Annex VIII ~~for the battery~~ and carry out the relevant conformity assessment procedure, ~~as applicable and~~ referred to, in ~~paragraphs 2 and 3 of~~ Article 17**,** or have it carried out ~~before placing a battery on the market or putting it into service~~.	
Article 38(3)				
443	3. Where compliance of a battery with the applicable requirements has been demonstrated by the relevant conformity assessment procedure referred to in paragraphs 2 and 3 of Article 17, manufacturers shall draw up an EU declaration of conformity in accordance with Article 18 and affix the CE marking in accordance with Articles 19 and		3. Where compliance of a battery with the applicable requirements has been demonstrated by the relevant conformity assessment procedure referred to in ~~paragraphs 2 and 3 of~~ Article 17, manufacturers shall draw up an EU declaration of conformity in accordance with Article 18 and affix the CE marking in accordance with Articles 19 and	

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	20.		20.	
Article 38(4), introductory part				
444	4. Manufacturers shall ensure that an EU declaration of conformity is drawn up in accordance with Article 18 in a language which can be easily understood by consumers and other end-users for each battery that they place on the market or put into service.		*deleted*	
Article 38(4), first paragraph				
445	However, where several batteries are delivered simultaneously to a single user, the batch or consignment concerned may be accompanied by a single copy of the EU declaration of conformity.	However, where several batteries are delivered simultaneously to a single user, the ~~*batch or*~~ consignment concerned may be accompanied by a single copy of the EU declaration of conformity.	*deleted*	
Article 38(5)				
446	5. Manufacturers shall keep the technical documentation referred to in Annex VIII and the EU declaration of conformity at the disposal of the market surveillance authorities and national authorities		5. Manufacturers shall keep the technical documentation referred to in Annex VIII and the EU declaration of conformity at the disposal of ~~the market surveillance authorities and~~ national authorities	

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	for 10 years after the battery has been placed on the market or put into service.		for 10 years after the battery has been placed on the market or put into service.	
Article 38(6)				
447	6. Manufacturers shall ensure that procedures are in place for a battery that is part of a series production to remain in conformity with this Regulation. Changes in the production process or in battery design or characteristics and changes in the harmonised standards referred to in article 15, common specifications referred to in Article 16 or other technical specifications by reference to which the conformity of the battery is declared or by application of which its conformity is verified shall trigger a re-examination of the conformity assessment in accordance with the relevant conformity assessment procedure referred to in paragraphs 2 and 3 of Article 17.		6. Manufacturers shall ensure that procedures are in place for a battery that is part of a series production to remain in conformity with this Regulation. **In doing so, manufacturer shall adequately take in to account** changes in the production process or in battery design or characteristics and changes in the harmonised standards referred to in article 15, common specifications referred to in Article 16 or other technical specifications by reference to which the conformity of the battery is declared or by application of which its conformity is verified ~~shall trigger a re-examination of the conformity assessment in accordance with the relevant conformity assessment procedure referred to in paragraphs 2 and 3 of Article 17~~.	

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Article 38(7)				
448	7. Manufacturers shall ensure that the battery is labelled in accordance with the requirements in paragraphs 1 to 8 of Article 13.		~~7~~**7a**. Manufacturers shall ensure that **batteries which they place on the market bear a model identification and batch or serial number, or product number or another element allowing their identification. Where the size or nature of the battery does not allow it, the required information shall be provided on the packaging or in a document accompanying the battery** ~~the battery is labelled in accordance with the requirements in paragraphs 1 to 8 of Article 13~~.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 38(8)				
449	8. Manufacturers shall indicate their name, registered trade name or registered trade mark and the postal address and web address at which they can be contacted on the packaging of the battery. The postal address shall indicate a single point at which the manufacturer can be contacted. Such information shall be in a language easily understood by end-users and market surveillance authorities and shall be clear, understandable and legible.	8. Manufacturers shall indicate their name, registered trade name or registered trade mark and the ***telephone number,*** postal***, email*** ~~*address*~~ and web address at which they can be contacted on the packaging of the battery. Such information shall be in a language easily understood by end-users and market surveillance authorities and shall be clear, understandable and legible.	8. Manufacturers shall indicate **on the battery** their name, registered trade name or registered trade mark ~~and~~**,** the postal address**, indicating a single contact point,** and web address **and e-mail address, where one exist. Where that is not possible, the required information shall be provided on the packaging or in a document accompanying the battery. The contact details** ~~at which they can be contacted on the packaging of the battery.~~ The postal address shall indicate a single point at which the manufacturer can be contacted. ~~Such information~~ shall be in a language **or languages, which can be** easily understood by end-users and market surveillance authorities**, as determined by the Member State in which the battery is to be placed on the market or put into service,** and shall be clear, understandable and legible.	
Article 38(9)				
450				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	9. Manufacturers shall ensure that each battery that they place on the market or put into service is accompanied by instructions and safety information in accordance with Articles 6 to 12 and Article 14.		*deleted*	
Article 38(10)				
451	10. Manufacturers shall provide access to the data on the parameters in the battery management system referred to in paragraph 1 of Article 14 and paragraphs 1 and 2 of Article 59, in accordance with the requirements laid down in those Articles.		10. Manufacturers shall provide access to the **values of the parameters referred to in Annex VII through the battery management system** ~~data on the parameters~~ in the battery management system referred to in paragraph 1 of Article 14 ~~and paragraphs 1 and 2 of Article 59~~, in accordance with the requirements laid down in ~~those Articles~~ **that Article**.	
Article 38(11)				
452	11. Manufacturers who consider or have reason to believe that a battery which they have placed on the market or put into service is not in conformity with the requirements set out in Chapters II	11. Manufacturers who consider or have reason to believe that a battery which they have placed on the market or put into service is not in conformity with the requirements set out in Chapters II	11. Manufacturers who consider or have reason to believe that a battery which they have placed on the market or put into service is not in conformity with **one or more of the applicable** ~~the~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and III shall immediately take the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate. Furthermore, where the battery presents a risk, manufacturers shall immediately inform the national authority of the Member State in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken.	and III shall immediately take the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate. Furthermore, where ~~*the*~~***they consider or have reason to believe that a*** battery presents a risk, manufacturers shall immediately inform the national authority of the Member State in which they made the battery available on the market to that effect, giving details, in particular, of the ~~*non-compliance*~~***noncompliance*** and of any corrective action taken. ***(Horizontal amendment: the change "where they consider or have reason to believe that a battery presents a risk" applies throughout the text. Adopting it will necessitate corresponding changes throughout the text.)***	requirements set out in **Articles 6 to 10 or 12 to 14** ~~Chapters II and III~~ shall immediately take the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate. Furthermore, where the battery presents a risk, manufacturers shall immediately inform the **market surveillance** ~~national~~ authority of the Member State in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken.	
Article 38(12)				
453	12. Manufacturers shall, further to a reasoned request from a national authority , provide it with all the information and technical documentation necessary to demonstrate the conformity of the		12. Manufacturers shall, further to a reasoned request from a national authority , provide ~~it~~**that authority** with all the information and ~~technical~~ documentation necessary to demonstrate the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	battery with the requirements set out in Chapters II and III, in a language which can be easily understood by that authority. That information and the technical documentation shall be provided in either paper or electronic form. Manufacturers shall cooperate with the national authority, at its request, on any action taken to eliminate the risks posed by a battery which they have placed on the market or put into service.		conformity of the battery with the requirements set out in ~~Chapters II and III~~**Articles 6 to 10 and 12 to 14**, in a language **or languages,** which can be easily understood by that authority. That information and ~~the technical~~ documentation shall be provided in ~~either paper or electronic form~~**electronic format and, on request, in paper format**. Manufacturers shall cooperate with the national authority, at its request, on any action taken to eliminate the risks posed by a battery which they have placed on the market or put into service.	
Article 38(12a)				
453a			**12a. Economic operators that carry out preparing for re-use, preparing for repurpose or repurposing, or remanufacturing, and place on the market or put into service a battery that has undergone any of these operations, shall be considered as manufacturer for the purpose of this Regulation.**	
Article 39				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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 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.	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 and shall keep documentation demonstrating its respective compliance with those obligations, including the results of the third-party verification carried out by notified bodies.	*deleted*	
Article 39(2), introductory part				
456	2. The economic operator referred to in paragraph 1 shall		*deleted*	
Article 39(2), point (a)				
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 ***due diligence*** policy for the ~~*supply*~~***value*** chain of ***batteries, including concerning***	*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		raw materials indicated in Annex X, point 1 ***and for associated social and environmental risk categories indicated in Annex X, point 2***;		
Article 39(2), point (b)				
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 ~~supply~~***value*** chain policy standards consistent with the standards set out in ~~the model supply chain policy~~***internationally recognised due diligence standards listed*** in Annex ~~II to the OECD Due Diligence Guidance~~***X, point 3a***;	*deleted*	
Article 39(2), point (c)				
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 ~~supply~~***value*** chain due diligence by assigning responsibility to senior management to oversee the ~~supply~~***value*** chain due diligence process as well as maintain records of those systems for a minimum of five years;	*deleted*	
Article 39(2), point (d), introductory part				

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460	(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 actors in the supply chain.	(d) establish and operate a system of controls and transparency over the ~~*supply*~~***value*** chain, including a chain of custody or traceability system***, identifying*** ~~*or the identification of*~~ upstream actors in the ~~*supply*~~***value*** chain.	*deleted*	
Article 39(2), point (d), first paragraph, introductory part				
461	Such a system shall be supported by documentation that provides the following information:	Such a system shall be supported by documentation that provides ***at least*** the following information:	*deleted*	
Article 39(2), point (d), first paragraph(i)				
462	(i) description of the raw material, including its trade name and type;		*deleted*	
Article 39(2), point (d), first paragraph(ii)				
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*	

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Article 39(2), point (d), first paragraph(iii)				
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*	
Article 39(2), point (d), first paragraph(iiia)				
464a		***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 and royalties paid;***		
Article 39(2), point (d), first paragraph(iv)				
465	(iv) quantities of the raw material present in the battery placed on		*deleted*	

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

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	collaborative arrangements with other economic operators or organisations, or by facilitating recourse to an external expert or body, such as an ombudsman.	***with the UN Guiding Principles on Business and Human Rights*** or provide such ~~*mechanism*~~***mechanisms*** through collaborative arrangements with other economic operators or organisations, or by facilitating recourse to an external expert or body, such as an ombudsman. ***Such mechanisms shall take into account the criteria of grievance mechanisms outlined in the UN Guiding Principles on Business and Human Rights***		

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Article 39(3), first subparagraph, introductory part				
469	3. The economic operator referred to in paragraph 1 shall		*deleted*	
Article 39(3), first subparagraph, point (a)				
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 basis of the information provided pursuant to paragraph 2 against the standards of their supply chain policy;	(a) identify and assess the ***risk of*** adverse impacts associated to the risk categories ***including those*** listed in Annex X, point 2, in its ~~*supply*~~***value*** chain on the basis of the information provided pursuant to paragraph 2***, and any other relevant information that is either publicly available or provided by stakeholders,*** against the standards of their ~~*supply*~~***value*** chain policy;	*deleted*	
Article 39(3), first subparagraph, point (b), introductory part				
471	(b) implement a strategy to respond to the identified risks designed so as to prevent or mitigate adverse impacts by:	(b) implement a strategy to respond to the identified risks designed so as to prevent***, mitigate and address*** ~~*or mitigate*~~ adverse impacts by:	*deleted*	
Article 39(3), first subparagraph, point (b)(i)				
472				

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	(i) reporting findings of the supply chain risk assessment to senior management designated for that purpose;	(i) ~~*reporting*~~***report*** findings of the ~~*supply*~~***value*** chain risk assessment to senior management designated for that purpose;	*deleted*	
Article 39(3), first subparagraph, point (b)(ii)				
473	(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;	(ii) ~~*adopting*~~***adopt*** risk management measures consistent with ~~*Annex II to the OECD Due Diligence Guidance*~~***the internationally recognised due diligence standards listed in Annex X, point 3a***, considering their ability to influence, and where necessary take steps to exert pressure on ~~*suppliers*~~***business relationships*** who can most effectively prevent or mitigate the identified risk;	*deleted*	
Article 39(3), first subparagraph, point (b)(iii)				
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	(iii) ~~*implementing*~~***implement*** 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	*deleted*	

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	failed attempts at mitigation, based on relevant contractual arrangements in line with the second subparagraph to paragraph 2 above;	~~*supplier*~~***business relationship*** after failed attempts at mitigation, based on relevant contractual arrangements in line with the second subparagraph to paragraph 2~~ *above*~~;		
Article 39(3), first subparagraph, point (b)(iv)				
475	(iv) undertaking additional fact and risk assessments for risks requiring mitigation, or after a change of circumstances.		*deleted*	
Article 39(3), second subparagraph				
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*~~***business relationships*** and with the stakeholders concerned, including local and central government authorities, international or civil society organisations and affected ~~*third parties*~~***communities***, and agree on a strategy for measurable risk mitigation in the risk management plan.	*deleted*	

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Article 39(3), third subparagraph				
477	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 subparagraph in paragraph 4.	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***. The economic operator referred to in paragraph 1 shall identify and assess the risks in its value*** ~~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*** ***as part of***	*deleted*	

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		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 ~~*via a notified body*~~***practices. Those verification reports shall be*** in accordance with the first subparagraph in paragraph 4.		
Article 39(3), fourth subparagraph				
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 purpose and a response strategy designed to prevent or mitigate adverse impacts shall be		*deleted*	

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	implemented.			
Article 39(3a)				
478a		***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.***		
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 verification").	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-party verification").	*deleted*	
Article 39(4), first paragraph, introductory part				
480	The third-party verification by a notified body shall:		*deleted*	

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Article 39(4), first paragraph, point (a)				
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*	
Article 39(4), first paragraph, point (b)				
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 stakeholders***;	*deleted*	
Article 39(4), first paragraph, point (c)				
483	(c) make recommendations to the economic operators that place batteries on the market on how to improve their supply chain due	(c) make recommendations to the economic operators that place batteries on the market on how to improve their ~~*supply*~~***value*** chain	*deleted*	

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	diligence practices;	due diligence practices;		
Article 39(4), first paragraph, point (d)				
484	(d) respect the audit principles of independence, competence and accountability, as set out in the OECD Due Diligence Guidance;		*deleted*	
Article 39(5)				
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 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.	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 in accordance with paragraph 4 or evidence of compliance with a ~~*supply*~~***value*** chain due diligence scheme recognised by the Commission in accordance with Article 72.	*deleted*	
Article 39(6), first subparagraph				
486	6. The economic operator referred to in paragraph 1 shall make available to its immediate downstream purchasers all	6. The economic operator referred to in paragraph 1 shall make available to its immediate downstream purchasers all	*deleted*	

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	information gained and maintained pursuant to its supply chain due diligence policies with due regard for business confidentiality and other competitive concerns.	information gained and maintained pursuant to its ~~supply~~***value*** chain due diligence policies with due regard for business confidentiality and other competitive concerns.		
Article 39(6), second subparagraph				
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 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.	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~~***value*** chain due diligence policies ***regarding, in particular, the raw materials contained in each battery model placed on the market***. That report shall contain***, in a manner that is easily comprehensible for end-users and clearly identifies the batteries concerned,*** 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	*deleted*	

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		accordance with point 4, including the name of the notified body, with due regard for business confidentiality and other competitive concerns.		
Article 39(6), third subparagraph				
488	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.		*deleted*	
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	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	*deleted*	

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	instruments referred to in Annex X, point 3.	instruments referred to in Annex X, ~~*point 3*~~***points 3 and 3a***.		
Article 39(7a)				
489a		***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.***		
Article 39(7b)				
489b		***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.*** ***The checks referred to in the first subparagraph shall be conducted by taking a risk-based***		

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		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. ***The checks referred to in the first subparagraph shall include on-the-spot inspections, including at the premises of the economic operator.*** ***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.*** ***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***		

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		documents facilitating the implementation of this Regulation. ***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.***		
Article 39(8), introductory part				
490	8. The Commission is empowered to adopt delegated acts in accordance with Article 73 to:		*deleted*	
Article 39(8), point (a)				
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;		*deleted*	
Article 39(8), point (aa)				
491a				

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		(aa) amend the list of international instruments in Annex X in accordance with developments within the relevant international fora;		

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Article 39(8), point (b)				
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~~ ***amend the list of internationally recognised*** due diligence ~~recommendations~~***instruments*** set out in Annex ~~I to the OECD Due Diligence Guidance.~~***X, point 3a;***	*deleted*	
Article 39(8), point (ba)				
492a		***(ba) establish and amend a list of high risk areas taking into consideration OECD due diligence guidelines.***		
Article 39(8a)				
492b		***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***		

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		complementary to such future Union legislation. ***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.*** ***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.***		
Article 40				

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493	Article 40 Obligations of authorised representatives		Article 40 Obligations of authorised ~~representatives~~ **representative**	

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Article 40(1)				
494	1. Where the manufacturer of a battery is not established in a Member State, the battery may only be placed on the Union market if the manufacturer designates a sole authorised representative.		~~1~~**2**. ~~Where the~~ **A** manufacturer **may, by a written mandate, designate an** ~~of a battery is not established in a Member State, the battery may only be placed on the Union market if the manufacturer designates a sole~~ authorised representative.	
Article 40(2)				
495	2. The designation shall constitute the authorised representative's mandate, it shall be valid only when accepted in writing by the authorised representative and shall be effective at least for all batteries of the same battery model.		~~2. The designation shall constitute~~ The authorised representative**'**s mandate~~, it~~ shall be valid only when accepted in writing by the authorised representative ~~and shall be effective at least for all batteries of the same battery model~~.	
Article 40(3)				
496	3. The obligations laid down in Article 38(1) and the obligation to draw up technical documentation shall not form part of the authorised representative's mandate.		3. The obligations laid down in Article 38(1) and **Articles 45a to 45e and** the obligation to draw up technical documentation shall not form part of the authorised representative's mandate.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 40(4), introductory part				
497	4. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The authorised representative shall provide a copy of the mandate to the competent authority, upon request. The mandate shall allow the authorised representative to do at least the following:	4. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The authorised representative shall ***have the appropriate financial and organisational means to perform the tasks specified in the mandate. The authorised representative shall*** provide a copy of the mandate to the competent authority, upon request, ***in a Union language determined by the competent authority***. The mandate shall allow the authorised representative to do at least the following:	4. An authorised representative shall perform the tasks specified in the mandate received from the manufacturer. The authorised representative shall provide a copy of the mandate to the ~~competent~~**national** authority, upon request. The mandate shall allow the authorised representative to do at least the following:	
Article 40(4), point (a)				
498	(a) verify that the EU declaration of conformity and technical documentation have been drawn up and, where applicable, that an appropriate conformity assessment procedure has been carried out by the manufacturer		*deleted*	
Article 40(4), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
499	(b) keep the EU declaration of conformity and the updated technical documentation at the disposal of market surveillance authorities for 10 years after the battery has been placed on the market;		(b) keep the EU declaration of conformity**, the technical documentation** and the ~~updated technical documentation~~**verification report and approval decision referred to in paragraph 4a of Article 45d and the audit reports referred to in paragraph 1a of Article 45a** at the disposal of ~~market surveillance~~ **national** authorities for 10 years after the battery has been placed on the market **or put into service**;	
Article 40(4), point (c)				
500	(c) further to a reasoned request from a national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of the battery;		(c) further to a reasoned request from a national authority, provide that authority with all the information and documentation necessary to demonstrate the conformity of **a battery with the requirements set out in Articles 6 to 10 and 12 to 14 in a language or languages, which can be easily understood by that authority. That information and the documentation shall be provided in electronic format and, on request, in paper format**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			~~the battery~~;	
Article 40(4), point (d)				
501	(d) cooperate with the national authorities, at their request, on any action taken to eliminate the risks posed by batteries covered by the authorised representative's mandate;		(d) cooperate with the national authorities, at their request, on any action taken to eliminate the risks posed by batteries covered by the authorised representative's mandate~~;~~	
Article 40(4), point (e)				
502	(e) fulfil the manufacturer's obligations under Chapter V		*deleted*	
Article 40(4), point (f)				
503	(f) terminate the mandate if the manufacturer acts contrary to its obligations under this Regulation.		*deleted*	
Article 40(4a)				
503a		***Where they consider or have reason to believe that a battery presents a risk, authorised representatives shall immediately inform the market surveillance authorities thereof.***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 41				
504	Article 41 Obligations of importers		Article 41 Obligations of importers	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 41(1)				
505	1. Importers shall only place on the market or put into service a battery which is compliant with the requirements of Chapters II and III	1. Importers shall only place on the market or put into service a battery which is compliant with the requirements of– Chapters II and III ***and Article 39.***	1. Importers shall only place on the market ~~or put into service~~ a battery which is compliant with the **applicable** requirements of ~~Chapters II and III~~**Articles 6 to 10 and 12 to 14.**	
Article 41(2), introductory part				
506	2. Before placing a battery on the market or putting it into service, importers shall verify that the relevant conformity assessment procedure referred to in Article 17 has been carried out by the manufacturer. They shall verify that the manufacturer has drawn up the technical documentation referred to in Annex VIII, that the battery bears the CE marking referred to in Article 19 and the QR code referred to in Article 13(5), is accompanied by the required documents and that the manufacturer has complied with the obligations set out in paragraphs 7, 8 and 9 of Article 38.		2. Before placing a battery on the market ~~or putting it into service~~, importers shall verify that ~~the relevant conformity assessment procedure referred to in Article 17 has been carried out by the manufacturer. They shall verify that the manufacturer has drawn up the technical documentation referred to in Annex VIII, that the battery bears the CE marking referred to in Article 19 and the QR code referred to in Article 13(5), is accompanied by the required documents and that the manufacturer has complied with the obligations set out in paragraphs 7, 8 and 9 of Article 38.~~**:**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 41(2), point (a)				
506a			**(a) the EU declaration of conformity and technical documentation referred to in Annex VIII have been drawn up and that the relevant conformity assessment procedure referred to in Article 17, has been carried out by the manufacturer;**	
Article 41(2), point (b)				
506b			**(b) the battery bears the CE marking referred to in Article 19, and is marked in accordance with Article 13,**	
Article 41(2), point (c)				
506c			**(c) the battery is accompanied by the required documents and by instructions and safety information in a language or languages, which can be easily understood by end-users, as determined by the Member State in which the battery is to be made available on the market; and**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 41(2), point (d)				
506d			**(d) the manufacturer has complied with the requirements set out in Article 38(7a) and (8).**	
Article 41(2), first paragraph				
507	Where an importer considers or has reason to believe that a battery is not in conformity with the requirements set out in Chapters II and III, the importer shall not place it on the market or put it into service until it has been brought into conformity. Furthermore, where the battery presents a risk, the importer shall inform the manufacturer and the market surveillance authorities to that effect.	Where an importer considers or has reason to believe that a battery is not in conformity with the requirements set out in Chapters II and III ***and Article 39***, the importer shall not place it on the market or put it into service until it has been brought into conformity. Furthermore, where ~~the~~***it considers or has reason to believe that a*** battery presents a risk, the importer shall ***immediately*** inform the manufacturer and the market surveillance authorities to that effect.	Where an importer considers or has reason to believe that a battery is not in conformity with the **applicable** requirements set out in **Articles 6 to 10 and 12 to 14** ~~Chapters II and III~~, the importer shall not place ~~it~~**the battery** on the market ~~or put it into service~~ until it has been brought into conformity. Furthermore, where the battery presents a risk, the importer shall inform the manufacturer and the market surveillance **authority of the Member States in which it made the battery available on the market** ~~authorities~~ to that effect **giving details of the non-compliance and of any corrective action taken**.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 41(3)				
508	3. Importers shall indicate on the battery their name, registered trade name or registered trade mark, and the address at which they can be contacted or, where that is not possible, on its packaging or in a document accompanying the battery. The contact details shall be in a language easily understood by consumers, other end-users and the market surveillance authorities.		3. Importers shall indicate on the battery their name, registered trade name or registered trade mark, ~~and~~ the **postal** address**, indicating a single contact point, and web address and e-mail address** ~~at which they can be contacted or~~, where **one exists. Where** that is not possible, ~~on its~~**the required information shall be provided on the** packaging or in a document accompanying the battery. The contact details shall be in a language **or languages, which can be** easily understood by ~~consumers, other end-users and~~**end-users, as determined by the Member State in which the battery is to be made available on** the market**, and shall be clear, understandable and legible** ~~surveillance authorities~~.	
Article 41(4)				
509	4. Importers shall ensure the manufacturer has fulfilled its obligations under paragraphs 7, 9 and 10 of Article 38.		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 41(5)				
510	5. Importers shall ensure that, while a battery is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in Chapters II and III.		5. Importers shall ensure that, while a battery is under their responsibility, storage or transport conditions do not jeopardise its compliance with the **applicable** requirements set out in ~~Chapters II and III~~**Articles 6 to 10 and 12 to 14**.	
Article 41(6)				
511	6. When deemed appropriate with regard to the risks presented by a battery, importers shall, to protect the human health and safety of consumers, carry out sample testing of marketed batteries, investigate, and, if necessary, keep a register of complaints, of non-conforming batteries and battery recalls, and shall keep distributors informed of such monitoring.	6. When deemed appropriate with regard to the risks presented by a battery, importers shall, to protect the human health***, the environment*** and safety of consumers, carry out sample testing of marketed batteries, investigate, and, if necessary, keep a register of complaints, of non-conforming batteries and battery recalls, and shall keep distributors informed of such monitoring.	*deleted*	
Article 41(7)				
512	7. Importers who consider or have reason to believe that a battery, which they have placed on	7. Importers who consider or have reason to believe that a battery, which they have placed on	7. Importers who consider or have reason to believe that a battery, which they have placed on	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the market or put into service, is not in conformity with the requirements set out in Chapters II and III, shall immediately take the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate. Furthermore, where the battery presents a risk, importers shall immediately inform the national authority of the Member State in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken.	the market or put into service, is not in conformity with the requirements set out in Chapters II and III ***and Article 39***, shall immediately take the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate. Furthermore, where ~~the~~***they consider or have reason to believe that a*** battery presents a risk, importers shall immediately inform the national authority of the Member State in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken.	the market~~ or put into service~~, is not in conformity with the **applicable** requirements set out in **Articles 6 to 10 and 12 to 14** ~~Chapters II and III~~, shall immediately take the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate. Furthermore, where the battery presents a risk, importers shall immediately inform the ~~national~~**market surveillance** authority of the Member State in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken.	
Article 41(8)				
513	8. Importers shall keep the technical documentation referred to in Annex VIII and a copy of the EU declaration of conformity at the disposal of the national authorities and market surveillance authorities for 10 years after the battery has been placed on the market or put into service.		8. Importers shall**, for 10 years after the battery has been placed on the market, keep** ~~keep the technical documentation referred to in Annex VIII and~~ a copy of the EU declaration of conformity at the disposal of the national authorities and **ensure that the technical documentation referred to in**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Annex VIII is made available to those authorities, upon request ~~market surveillance authorities for 10 years after the battery has been placed on the market or put into service~~.	
Article 41(9)				
514	9. Importers shall, further to a reasoned request from a national authority provide it with all the information and technical documentation necessary to demonstrate the conformity of a battery with the requirements set out in Chapters II and III in a language that can be easily understood by that authority. That information and the technical documentation shall be provided either in paper or electronic form. Importers shall cooperate with the national authority, at its request, on any action taken to eliminate the risks posed by batteries, which they have placed on the market or put into service.		9. Importers shall, further to a reasoned request from a national authority**,** provide ~~it~~**that authority** with all the information and ~~technical~~ documentation necessary to demonstrate the conformity of a battery with the **applicable** requirements set out in **Articles 6 to 10 and 12 to 14,** ~~Chapters II and III~~ in a language ~~that~~**or languages, which** can be easily understood by that authority. That information and the ~~technical~~ documentation shall be provided **in electronic format and, on request,** ~~either~~ in paper ~~or electronic form~~**format**. Importers shall cooperate with the national authority, at its request, on any action taken to eliminate the risks posed by batteries, which they have placed on the market ~~or put into service~~.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 42				
515	Article 42 Obligations of distributors		Article 42 Obligations of distributors	
Article 42(1)				
516	1. When making a battery available on the market, distributors shall act with due care in relation to the requirements of this Regulation.		1. When making a battery available on the market, distributors shall act with due care in relation to the requirements of this Regulation.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 42(2), introductory part				
517	2. Before making a battery available on the market, distributors shall verify that:		2. Before making a battery available on the market, distributors shall verify that:	
Article 42(2), point (a)				
518	(a) the manufacturer, the manufacturer's authorised representative, importer or other distributors are registered on the territory of a Member State in accordance with Article 46;	(a) the ~~*manufacturer, the manufacturer's authorised representative, importer or other distributors are*~~***producer is*** registered on the territory of a Member State in accordance with Article 46;	(a) ~~the manufacturer, the manufacturer's authorised representative, importer or other distributors are~~ **for the battery there is a producer** registered ~~on the territory of a Member State in accordance with~~ **in the register of producers referred to in** Article 46;	
Article 42(2), point (b)				
519	(b) the battery bears the CE marking,		(b) the battery bears the CE marking~~,~~ **referred to in Article 19and is marked in accordance with Article 13;**	
Article 42(2), point (c)				
520	(c) battery is accompanied by the required documents in a language which can be easily understood by		(c) **the** battery is accompanied by the required documents ~~in a~~**and by instructions and safety**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the consumers and other end-user in the Member State in which the battery is to be made available on the market and by instructions and safety information and		**information in** language **or languages,** which can be easily understood by ~~the consumers and other end-user in~~**end-users, as determined by** the Member State in which the battery is to be made available on the market **or put into service; and** ~~and by instructions and safety information and~~	
Article 42(2), point (d)				
521	(d) the manufacturer and the importer have complied with the requirements set out in paragraphs 7, 9 and 10 of Article 38 and Article 41(3) and (4) respectively.		(d) the manufacturer and the importer have complied with the requirements set out in ~~paragraphs 7, 9 and 10 of Article 38~~**Article 38(7a) and (8)** and Article 41(3) ~~and (4)~~ respectively.	
Article 42(3)				
522	3. Where a distributor considers or has reason to believe that a battery is not in conformity with the requirements set out in Chapters II and III, the distributor shall not make the battery available on the market until it has been brought into conformity. Furthermore, where the battery	3. Where a distributor considers or has reason to believe that a battery is not in conformity with the requirements set out in Chapters II and III ***and Article 39***, the distributor shall not make the battery available on the market until it has been brought into conformity. Furthermore, where ***it***	3. Where a distributor considers or has reason to believe that a battery is not in conformity with **any of the applicable**~~the~~ requirements set out in **Articles 6 to 10 or 12 to 14** ~~Chapters II and III~~, the distributor shall not make the battery available on the market until it has been brought into	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	presents a risk, the distributor shall inform the manufacturer or the importer to that effect as well as the relevant market surveillance authorities.	***considers or has reason to believe that*** the battery presents a risk, the distributor shall inform the manufacturer or the importer to that effect as well as the relevant market surveillance authorities.	conformity. Furthermore, where the battery presents a risk, the distributor shall inform the manufacturer or the importer to that effect as well as the ~~relevant~~ market surveillance authorities.	
Article 42(4)				
523	4. Distributors shall ensure that, while a battery is under their responsibility, storage or transport conditions do not jeopardise its compliance with the requirements set out in Chapters II and III.		4. Distributors shall ensure that, while a battery is under their responsibility, storage or transport conditions do not jeopardise its compliance with the **applicable** requirements set out in **Articles 6 to 10 and 12 to 14** ~~Chapters II and III~~.	
Article 42(5)				
524	5. Distributors who consider or have reason to believe that a battery, which they have made available on the market, is not in conformity with the requirements set out in Chapters II and III shall make sure that the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate, are taken.	5. Distributors who consider or have reason to believe that a battery, which they have made available on the market, is not in conformity with the requirements set out in Chapters II and III ***and Article 39*** shall make sure that the corrective action necessary to bring that battery into conformity, to withdraw it or recall it, as appropriate, are taken.	5. Distributors who consider or have reason to believe that a battery, which they have made available on the market, is not in conformity with **any of the applicable** ~~the~~ requirements set out in **Articles 6 to 10 or 12 to 14** ~~Chapters II and III~~ shall make sure that the corrective action necessary to bring that battery into conformity, to withdraw it or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Furthermore, where the battery presents a risk, distributors shall immediately inform the national authority of the Member States in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken.	Furthermore, where ***they consider or have reason to believe that*** the battery presents a risk, distributors shall immediately inform the national authority of the Member States in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken.	recall it, as appropriate, are taken. Furthermore, where the battery presents a risk, distributors shall immediately inform the **market surveillance authorities** ~~national authority~~ of the Member States in which they made the battery available on the market to that effect, giving details, in particular, of the non-compliance and of any corrective action taken.	
Article 42(6)				
525	6. Distributors shall, further to a reasoned request from a national authority provide it with all the information and the technical documentation necessary to demonstrate the conformity of a battery with the requirements set out in Chapters II and III in a language that can be easily understood by that authority. That information and the technical documentation shall be provided in paper or electronic form. Distributors shall cooperate with the national authority, at its request, on any action taken to eliminate the risks posed by batteries that they have made	6. Distributors shall, further to a reasoned request from a national authority– provide ~~it~~***that authority*** with all the information and the technical documentation necessary to demonstrate the conformity of a battery with the requirements set out in Chapters II and III ***and Article 39*** in a language that can be easily understood by that authority. That information and the technical documentation shall be provided in paper or electronic form. Distributors shall cooperate with the national authority, at its request, on any action taken to eliminate the risks posed by batteries that they have made	6. Distributors shall, further to a reasoned request from a national authority– provide **that authority** ~~it~~ with all the information and the ~~technical~~ documentation necessary to demonstrate the conformity of a battery with the **applicable** requirements set out in **Articles 6 to 10 and 12 to 14** ~~Chapters II and III~~ in a language **or languages, which** ~~that~~ can be easily understood by that authority. That information and the ~~technical~~ documentation shall be provided in ~~paper or electronic form~~**electronic format and, on request, in paper format**. Distributors shall cooperate with	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	available on the market.	available on the market.	the national authority, at its request, on any action taken to eliminate the risks posed by batteries that they have made available on the market.	
Article 43				
526	Article 43 Obligations of fulfilment service providers		Article 43 Obligations of fulfilment service providers	
Article 43, first paragraph				
527	Fulfilment service providers shall ensure that, for batteries that they handle, the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the batteries' compliance with the requirements set out in Chapters II and III.	Fulfilment service providers***, including online marketplaces,*** shall ensure that, for batteries that they handle, the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the batteries' compliance with the requirements set out in Chapters II***, III and VII. Without prejudice to the obligations of the relevant economic operators set out in Chapter VI, fulfilment service providers shall in addition to the requirement referred to in the first subparagraph perform the tasks set out in Article 40(4),***	Fulfilment service providers shall ensure that, for batteries that they handle, the conditions during warehousing, packaging, addressing or dispatching, do not jeopardise the batteries' compliance with the requirements set out in ~~Chapters II and III~~**Articles 6 to 10 and 12 to 14**.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		point (d), and Article 40(4a) ~~*and III*~~.		
Article 44				
528	Article 44 Case in which obligations of manufacturers apply to importers and distributors		Article 44 Case in which obligations of manufacturers apply to importers and distributors	
Article 44, first paragraph, introductory part				
529	An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and that importer or distributor shall be subject to the obligations of the manufacturer under Article 40, where	An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and that importer or distributor shall be subject to the obligations of the manufacturer under Article ~~*40*~~***38***, where ***any of the following applies:***	An importer or distributor shall be considered a manufacturer for the purposes of this Regulation and that importer or distributor shall be subject to the obligations of the manufacturer under Article ~~40~~**38**, where**:**	
Article 44, first paragraph, point (a)				
530	(a) a battery is placed on the market or put into service under that importer's or distributor's own name or trademark;		(a) a battery is placed on the market or put into service under that importer's or distributor's own name or trademark; **or**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 44, first paragraph, point (b)				
531	(b) a battery already placed on the market or put into service is modified by that importer or distributor in such a way that compliance with the requirements of this Regulation may be affected;	(b) a battery already placed on the market or put into service is modified by that importer or distributor in such a way that compliance with the requirements of this Regulation may be affected; ***or***	(b) a battery already placed on the market or put into service is modified by that importer or distributor in such a way that compliance with the **relevant** requirements of this Regulation may be affected; **or**	
Article 44, first paragraph, point (c)				
532	(c) the purpose of a battery already placed on the market or put into service is modified by that importer or distributor.		(c) the purpose of a battery already placed on the market or put into service is modified by that importer or distributor.	
Article 44a				
532a			**Article 44a** **Obligations of economic operators placing on the market batteries that have been subject to preparing for re-use, preparing for repurpose, repurposing or remanufacturing**	
Article 44a(1)				
532b			**1. Economic operators placing**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			on the market or putting into service batteries that have been subject to preparing for re-use, preparing for repurpose or repurposing, or remanufacturing shall ensure that the examination, performance testing, packing and shipment of those batteries, and their components that are subject to any of those operations, is carried out following adequate quality control and safety instructions.	
Article 44a(2)				
532c			**2. Economic operators placing on the market or putting into service batteries that have been subject to preparing for re-use, preparing for repurpose or repurposing, or remanufacturing shall ensure that the battery that has been subject to any of those operations, complies with the requirements of this Regulation, and any relevant product, environmental and human health protection and transport safety requirements in other**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			legislation, and technical requirements for its specific purpose of use when placed on the market.	
Article 45				
533	Article 45 Identification of economic operators		Article 45 Identification of economic operators	
Article 45, first paragraph, introductory part				
534	Upon a request of a market surveillance authority or a national authority, for a period of 10 years after the placing on the market of a battery, economic operators shall provide information on the following:		**1. Economic operators shall,** upon a request of a ~~market surveillance authority or a~~ national authority, ~~for a period of 10 years after the placing on~~**provide information on the following to** the market ~~of a battery, economic operators shall provide information on the following~~**surveillance authorities**:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 45, first paragraph, point (a)				
535	(a) the identity of any economic operator that has supplied them with a battery;		(a) the identity of any economic operator that has supplied them with a battery;	
Article 45, first paragraph, point (b)				
536	(b) the identity of any economic operator to which they have supplied a battery, as well as the quantity and exact models.		(b) the identity of any economic operator to which they have supplied a battery~~, as well as the quantity and exact models.~~**.**	
Article 45(2)				
536a			**2. Economic operators shall be able to provide the information referred to in paragraph 1 for 10 years after they have been supplied with the battery and for 10 years after they have supplied the battery.**	
Chapter VIa				
536b			**Chapter VI.A Obligations of economic operators on supply chain due diligence policies**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 45a				
536c			**Article 45a** **Supply chain due diligence policies**	
Article 45a(1)				
536d			**1. From either 36 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.**	
Article 45a(1a)				
536e			**1a. The economic operator**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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.	
Article 45a(1b)				
536f			**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**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			relevant supply chain due diligence policies has been placed on the market.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 45a(2)				
536g			**2. By 12 months after entry into force of the Regulation, the Commission shall publish guideline 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.**	
Article 45a(3)				
536h			**3. The Commission shall regularly review the list of raw materials and risk categories set out in Annex X and shall be empowered to adopt delegated acts in accordance with Article 73 to:**	
Article 45a(3), point (a)				
536i			**(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**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			technological progress in battery manufacturing and chemistries and amendments to Regulation (EU) 2017/821;	
Article 45a(3), point (b)				
536j			**(b) amend the obligations on the economic operator referred to in paragraph 1 set out in paragraphs 2 to 4 to ensure consistency with the amendments to Regulation (EU) 2017/821.**	
Article 45a(3b)				
536k			**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.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 45b				
536l			**Article 45b** **Economic operator's management system**	
Article 45b, first subparagraph				
536m			**The economic operator referred to in Article 45a shall:**	
Article 45b, first subparagraph, point (a)				
536n			**(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;**	
Article 45b, first subparagraph, point (b)				
536o			**(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**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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 Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas[1] (' OECD Due Diligence Guidance) and the OECD Due Diligence Guidance for Responsible Business Conduct (OECD Due Diligence Guidance for RBC). **_____** **1. OECD (2016), OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas: Third Edition, OECD Publishing, Paris, .**	
Article 45b, first subparagraph, point (c)				
536p			**(c) structure its respective internal management systems to support supply chain due diligence by assigning responsibility to the most senior level of the economic operator to**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			oversee the supply chain due diligence policy as well as maintain records of those systems for a minimum of ten years;	
Article 45b, first subparagraph, point (d)				
536q			**(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 actors in the supply chain.**	
Article 45b, second subparagraph, introductory part				
536r			**Such a system shall be supported, by documentation that provides the following information:**	
Article 45b, second subparagraph, point (i)				
536s			**(i) description of the raw material, including its trade name and type;**	

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Article 45b, second subparagraph, point (ii)				
536t			**(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;**	
Article 45b, second subparagraph, point (iii)				
536u			**(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;**	
Article 45b, second subparagraph, point (iv)				
536v			**(iv) quantities of the raw material present in the battery placed on the market, expressed in percentage or weight;**	
Article 45b, second subparagraph, point (v)				
536w			**(v) third-party verification**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			reports done by a notified body and concerning the up-stream suppliers.	
Article 45b, third subparagraph				
536x			**Third party verification reports referred to in point (v) shall be made available to the down-stream operators of the supply chain.**	
Article 45b, third subparagraph, point (e)				
536y			**(e) incorporate its supply chain due diligence policy into contracts and agreements with suppliers, including risk management measures;**	
Article 45b, third subparagraph, point (f)				
536z			**(f) establish a grievance mechanism as an early-warning risk-awareness system or provide such mechanism through collaborative arrangements with other economic operators or organisations Insomuch as it**	

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			may help address grievances received, companies may in addition facilitate recourse to an external expert or body, such as an ombudsman 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.	
Article 45c				
536aa			**Article 45c Risk management plan**	
Article 45c(3), introductory part				
536ab			**3. The economic operator referred to in Article 45a shall:**	
Article 45c(3), point (a)				
536ac				

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			(a) identify risks in its supply chain, associated to the risk categories listed in Annex X, point 2, including as described in the OECD Due Diligence Guidance for Responsible Business Conduct, Chapter II, or in a equivalent way;	
Article 45c(3), point (b)				
536ad			**(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;**	
Article 45c(3), point (c), introductory part				
536ae			**(c) design and implement a strategy to respond to the identified risks designed so as to prevent or mitigate adverse**	

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			impacts by:	
Article 45c(3), point (c)(i)				
536af			**(i) reporting findings of the supply chain risk assessment to the most senior level of the economic operator assigned in accordance with point (c) of Article 45b;**	
Article 45c(3), point (c)(ii)				
536ag			**(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;**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 45c(3), point (c)(iii)				
536ah			**(iii) 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;**	
Article 45c(3), point (c)(iv)				
536ai			**(iv) undertaking additional fact and risk assessments for risks requiring mitigation, or after a change of circumstances.**	
Article 45c(3a)				
536aj			**3a. 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**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			national government authorities, international or civil society organisations and affected third parties, before deciding on a strategy for measurable risk mitigation in the risk management plan referred to in point (c)(iii) of paragraph 3.	
Article 45c(3b)				
536ak			**3b. The economic operator referred to in Article 45a shall identify and assess the probability of adverse impacts in the risk categories listed in Annex X, point 2, in its supply chain 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, their 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 such third-party verification reports concerning suppliers are not in accordance**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			with Article 45d, the economic operator referred to in Article 45a 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 Article 45a shall carry out third party verifications of its own supply chain due diligence via a notified body in accordance with Article 45d.	
Article 45c(3c)				
536al			**3c. The economic operator referred to in Article 45a shall report the findings of the risk assessment referred to in paragraph 3b to its most senior level assigned in accordance with point (c) of Article 45b, and a strategy, referred to in point (c) of paragraph 3, shall be implemented.**	
Article 45d				
536am			**Article 45d** **Third-party verification of supply chain due diligence**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			policies	
Article 45d(4), introductory part				
536an			**4. The third-party verification by a notified body shall:**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 45d(4), point (a)				
536ao			**(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);**	
Article 45d(4), point (b)				
536ap			**(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);**	
Article 45d(4), point (b bis)				
536aq			**(b bis) where relevant, carry out checks on undertakings and gather information from stakeholders;**	
Article 45d(4), point (c)				
536ar			**(c) make recommendations to**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			the economic operators that place batteries on the market on how to improve their supply chain due diligence practices;	
Article 45d(4), point (d)				
536as			**(d) respect the audit principles of independence, competence and accountability, as set out in the OECD Due Diligence Guidance.**	
Article 45d(4a)				
536at			**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				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
536au			**Article 45e** **Disclosure of information on supply chain due diligence policies**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 45e(1)				
536av			**1. The economic operator referred to in Article 45a shall make available upon request to Member States' market surveillance authorities or national authorities the verification report or 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.**	
Article 45e(2)				
536aw			**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.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 45e(3)				
536ax			**3. 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 the data and information on steps taken by that economic operator to comply with the requirements set out in Articles45b 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 competitive concerns.**	
Article 45e(4)				
536ay			**4. Where the economic operator referred to in Article 45a can reasonably conclude that the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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.	
Article 45f				
536az			**Article 45f** **Recognition of supply chain due diligence schemes**	
Article 45f(1)				
536ba			**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 shall be empowered to adopt implementing acts establishing the information requirements**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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).	
Article 45f(2)				
536bb			**2. Where, on the basis of the evidence and information provided pursuant to the 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 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).**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			When making a determination on the recognition of a due diligence 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.	
Article 45f(3)				
536bc			**3. The Commission shall 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 Articles 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 shall also, as**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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.	
Article 45f(4)				
536bd			**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. The Commission shall assess whether such changes or updates affect the basis for the recognition of equivalence of that scheme and take appropriate action.**	
Article 45f(5)				
536be			**5. If there is evidence of repeated or significant cases where economic operators implementing a scheme recognised in accordance with**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			paragraph 2 have failed to fulfil the requirements set out in Article 45a 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.	
Article 45f(6)				
536bf			**6. Where the Commission identifies a failure to comply with the requirements set out in Articles 45a to 45e of this Regulation or deficiencies in a recognised supply chain due diligence scheme, it may grant the scheme owner an appropriate period of time to take remedial action.**	
Article 45f(7)				
536bg			**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**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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 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 with the examination procedure referred to in Article 74(3).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 45f(8)				
536bh			**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.**	
Chapter VII				
537	Chapter VII End-of-life management of batteries		Chapter VII ~~End-of-life~~ Management of **waste** batteries	
Article 45g				
537a			**Article 45g Competent authority**	
Article 45g(1)				
537b			**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**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			producers and producer responsibility organisations with those requirements.	
Article 45g(2), introductory part				
537c			**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 45g(2), point (a)				
537d			**(a) the registration of producers in accordance with Article 46;**	
Article 45g(2), point (b)				
537e			**(b) the authorisation of producers and producer responsibility organisations in accordance with Article 47b;**	
Article 45g(2), point (c)				
537f			**(c) the oversight of implementation of extended**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			producer responsibility obligations in accordance with Article 47a;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 45g(2), point (d)				
537g			**(d) the collection of data on batteries and waste batteries in accordance with Article 61;**	
Article 45g(2), point (e)				
537h			**(e) making information available in accordance with Article 62.**	
Article 46				
538	Article 46 Register of producers		Article 46 Register of producers	
Article 46(1)				
539	1. Member States shall establish a register of producers which shall serve to monitor compliance of producers with the requirements of this Chapter. The register shall be managed by the competent authority.		1. Member States shall establish a register of producers which shall serve to monitor compliance of producers with the requirements of this Chapter. ~~The register shall be managed by the competent authority.~~	
Article 46(2), introductory part				
540				

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	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 **in the register referred to in paragraph 1**. They shall to that end submit an application **for registration in each** ~~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 ***mutatis mutandis*** ~~mutatis mutandis~~ unless otherwise specified **by the Member State**.	
Article 46(2) introductory part paragraph 2				
540a			**The obligations under this Article may, on producer's behalf, be met by an authorised representative for the EPR.**	
Article 46(2) introductory part paragraph 3				
540b			**Producers shall not make available batteries, including those incorporated in**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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.	
Article 46(2), first paragraph, introductory part fourth paragraph				
541	In its application for registration, the producer shall provide the following information to the competent authority:		**2b.** ~~In its~~**The** application for registration~~, the producer~~ shall ~~provide~~**include** the following information ~~to the competent authority~~:	
Article 46(2), introductory part fourth paragraph, point (a)				
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 **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 ~~and fax numbers~~, if any, ~~internet~~ **web** address and e-mail address**, indicating a single contact point**;	
Article 46(2), introductory part fourth paragraph, point (b)				

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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 **and the** ~~including~~ European or national tax **identification** number;	

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Article 46(2), introductory part fourth paragraph, point (c), introductory part				
544	(c) in the case of an authorisation in accordance with Article 47(2), the producer responsibility organisation shall, in addition to the information required under points (a) and (b), provide		*deleted*	
Article 46(2), *introductory part fourth* paragraph, point (c)(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*	
Article 46(2), *introductory part fourth* paragraph, point (c)(ii)				
546	(ii) the represented producer's mandate;		*deleted*	
Article 46(2), *introductory part fourth* paragraph, point (c)(iii)				
547	(iii) where the authorised representative represents more than one producer, separate indications of the name and the		*deleted*	

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	contact details of each one of the represented producers.			

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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, ***light means of transport batteries,*** industrial batteries, , electric vehicle batteries, or automotive batteries;	~~(d)~~**(c) the category, or categories,** ~~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, **LMT batteries,** electric vehicle batteries, or ~~automotive~~ **SLI** batteries;	
Article 46(2), first paragraph, point (da)				
548a		***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;***		
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;		*deleted*	
Article 46(2), *introductory part fourth* paragraph, point (f), introductory part				
550	(f) information on how the producer meets its responsibilities	(f) information on how the producer meets its responsibilities	~~(f)~~**(d)** information on how the producer meets its responsibilities	

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	set out in Article 47 and the requirements under Article 48 and Article 49 respectively:	set out in Article 47 and the requirements under Article 48, ***Article 48a*** and Article 49 respectively:	set out in Article 47 and the requirements under ~~Article 48 and Article~~**Articles 48, 48a and** 49 respectively:	
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:	
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 ensure that the data reported to the competent authorities is reliable;	- 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 and the system to ensure that the data reported to the competent authorities is reliable;	- ~~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 amount of batteries the producer ~~supplies~~ **makes available on the market in the Member State** and the system to ensure that the data reported to the competent authorities is reliable;	

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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 producer's mandate;	- where applicable, the name and contact details, including postal ~~*code and place, street and number, country*~~***address***, telephone ~~*and fax numbers*~~***number***, 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) ***and (4)***, 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 producer's mandate;	- where applicable, the name and contact details, including postal code and place, street and number, country, telephone~~ and fax numbers, internet~~**, 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(2)~~ **47a(2)**, including the trade register number or an equivalent official registration number~~ of the producer responsibility organisation including~~ **and** the European or national tax **identification** number of the producer responsibility organisation, and the represented producer's mandate;	
Article 46(2), first paragraph, point (f)(i), third indent				
553a		***- where the producer responsibility organisation represents more than one producer, it shall indicate***		

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		separately how each one of the represented producers meets the responsibilities set out in Article 47.		
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:	
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 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;		- ~~a declaration providing information~~**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– collection obligations set out in Article 49(1) with regard to the amount of batteries the producer ~~supplies~~ **makes available on the market in the Member State** and the system to ensure that the data reported to the competent authorities is reliable;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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 organisation, and the represented producer's mandate;	- where applicable, the ***name and contact details, including postal address, telephone number, and e-mail and web 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 of the producer responsibility organisation including the European or national tax number of the producer responsibility organisation, and the represented producer's mandate;	- 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 ~~of the producer responsibility organisation including~~**and** the European or 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		~~-~~**(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~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	responsibilities set out in Article 47.		~~responsibilities set out in Article 47~~**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(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.		*deleted*	
Article 46(2c), introductory part				
558a			**2c. In the case of an authorisation in accordance with Article 47a(1), the producer responsibility organisation shall, in addition to the information required under paragraph 2b, provide:**	
Article 46(2c), point (a)				
558b				

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			(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;	
Article 46(2c), point (b)				
558c			**(b) the mandate of each represented producer, where applicable;**	

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Article 46(2c), point (c)				
558d			**(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).**	
Article 46(2d)				
558e			**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.**	

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Article 46(2e)				
558f			**2e. Member States may request additional information or documents, as necessary, to efficiently use the register referred to paragraph 1.**	
Article 46(2f)				
558g		***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.***	**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.**	
Article 46(2g)				
558h			**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,**	

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			provided that the application meets the requirements set out in Article 46(2b) to (2f).	
Article 46(3), introductory part				
559	3. The competent authority:		3. The competent authority:	
Article 46(3), point (a)				
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;	
Article 46(3), point (b)				
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;	
Article 46(3), point (c)				
562				

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	(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~~**paragraphs 2, 2b and 2c**;	
Article 46(3), point (d)				
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.	
Article 46(3a)				
563a		***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.***	**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.**	
Article 46(4)				
564	4. The producer, or, where		4. The producer, or, where	

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	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 the Member State of the batteries referred to in the registration in accordance with paragraph 1(d).		applicable, **producer's authorised representative or** 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 **application for** registration and of any permanent cessation as regards the making 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)~~**2b(d). A producer shall be excluded from the register if it has ceased to exist**.	
Article 46(4a)				
564a		***Battery producers shall provide to online marketplaces information about their registration or authorised representative in the Member States they sell to.***		
Article 47				
565	Article 47		Article 47	

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	Extended Producer Responsibility		Extended Producer Responsibility	
Article 47(1), introductory part				
566	1. Producers of batteries shall have extended producer responsibility for batteries that they make available on the 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:		1. Producers of batteries shall have extended producer responsibility for batteries that they make available on the 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:~~ **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)				
566a			**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**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			purpose of this Regulation and shall have an extended producer responsibility.	
Article 47(3) (new)				
566b			**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.**	
Article 47(4) (new)				
566c			**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:**	
Article 47(1), point (a)				
567	(a) organise the separate collection of waste batteries in accordance with Article 48 and Article 49 and the subsequent transport, preparation for	(a) ~~*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*** the	(a) ~~organise the~~**costs of** separate collection of waste batteries ~~in accordance with Article 48 and Article 49 and the subsequent transport, preparation for~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	repurposing and remanufacturing, treatment and recycling of waste batteries, including the necessary safety measures, in accordance with Article 56;	separate collection of waste 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;	~~repurposing and remanufacturing, 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**;	
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*	
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 48(1);	(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 by end-users in accordance with	~~(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 collected mixed municipal waste**	

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		Article 48(1);	in accordance with ~~Article 48(1)~~**Articles 48(12) and 48a(6)**;	
Article 47(1), point (d)				
570	(d) provide information including end-of-life information about batteries in accordance with Article 60;			
Article 47(1), point (da)				
570a	(d) provide information including end-of-life information about batteries in accordance with Article 60;	***(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);***	~~(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;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 47(1), point (e)				
571	(e) finance the activities referred to in points (a) to (d).		*deleted*	
Article 47(1), point (d) (new)				
571a			**(d) costs of data gathering and reporting to the competent authorities in accordance with Article 61.**	
Article 47(5) (new)				
571b	(e) finance the activities referred to in points (a) to (d).	finance the activities referred to in points (a) to ~~*(d)*~~***(da)***.	**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 producers, to share the costs referred to in points (a), (c) and (d). Where a**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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				
571c			**Article 47a** **Producer Responsibility Organisation**	
Article 47a(1)				
572	2. Producers may entrust a producer responsibility organisation authorised in accordance with paragraph 6 to carry out the extended producer responsibility obligations on their behalf.		~~2~~**1**. Producers may entrust a producer responsibility organisation authorised in accordance with ~~paragraph 6~~**Article 47b** to carry out the extended producer responsibility obligations on their behalf. **Member States may adopt**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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				
573	3. Producers and, where appointed in accordance with paragraph 2, producer responsibility organisations acting on their behalf shall:		*deleted*	
Article 47(3), point (a)				
574	(a) have the necessary organisational and financial means to fulfil the extended producer responsibility obligations referred to in paragraph 1;	(a) have the necessary ~~*organisational and*~~***financial or*** financial ***and organisational*** means to fulfil the extended producer responsibility obligations referred to in paragraph 1;	*deleted*	
Article 47(3), point (b), introductory part				
575				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(b) put in place an adequate self-control mechanism, supported by regular independent audits, to regularly appraise:		*deleted*	
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;		*deleted*	
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.		*deleted*	
Article 47(4), introductory part				
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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			producers:	
Article 47(4), point (a)				
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, repurposing or remanufacturing**;	
Article 47(4), point (b)				
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***, remanufacturing, repurposing*** 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 **preparing for** reuse ~~and from sales~~**or preparing for repurpose or from the value** of secondary raw materials from ~~the batteries and~~**recycled** waste batteries;	

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Article 47(4), point (c)				
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.	
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	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	*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	reuse and from sales of secondary raw materials from the batteries and waste batteries.	reuse***, remanufacturing, repurposing*** and from sales of secondary raw materials from the batteries and waste batteries.		
Article 47(6), first subparagraph				
583	6. Producer responsibility organisations 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 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	6. ***A producer or a*** producer responsibility ~~organisations~~***organisation acting on its behalf*** 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 ***or producer*** responsibility organisation are sufficient ***and that it has the necessary financial or financial and organisational means*** to meet the obligations set out in this ~~Article~~***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 producers on whose behalf it acts ***and are in line with the attainment of the targets on separate collection of waste batteries, the level of recycling and recycling efficiencies laid***	*deleted*	

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	information to be provided by producers to that end.	***down in this Regulation***. The competent authority shall in regular intervals, ***and at least every three years,*** 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*~~***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)***.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 47(6), second subparagraph				
584	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 operations.	***The producer or the*** producer responsibility ~~*organisations*~~***organisation acting on its behalf*** 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 operations.	*deleted*	
Article *47a(3)*				
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		**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)~~**in accordance with Articles 48(1), 48a(1) and 49(1)**. Member States shall entrust the	

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	independent third party to oversee that producer responsibility organisations fulfil their obligation to coordinate in accordance with the previous sentence.		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~~**in coordinated manner**.	
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*	
Article 47(8)				
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		~~8~~**4**. Producer responsibility organisations shall ensure the confidentiality of the data in its possession as regards proprietary information or information directly attributable to individual	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	producers or their authorised representatives.		producers or their authorised representatives.	
Article 47(9), 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:			
Article 47(9), point (a)				
589	(a) ownership of the producer responsibility organisation;			
Article 47(9), point (b)				
590	list of producers that have entrusted the producer responsibility organisation to carry out their extended producer responsibility obligations on their behalf;			
Article 47(9), point (c)				
588	(c) the rate of separate collection of waste batteries, the level of recycling and recycling	(c) the rate of separate collection of waste batteries, the level of recycling, ***the*** ~~*and*~~ recycling	~~95~~. **In addition to the information referred to in point (e) of paragraph 3 of Article 8a**	

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	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;	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 their member producers;	**of Directive 2008/98/EC,** 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~~:~~**, 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.**	
Article 47a(5), point (a)				
589	(a) ownership of the producer responsibility organisation;		*deleted*	
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		*deleted*	

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	behalf;			
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;		*deleted*	

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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 modulation categories applied in accordance with paragraph 4(a).		*deleted*	
Article *47a(6)*				
592a		***(da) the selection procedure for waste management operators.***		
Article 47(10)				
593	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~~ **In addition to information referred to in** paragraph ~~2~~**5**, producer responsibility organisations ~~acting on their behalf, with the obligations set out in this~~**shall make publicly available information on the selection procedure for waste management operators referred**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			to in Article **47a(8)** .	
Article 47(10a)				
593a		***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.***		
Article 47(11)				
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.		*deleted*	
Article *47a(7)*				
595				

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	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).	
Article 47(13)				
596	13. Articles 8 and 8a of Directive 2008/98/EC shall not apply to batteries.		*deleted*	
Article 47a(8)				
596a			**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**	

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			award criteria, by producer responsibility organisations, without placing disproportionate burden on small and medium sized enterprises.	

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Article 47b				
596b			**Article 47b** **Authorisation on fulfilment of extended producer responsibility**	
Article 47b (1)				
596c			**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)				
596d			**2. The authorisation shall be granted only where it is demonstrated that:**	
Article 47b, (2), point (a)				
596e			**(a) requirements laid down in**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			points (a) to (d) of paragraph 3 of 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.	
Article 47b, (2), point (b)				
596f			**(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 collection target referred to in Article 48(4) and Article 48a(3), respectively.**	

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Article 47b, (2), point (c)				
596g			**(c) requirement laid down in paragraph 7of Article 47b is complied with.**	
Article 47b (3)				
596h	13. Articles 8 and 8a of Directive 2008/98/EC shall not apply to batteries.	13. ~~*Articles 8 and*~~ ***The requirements on extended producer responsibility and the general minimum requirements for extended producer responsibility schemes provided for in Article*** 8a of Directive 2008/98/EC shall ~~*not apply to batteries*~~***be considered as minimum requirements and shall be supplemented by the provisions laid down in this Regulation***.	**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 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**	

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			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.	

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Article 47b (4)				
596i			**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 concern the terms of the authorisation or of the permanent cessation of operations.**	
Article 47b (5)				
596j			**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**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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 producer responsibility organisations shall draw up the corrective action plan, taking into account the observations of the competent authority.	
Article 47b (6)				
596k			**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 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**	

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			operations.	
Article 47b (7)				
596l			**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 obligations, including in case of permanent cessation of its operations or insolvency. Member state may specify additional requirements on this guarantee.** **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**	

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			fund, financed by producers' fees, for which the Member State running the organisation is jointly and severely liable.	
Article 48				
597	Article 48 Collection of waste portable batteries		Article 48 Collection of waste portable batteries	
Article 48(1), introductory part				
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 ***separate*** collection of all waste portable batteries, regardless of their nature, ***chemical composition***, 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~~**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:	
Article 48(1), point (a)				
599	(a) establish waste portable	(a) establish waste portable	(a) establish waste portable	

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	battery collection points;	battery ***take-back and*** collection points;	battery **take back and collection systems, which include** collection points;	
Article 48(1), point (b)				
600	(b) offer the collection of waste portable batteries, free of charge, to the entities referred to in 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");		(b) offer the collection of waste portable batteries, free of charge, to the entities referred to in 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");	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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; _____ **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)**	
Article 48(1), point (d)				
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;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 48(1), point (da)				
602a			**(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;**	
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 **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.	
Article 48(2), introductory part				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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)~~**47a(1)**, producer responsibility organisations~~ acting on their behalf~~, shall ensure that the **take back and collection system for waste portable battery**~~ network of connected collection points~~ :	
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 **one or more of the following**:	
Article 48(2), point (a)(i)				
606	(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;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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;	
Article 48(2), point (a)(iv)				
609	(iv) voluntary collection points in accordance with Article 54;.		(iv) voluntary collection points in accordance with Article 54;~~.~~	
Article 48(2), point (a)(v)				
609a			**(v) waste electrical and electronic equipment treatment and recycling facilities in accordance with Directive 2012/19/EC.**	
Article 48(2), point (b)				
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		(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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	portable batteries is profitable.		portable batteries is profitable.	
Article 48(3)				
611	3. End users, when discarding waste portable batteries at collection points referred to in paragraph 2, shall not be charged or be obliged to buy a new battery.	3. End users~~, *when discarding*~~ ***shall be able to discard*** waste portable batteries~~–~~ at collection points referred to in paragraph 2~~,~~ ***and*** shall not be charged or be obliged to buy a new battery ***or to have bought the battery from the producers who set up the collection points***.	3. ~~End users~~**End-users**, when discarding waste portable batteries at collection points referred to in paragraph 2, shall not be charged or be obliged to buy a new battery.	
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	4. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, shall attain, and maintain ~~*durably*~~***yearly***, 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	4. Producers or, where appointed in accordance with Article ~~47(2)~~ **47a(1)**, 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~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	covered by a producer responsibility organisation:	producers covered by a producer responsibility organisation:	~~covered by a producer responsibility organisation~~:	
Article 48(4), first subparagraph, point (a)				
613	(a) 45 % by 31 December 2023 ;		(a) 45 % by ~~31 December 2023~~ **24 months after entry into force of the Regulation**;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 48(4), first subparagraph, point (b)				
614	(b) 65 % by 31 December 2025;		(b) 65 % by ~~31 December 2025~~**72 months after entry into force of the Regulation**;	
Article 48(4), first subparagraph, point (c)				
615	(c) 70 % by 31 December 2030.		(c) 70 % by ~~31 December 2030~~**96 months after entry into force of the Regulation** .	
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 Annex XI.		Producers or, where appointed in accordance with Article ~~47(2)~~**47a(1)**, producer responsibility organisations ~~acting on their behalf~~, shall calculate the collection rate referred to in this paragraph in accordance with Annex XI.	
Article 48(4a)				
616a		***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***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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: ***(a) 45% by 31 December 2023;*** ***(b) 70% by 31 December 2025;*** ***(c) 80 % by 31 December 2030.***		
Article 48(5)				
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 **points (i), (iii) and (iv) of** paragraph 2(a) shall not be subject to the registration or permit requirements of Directive 2008/98/EC.	
Article 48(6)				
618	6. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations shall request an authorisation from the competent		6. ~~Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations shall request an authorisation from the competent~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 member producers that it is representing.		~~authority that shall verify compliance of the arrangements put in place to ensure compliance~~ **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 ~~requirements of this Article. In case the authorisation is requested by a~~**producers or, where appointed in accordance with Article 47a(1),** producer responsibility ~~organisation, the request for authorisation shall clearly identify the active member producers that it is representing~~**organisations**.	
Article 48(7)				
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.		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 48(8)				
620	8. 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 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).		*deleted*	
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		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.			
Article 48(10)				
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.		*deleted*	
Article 48(11)				
623	11. The producer or, where		~~11~~**7. Every five years the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.		**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 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)**~~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~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			~~operations~~.	
Article 48(8)				
623a			**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.**	
Article 48(12)				
624	12. Every five years the Member States shall carry out a		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 the survey.			
Article 48a				
624a		***Article 48a*** ***Collection of light means of transport waste batteries***	**Article 48a** **Collection of waste LMT batteries**	
Article 48a(1), introductory part				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
624b		***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.*** ***2. Producers of light means of transport waste batteries or, where appointed in accordance with Article 47(2), producer 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***	**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:**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		batteries from end-users or from take-back and collection points provided in cooperation with: ***(a) distributors of light means of transport batteries in accordance with Article 50(1);*** ***(b) independent operators that repair light means of transport;*** ***(c) public authorities, or third parties carrying out waste management on their behalf, in accordance with Article 53.*** ***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.*** ***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***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		transport battery at any collection point and to do so free of charge or without being obliged to buy a new battery. ***5. 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 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:*** ***(a) 75 % by 31 December 2025;*** ***(b) 85 % by 31 December 2030.*** ***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 accordance with Article 55(2b).*** ***6. Collection points set up in***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		accordance with paragraphs 1 and 2 of this Article shall not be subject to the registration or permit requirements of Directive 2008/98/EC. ***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.*** ***8. The producer responsibility organisation shall ensure that the data in its possession as regards proprietary information or information directly attributable to individual producers remain confidential. The competent authority may, in its authorisation, establish conditions to be met to that end.*** ***9. The authorisation under paragraph 6 may be granted only where it is demonstrated, by***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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). ***10. The competent authority shall establish the details of the procedure to grant the authorisation under paragraph 7 to ensure compliance with the 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***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		authority, which shall not exceed six weeks from the submission of a complete application dossier. ***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 of its obligations under paragraphs 1 to 3.*** ***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.*** ***13. Every five years the Member States shall carry out a compositional survey at least at***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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 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.		
Article 48a(1), point (a)				
624c			**(a) distributors of LMT batteries in accordance with Article 50(1);**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 48a(1), point (b)				
624d			**(b) waste electrical and electronic equipment treatment and recycling facilities referred to in Article 52 for the waste LMT batteries arising from their operations;**	
Article 48a(1), point (c)				
624e			**(c) public waste management authorities, or third parties carrying out waste management on their behalf, in accordance with Article 53.**	
Article 48a(1), first subparagraph				
624f			**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.**	
Article 48a(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
624g			**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 where the collection and subsequent management of waste LMT batteries is most profitable.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 48a(3)				
624h			**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:**	
Article 48a(3), first indent				
624i			**- 54 % by 96 months after entry into force of the Regulation.**	
Article 48a(3), first subparagraph				
624j			**Producers or producer responsibility organisations shall calculate the collection rate referred to in this paragraph in accordance with Annex XI.**	
Article 48a(4), introductory part				
624k			**4. Producers of LMT batteries or producer responsibility organisations, shall:**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 48a(4), point (a)				
624l			**(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;**	
Article 48a(4), point (b)				
624m			**(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 and the volume and hazardous nature of**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			waste batteries that are usually collected through those collection points;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 48a(4), point (c)				
624n			**(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.**	
Article 48a(5)				
624o			**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.**	
Article 48a(6)				
624p			**6. In the compositional survey carried out in accordance with Article 48(7) Member States shall determine the share of**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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).	
Article 48a(7)				
624q			**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**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			target laid down in paragraph 3, accordingly.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 49				
625	Article 49 Collection of waste automotive batteries, industrial batteries and electric vehicle batteries			
Article 49(-1a)				
625a	Article 49 Collection of waste automotive batteries, industrial batteries and electric vehicle batteries	***-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 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.***	Article 49 Collection of waste ~~automotive~~**SLI** batteries, industrial batteries and electric vehicle batteries	
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	1. Producers of automotive batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article 47(2), producer	1. Producers of ~~automotive~~**SLI** batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article ~~47(2)~~**47a(1)**, producer	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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, industrial batteries and electric vehicle batteries from end-users, or from collection points provided in cooperation with:	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, industrial batteries and electric vehicle batteries from end-users, or from ***take-back and*** collection points provided in cooperation with:	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 **regardless of their chemical composition, condition, brand, or origin** of the respective ~~type~~**category** 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~~**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:	
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 ~~automotive~~**SLI batteries**, industrial **batteries** and electric vehicle batteries in accordance with Article 50(1);	
Article 49(1), first subparagraph, point (aa)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
627a		***(aa) independent operators carrying out re-use, remanufacturing or repurposing of automotive batteries, industrial batteries and electric vehicle batteries;***		
Article 49(1), first subparagraph, point (b)				
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;	
Article 49(1), first subparagraph, point (c)				
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.	
Article 49(1), second subparagraph				
629a			**Member State may adopt measures to require that he**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			entities referred to in points (a), (b) and (c) of the first subparagraph may collect waste SLI batteries, industrial batteries and electric vehicle batteries batteries only if they have a contract with the producers or 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***, or, where appointed in accordance with Article 47(2), producer responsibility organisations,*** 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 **waste** batteries– shall **not** include covering the costs of dismantling ~~and collecting~~ waste batteries at the premises of those users.	
Article 49(2)				
631	2. The take back arrangements put in place in accordance with paragraph 1 shall cover the whole		2. The take back arrangements put in place in accordance with paragraph 1 shall cover the whole	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	territory of a Member State taking into account population size and density, expected volume of waste automotive, industrial and electric vehicle 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.		territory of a Member State taking into account population size and density, expected volume of waste ~~automotive~~**SLI batteries**, industrial **batteries** and electric vehicle batteries, accessibility and vicinity to end-users, not being limited to areas where the collection and subsequent management of waste ~~automotive~~**SLI batteries**, industrial **batteries** and electric vehicle batteries is– most profitable.	
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~~**SLI** batteries, industrial batteries and electric vehicle batteries or, where appointed in accordance with Article ~~47(2)~~**47a(1)**, producer responsibility organisations, shall:	
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,	(a) provide the ***take-back and*** collection points referred to in paragraph 1 with suitable collection infrastructure for the separate collection of waste	(a) provide the ~~collection points~~**take back and collection systems** referred to in paragraph 1 with suitable collection infrastructure for the separate	

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

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	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 **take back and** collection ~~points~~**systems**;	
Article 49(3), point (c)				
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~~**SLI** batteries, industrial batteries and electric vehicle batteries collected from end-users and from the ~~collection points~~**take back and collection systems** referred to in paragraph 1 to facilities for treatment and recycling in accordance with Article ~~56~~**56and Article 59**.	
Article 49(4)				
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 authorised waste management operators for treatment and recycling in accordance with Article 56. In such cases, the obligation of		4. The entities referred to in points (a), (b) and (c) of paragraph ~~3~~**1** may hand over collected waste ~~automotive~~**SLI** batteries, industrial batteries and electric vehicle batteries to authorised waste~~–~~ management operators **referred to in Article 47a(8)** for treatment and recycling in accordance with Article 56. In	

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	producers pursuant to paragraph 3(c) shall be deemed to be met.		such cases, the obligation of producers pursuant to paragraph 3(c) shall be deemed to be met.	
Article 49(4a)				
636a		***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.***		
Article 50				
637	Article 50 Obligations of distributors		Article 50 Obligations of distributors	
Article 50(1)				
638				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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 discard.	1. Distributors shall take back waste batteries from the end-user at no charge ~~*and*~~***or*** without an obligation to ~~*buy a new*~~***have bought the*** battery ***from the same distributor***, 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 ***light means of transport batteries,*** 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*~~***non-professional*** end-users normally discard.	1. Distributors shall take back waste batteries from the end-user ~~at no~~**free of** charge and without an obligation **on the end-user** to buy 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 ~~automotive~~**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 ~~types~~**categories** of waste batteries which the distributor has~~, or had,~~ as new batteries in its offer and, for **waste** portable batteries, to the quantity that non professional end-users normally discard.	
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		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~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	obligation for waste appliances and end-of-life vehicles laid down in Directives 2000/53/EC and 2012/19/EU.		~~obligation for waste appliances and end-of-life vehicles laid down in Directives 2000/53/EC and 2012/19/EU.~~	
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 management operator with a view to their treatment and recycling in accordance with Article 56.	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**,** ***48a*** and 49 respectively ,~~-~~or to an waste management operator with a view to their treatment and recycling in accordance with Article 56. ***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.***	3. Distributors shall hand over waste batteries that they have taken back to the producers or producer responsibility organisations who are responsible ~~for~~**to ensure** the collection of those batteries in accordance with Articles 48**, 48a** and 49 respectively , or to an waste management operator **referred to in Article 47a(8)** with a view to their treatment and recycling in accordance with **the requirements of** Article 56.	
Article 50(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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, industrial and electric vehicle batteries, accessibility and vicinity to end users allowing end users to return batteries.	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 ***of portable, light means of transport,*** automotive, industrial and electric vehicle batteries, accessibility and vicinity to end users allowing end users to return batteries.	4. The obligations under this article shall apply ***mutatis mutandis*** **to distributors**~~mutatis mutandis to operators~~ supplying batteries by means of distance contracts to end **-**users. Those ~~operators~~**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 ~~automotive~~**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		***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***	**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**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			informed of the arrangements for taking back of a waste battery when ordering a battery.	
Article 50a				
		Article 50a ***Deposit return systems for batteries***		
Article 50a				
641c6 41b		***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***	**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.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		return systems shall not prevent the adoption of harmonised Union-wide systems.		
Article 51				
642	Article 51 Obligations of end users		Article 51 Obligations of ~~end users~~**end-users**	
Article 51(1)				
643	1. End users shall discard waste batteries separately from other waste streams, including from mixed municipal waste.		1. ~~End users~~**End-users** shall discard waste batteries separately from other waste streams, including from mixed municipal waste.	
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***, 48a*** and 49.	2. ~~End users~~**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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 51(3)				
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*	
Article 51(4)				
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~~**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~~**information to end-users on prevention and management of waste batteries in Article 60(1)**.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 52				
647	Article 52 Obligations of treatment facilities		Article 52 Obligations of treatment **and recycling** facilities	
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 requirements of Article 56 of this Regulation. The operators of waste treatment facilities shall keep records of those transactions.	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 requirements of Article 56 of this Regulation***. 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,***	**1.** Operators of waste treatment **and recycling** 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 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~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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. The operators of waste treatment facilities shall keep records of those transactions.	~~transactions.~~**.**	
Article 52(2)				
648a			**2. The operators of waste treatment and recycling facilities referred to in paragraph 1 shall keep records of those transactions.**	
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	1. Waste batteries originating from private, non-commercial users may be discarded in separate	1. Waste batteries originating from private, non-commercial ~~users~~**end-users** may be discarded	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	collection points set up by public waste management authorities.	collection points set up by public waste management authorities. ***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.***	in separate collection points set up by public waste management authorities.	
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 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.	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 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. ***Member States may restrict the ability of public waste management authorities to hand over waste batteries, according to their type, either to producers or***	2. Public waste management authorities shall hand over collected waste batteries to the producers or, where appointed in accordance with Article ~~47(2)~~**47a(1)**, to producer responsibility organisations ~~acting on their behalf~~, 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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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.		
Article 54				
652	Article 54 Participation of voluntary collection points		Article 54 Participation of voluntary collection points	
Article 54(1)				
652a			**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.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 54(2)				
653	Voluntary waste portable battery collection points shall hand over 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 with a view to their treatment and recycling in accordance with the requirements of Article 56.	Voluntary waste portable battery collection points shall hand over waste portable batteries to- the producers of portable batteries or third parties acting on their behalf, including producer responsibility organisations, or to ***authorised*** waste management operators with a view to their treatment and recycling in accordance with the requirements of Article 56. ***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.***	**2.** Voluntary ~~waste portable battery collection points~~**collection points for waste LMT batteries** shall ~~hand over~~**handover collected** 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 **referred to in Article 47a(8)** with a view to their treatment and recycling in accordance with the requirements of Article 56.	
Article 54a				
653a			**Article 54a** **Restrictions regarding hand over of waste portable batteries and waste LMT batteries**	

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Article 54a(1)				
653b			**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.**	
Article 54a(2)				
653c			**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.**	

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Article 55				
654	Article 55 Collection rates for waste portable batteries	Article 55 Collection rates for waste portable batteries ***and waste light means of transport batteries***	Article 55 Collection rates for waste portable **and waste LMT** batteries	
Article 55(1), introductory part				
655	1. Member States shall achieve the following minimum collection targets for waste portable batteries, excluding waste batteries from light means of transport:		1. Member States shall achieve the following minimum collection targets for waste portable batteries~~, excluding waste batteries from light means of transport~~:	
Article 55(1), point (a)				
656	(a) 45 % by 31 December 2023;		(a) 45 % by ~~31 December 2023~~**24 months after entry into force of the Regulation**;	
Article 55(1), point (b)				
657	(b) 65 % by 31 December 2025;	(b) ~~65~~***70*** % by 31 December 2025;	(b) 65 % by ~~31 December 2025~~**72 months after entry into force of the Regulation**;	

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Article 55(1), point (c)				
658	2030.	(c) ~~70~~***80*** % by 31 December 2030.		
Article 55(1a)				
658a	(c) 70 % by 31 December 2030.	***1a. Member States shall achieve the following minimum collection targets for waste portable batteries of general use:*** ***(a) 45 % by 31 December 2023;*** ***(b) 70 % by 31 December 2025;*** ***(c) 80 % by 31 December 2030.***	(c) 70 % by 31 December ~~2030~~**96 months after entry into force of the Regulation**.	
Article 55(2)				
659	2. Member States shall calculate the collection rates set out in paragraph 1 in accordance with the methodology set out in Annex XI.		2. Member States shall calculate the collection rates set out in paragraph 1 in accordance with the methodology set out in **Part A of** Annex XI.	
Article 55(2a)				
659a		***2a. Member States shall achieve the following minimum collection targets for waste light means of transport batteries:*** ***(a) 75 % by 31 December 2025;***		

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		(b) 85 % by 31 December 2030.		
Article 55(2b)				
659b		***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.***		
Article 55(3)				
660	3. The Commission shall, by 31 December 2030, 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 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	3. The Commission shall, by 31 December ~~2030~~***2024***, 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 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*~~***shall*** also	3. ~~The Commission~~**Member States** shall~~, by 31 December 2030, review the target laid down in paragraph 1(c) and, as part of that review consider the setting of~~ **a achieve the following minimum** collection ~~target for batteries powering light means of transport, in the light of the evolution~~**targets for waste LMT batteries calculated as the average percentage** of the ~~market~~	

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	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.	consider introducing a calculation methodology for the calculation of the separate collection rate with a view to reflecting the quantity of waste ***portable*** 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.	~~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~~**waste LMT batteries made available on the market** 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~~**first time in the 3 preceding years in a Member State: 54% 96 months after entry into force** of the ~~review accompanied, if appropriate, by a legislative proposal~~**Regulation**.	
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. ~~*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*~~ ***deleted***	4. ~~The Commission is empowered to adopt delegated acts in accordance with Article 73 to amend~~**Member States shall calculate the collection rates set out in paragraph 2a in accordance with** the methodology ~~to calculate the~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			~~collection rate for portable batteries laid down~~**set out** in Annex XI.	
Article 55(5)				
661a			**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 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.**	
Article 56				
662	Article 56 Treatment and recycling		Article 56 Treatment and recycling	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 56(1)				
663	1. Collected waste batteries shall not be landfilled or incinerated.	1. Collected waste batteries shall not be ~~*landfilled or incinerated*~~***disposed of or be the subject of an energy recovery operation***.	1. Collected waste batteries shall not be landfilled or incinerated.	
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~~ **operations** 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.	
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 **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	

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			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** 2012/19/EU.	
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~~**shall be** 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.	
Article 56(4a)				
666a		***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.***		
Article 57				
667				

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	Article 57 Recycling efficiencies and material recovery targets		Article 57 Recycling efficiencies and ~~material~~**materials** recovery targets	

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Article 57(1)				
668	1. All waste batteries collected shall enter a recycling process.	1. All waste batteries collected shall ~~enter~~***undergo preparation for reuse, preparation for repurposing or*** a recycling process***, except batteries containing mercury, which shall be disposed of in a manner that does not entail any negative impacts on human health or the environment***.	1. **Permitted facilities shall ensure that** all waste batteries ~~collected shall enter a~~**that are offered to that facility will be accepted for** recycling ~~process~~**and treatment**.	
Article 57(2)				
669	2. Recyclers shall ensure that each recycling process shall achieve the minimum recycling efficiencies and the levels of recovered materials laid down, respectively, in Parts B and C of Annex XII.		2. Recyclers shall ensure that ~~each~~ recycling ~~process~~ shall achieve the minimum recycling efficiencies and the levels of recovered materials laid down, respectively, in Parts B and C of Annex XII.	
Article 57(3)				
670	3. The recycling efficiencies and the recovery of materials laid down in Parts B and C of Annex XII shall be calculated in accordance with the rules laid down in an implementing act		3. The recycling efficiencies and the recovery of materials laid down in Parts B and C of Annex XII shall be calculated in accordance with the rules laid down in an implementing act	

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	adopted pursuant to paragraph 4.		adopted pursuant to paragraph 4.	

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Article 57(3a)				
670a		***In order to enable proper sorting and reporting of lithium-ion waste batteries, the Commission shall include lithium-ion waste batteries in the list of wastes referred to in Decision 2000/532/EC as appropriate.***		
Article 57(4)				
671	4. The Commission shall, by 31 December 2023, adopt an implementing act to establish detailed rules regarding the calculation and verification of recycling efficiencies and recovery of materials. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).	4. The Commission shall, by 31 December 2023, adopt ~~*an implementing act to establish*~~***a delegated act in accordance with Article 73 to supplement this Regulation by establishing*** detailed rules regarding the calculation and verification of recycling efficiencies and recovery of materials. ~~*Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).*~~	4. The Commission shall, by ~~31 December 2023~~**18 months after entry into force of the Regulation**, adopt an implementing act to establish detailed rules regarding the calculation and verification of recycling efficiencies and recovery of materials. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).	
Article 57(5)				
672	5. The Commission shall be empowered to adopt delegated acts, in accordance with Article	5. ~~*The Commission shall be empowered to adopt delegated acts, in accordance with Article*~~	5. The Commission shall be empowered to adopt delegated acts **by 96 months after entry**	

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	73, to amend the minimum levels of recovered materials for waste batteries laid down in Annex XII, Parts B and C, in light of technical and scientific progress and emerging new technologies in waste management.	~~*73, to amend the minimum*~~***By 31 December 2027, the Commission shall evaluate and present a report on progress made on recycling efficiencies and*** levels of recovered materials for waste batteries laid down in Annex XII, Parts B and C, in light of technical and scientific progress and emerging new technologies in waste management. ***If appropriate, that report shall be accompanied by a legislative proposal to increase the minimum recycling efficiencies and levels of recovered materials.***	**into force of the Regulation**, in accordance with Article 73, to amend the minimum **recycling efficiencies and minimum** levels of recovered materials ~~for waste batteries~~ laid down in Annex XII, Parts B and C, in light of technical and scientific progress and emerging new technologies in waste management **and battery development**.	
Article 57(5a)				
672a		***5a. The Commission shall be empowered to adopt delegated acts, in accordance with Article 73, to extend the list of battery chemistries and materials laid down in Annex XII, Parts B and C, in light of technical and scientific progress and emerging new technologies in waste management.***	**5a. 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 in Annex XII Part C other materials than cobalt, copper, lead, lithium and nickel, with specific levels of recovered**	

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			material per specific material.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 58				
673	Article 58 Shipments of waste batteries		Article 58 Shipments of waste batteries	
Article 58(1)				
674	1. Treatment and recycling may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of waste batteries is in compliance with Regulation (EC) No 1013/2006 and Regulation (EC) No 1418/2007.	1. Treatment***, preparation for reuse, preparation for repurposing*** and recycling may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of waste batteries is in compliance with Regulation (EC) No 1013/2006 and Regulation (EC) No 1418/2007.	1. Treatment and recycling may be undertaken outside the Member State concerned or outside the Union, provided that the shipment of waste batteries**, or fractions thereof,** -is in compliance with Regulation (EC) No 1013/2006 and Regulation (EC) No 1418/2007.	
Article 58(1) second paragraph				
674a			**In order to distinguish between used batteries and waste batteries, shipments of used batteries suspected to be waste may be inspected by Member States for compliance with the minimum requirements in Annex XIV and monitored accordingly.**	
Article 58(1) third paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
674b			**The costs of appropriate analyses and inspections, including storage costs, of used batteries suspected to be waste may be charged to the producers, to third parties acting on their behalf or to other persons arranging the shipment of used batteries suspected to be waste.**	
Article 58(2)				
675	2. Waste batteries exported out of the Union in accordance with paragraph 1 shall only count towards the fulfilment of obligations, efficiencies and targets set out in Article 56 and Article 57 if the recycler or other waste holder exporting the waste batteries for treatment and recycling can prove that the treatment took place in conditions that are equivalent to the requirements of this Regulation.	2. Waste batteries exported out of the Union in accordance with paragraph 1 shall only count towards the fulfilment of obligations, efficiencies and targets set out in Article 56 and Article 57 if the recycler or other waste holder exporting the waste batteries for treatment***, preparation for reuse, preparation for repurposing*** and recycling ~~*can prove*~~***provides documentary evidence approved by the competent authority of destination*** that the treatment took place in conditions that are equivalent to the requirements of this Regulation ***and to relevant***	2. Waste batteries**, or fractions thereof,** ~~-~~exported out of the Union in accordance with paragraph 1 shall only count towards the fulfilment of obligations, efficiencies and targets set out in Article 56 and Article 57 if the ~~recycler or other~~**exporter of the** waste ~~holder exporting the waste batteries~~**batteries, or fractions thereof,** for treatment and recycling can prove that the treatment **and recycling** took place in conditions that are equivalent to the requirements of this Regulation.	

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		environmental and human health protection requirements in other Union legislation.		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 58(3)				
676	3. The Commission is empowered to adopt a delegated act, in accordance with Article 73, laying down detailed rules supplementing those in paragraph 2 of this Article, by laying down the criteria for the assessment of equivalent conditions.	3. The Commission ~~*is empowered to*~~***shall*** adopt a delegated act, in accordance with Article 73, laying down detailed rules supplementing those in paragraph 2 of this Article,– by laying down the criteria for the assessment of equivalent conditions ***no later than 1 July 2023***.	3. The Commission is empowered to adopt a delegated act, in accordance with Article 73, laying down detailed rules supplementing those in paragraph 2 of this Article,– by laying down the criteria for the assessment of equivalent conditions.	
Article 59				
677	Article 59 Requirements related to the repurposing and remanufacturing of industrial batteries and electric-vehicle batteries	Article 59 Requirements related to the repurposing and remanufacturing of ***light means of transport batteries,*** industrial batteries and electric-vehicle batteries	Article 59 ~~Requirements related to the repurposing and remanufacturing of~~ **Preparing for re-use, preparing for repurpose of waste LMT batteries, waste** industrial batteries and ~~electric-vehicle~~**waste electric vehicle** batteries	
Article 59(1)				
678	1. Independent operators shall be given access to the battery management system of rechargeable industrial batteries and electric vehicle batteries with	1. Independent operators shall be given ***read-only*** access to the battery management system of ~~*rechargeable industrial*~~***light means of transport*** batteries***, and***	*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	internal storage with a capacity above 2 kWh, on equal terms and conditions, for the purpose of assessing and determining the state of health and remaining lifetime of batteries, according to the parameters laid down in Annex VII.	***of batteries within stationary battery energy storage systems*** and electric vehicle batteries***, and in portable batteries that include a battery management system*** ~~*with internal storage with a capacity above 2 kWh,*~~ on equal terms and conditions, for the purpose of assessing and determining the state of health and remaining lifetime of batteries, according to the parameters laid down in Annex VII.		
Article 59(1a)				
678a		***1a. All used stationary battery energy storage systems and electric vehicle batteries shall be assessed to determine whether they are suitable for reuse, repurposing or remanufacturing. If the assessment shows that such batteries are suitable for reuse, they shall be reused. If the assessment shows that they are not suitable for reuse, but suitable for repurposing or remanufacturing, they shall be repurposed or remanufactured.***		
Article 59(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
679	2. Independent operators carrying out repurposing or remanufacturing operations shall be given adequate access on equal terms and conditions, to the information relevant for the handling and testing of rechargeable industrial batteries and electric vehicle batteries, or of appliances and vehicles in which such batteries are incorporated as well as of components of such batteries, appliances or vehicles, including safety aspects.	2. Independent operators carrying out ***preparation for repurposing,*** repurposing or remanufacturing operations shall be given adequate access on equal terms and conditions, to the information relevant for the handling and testing of ~~*rechargeable*~~***light means of transport batteries,*** industrial batteries and electric vehicle batteries, or of appliances and vehicles in which such batteries are incorporated as well as of components of such batteries, appliances or vehicles, including safety aspects.	*deleted*	
Article 59(3)				
680	3. Operators carrying out repurposing or remanufacturing operations of batteries shall ensure that the examination, performance testing, packing and shipment of batteries and their components is carried out following adequate quality control and safety instructions.	3. Operators carrying out ***preparation for repurposing,*** repurposing or remanufacturing operations of batteries shall ensure that the examination, performance ***and safety*** testing, packing and shipment of batteries and their components is carried out following adequate quality control and safety instructions.	*deleted*	
Article 59(4), introductory part				

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681	4. Operators carrying out repurposing or remanufacturing operations of batteries shall ensure that the repurposed or remanufactured battery complies with this Regulation, relevant product, environmental and human health protection requirements in other legislation and technical requirements for its specific purpose of use when placed on the market.	4. Operators carrying out ***preparation for repurposing,*** repurposing or remanufacturing operations of batteries shall ensure that the repurposed or remanufactured battery complies with this Regulation, relevant product, environmental and human health protection requirements in other legislation and technical requirements for its specific purpose of use when placed on the market.	*deleted*	
Article 59(4), first paragraph				
682	A battery that has been repurposed or remanufactured shall not be subject to the obligations laid down in Article 7(1), (2) and (3), Article 8(1), (2) and (3), Article 10(1) and (2) and Article 39(1) where the economic operator placing a repurposed or remanufactured battery on the market can demonstrate that the battery, before its repurposing or remanufacturing, was placed on the market before the dates on which those obligations become applicable in accordance with	A battery that has been repurposed or remanufactured shall not be subject to the obligations laid down in Article 7(1), (2) and (3), Article 8(1), (2) and (3), ~~*Article 10(1) and (2)*~~ and Article 39(1) where the economic operator placing a repurposed or remanufactured battery on the market can demonstrate that the battery, before its repurposing or remanufacturing, was placed on the market before the dates on which those obligations become applicable in accordance with	*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	those Articles.	those Articles.		
Article 59(4), first paragraph a				
682a		***Operators placing repurposed or remanufactured batteries on the market shall be considered the new producer of the battery and thus be registered in accordance with Article 46 and shall have an extended producer responsibility in accordance with Article 47.***		
Article 59(5), introductory part				
683	5. In order to document that a waste battery, subject to a repurposing or remanufacturing operation, is no longer waste, the battery holder shall demonstrate the following upon request by a competent authority:	5. In order to document that a waste battery, subject to a repurposing or remanufacturing operation, is no longer waste, ~~*the battery holder*~~***operators carrying out repurposing or remanufacturing operations*** shall demonstrate the following upon request by a competent authority:	~~**5**~~**4**. In order to document that a waste **LMT** battery, **industrial battery with a capacity above 2 kWh, and electric vehicle battery** subject to ~~a repurposing or remanufacturing operation~~**preparing for re-use, or preparing for repurpose**, is no longer waste, the battery holder shall demonstrate the following upon request by a competent authority:	
Article 59(5), point (a)				
684				

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	(a) evidence of state of health evaluation or testing carried out in a Member State in the form of a copy of the record confirming the capability of the battery to deliver the performance relevant for its use following a repurposing or remanufacturing operation;		(a) evidence of state of health evaluation or testing carried out in a Member State in the form of a copy of the record confirming the capability of the battery to deliver the performance relevant for its use following a ~~repurposing or remanufacturing operation~~**preparing for re-use, or preparing for repurpose**;	

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Article 59(5), point (b)				
685	(b) further use of the battery that is subject to repurposing or remanufacturing, is documented by means of an invoice or a contract for the sale or transfer of ownership of the battery;		(b) further use of the battery that ~~is~~**has been** subject to ~~repurposing or remanufacturing~~**preparing for re-use, or preparing for repurpose**, is documented by means of an invoice or a contract for the sale or transfer of ownership of the battery;	
Article 59(5), point (c)				
686	(c) evidence of appropriate protection against damage during transportation, loading and unloading, including through sufficient packaging and appropriate stacking of the load.		(c) evidence of appropriate protection against damage during transportation, loading and unloading, including through sufficient packaging and appropriate stacking of the load.	
Article 59(6)				
687	6. Information referred to in paragraph 4 and point (a) of paragraph 5 shall be made available to end users and third parties acting on their behalf, on equal terms and conditions, as part of the technical documentation accompanying the repurposed or remanufactured battery when		~~6~~**5**. Information referred to in ~~paragraph 4 and~~ point (a) of paragraph ~~5~~**4** shall be made available to end **-**users and third parties acting on their behalf, on equal terms and conditions, as part of the ~~technical~~ documentation accompanying the ~~repurposed or remanufactured battery~~**battery**	

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	placed on the market or put into service.		**referred to in paragraph 5** when placed on the market or put into service.	
Article 59(7)				
688	7. The provision of information in accordance with paragraphs 1, 2, 5 and 6 shall be without prejudice to preserving the confidentiality of commercially sensitive information in conformity with the relevant Union and national law.		~~7~~**6**. The provision of information in accordance with paragraphs 1, 2, ~~5 and 6~~**4 and 5** shall be without prejudice to preserving the confidentiality of commercially sensitive information in conformity with the relevant Union and national law.	
Article 59(8)				
689	8. The Commission is empowered to adopt implementing acts establishing detailed technical requirements that batteries have to fulfil to cease to be waste and requirements for the data and the methodology for estimating the state of health of batteries. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).		~~8~~**7**. The Commission is empowered to adopt implementing acts establishing detailed technical ~~requirements that batteries have to fulfil to cease to be waste and requirements for the data and the methodology for estimating the state of health of batteries. Those~~**and verification requirements that waste industrial batteries with a capacity above 2 kWh or waste electric vehicle batteries have to**	

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			fulfil to cease to be waste. This implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).	

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Article 60				
690	Article 60 End-of-life information		Article 60 ~~End-of-life~~ Information **on prevention and management of waste batteries**	
Article 60(1), first subparagraph, introductory part				
691	1. Producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf shall make available to end users and distributors the following information regarding the prevention and management of waste batteries with respect to the types of batteries that the producers supply within the territory of a Member State:		1. **In addition to the information referred to in paragraph 2 of Article 8a of Directive 2008/98/EC,** Producers or, where appointed in accordance with Article ~~47(2)~~**47a(1)**, producer responsibility organisations ~~acting on their behalf~~ shall make available to end **-**users and distributors the following information regarding the prevention and management of waste batteries with respect to the ~~types~~**categories** of batteries that the producers supply within the territory of a Member State:	
Article 60(1), first subparagraph, point (a)				
692	(a) the contribution of end users to waste prevention, including by information on good practices	(a) the contribution of end users to waste prevention, including by information on good practices ***and***	(a) the ~~contribution of end users~~**role of end-users in contributing** to waste prevention,	

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	concerning the use of batteries aiming at extending their use phase and the possibilities of preparation for reuse;	***recommendations*** concerning the use of batteries aiming at extending their use phase and the possibilities of ***reuse,*** preparation for reuse**, *preparation for repurposing, repurposing and remanufacturing***;	including by information on good practices concerning the use of batteries aiming at extending their use phase and the possibilities of ~~preparation for reuse~~**preparing for re-use and preparing for repurpose**;	
Article 60(1), first subparagraph, point (b)				
693	(b) the role of end users in contributing to the separate collection of waste batteries in accordance with their obligations under Article 51 so as to allow their treatment and recycling;		(b) the role of ~~end users~~**end-users** in contributing to the separate collection of waste batteries in accordance with their obligations under Article 51 so as to allow their treatment and recycling;	
Article 60(1), first subparagraph, point (c)				
694	(c) the separate collection, preparation for re-use and recycling systems available for waste batteries;	(c) the separate collection, ***take-back and collection points,*** preparation for re-use**, *preparation for repurposing, repurposing, remanufacturing*** and recycling systems available for waste batteries;	(c) the separate collection, ~~preparation~~**preparing** for re-use**, preparing for repurposing** and recycling ~~systems~~**operations** available for waste batteries;	
Article 60(1), first subparagraph, point (d)				
695	(d) the necessary safety		(d) the necessary safety	

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	instructions to handle waste batteries, including in relation to the risks associated with, and the handling of, batteries containing lithium;		instructions to handle waste batteries, including in relation to the risks associated with, and the handling of, batteries containing lithium;	

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Article 60(1), first subparagraph, point (e)				
696	(e) the meaning of the labels and symbols printed on batteries or on their packaging;		(e) the meaning of the labels and symbols ~~printed~~**marked** on batteries **in accordance with Article 13 or printed** ~~or~~ on their packaging **or in the documents accompanying batteries**;	
Article 60(1), first subparagraph, point (f)				
697	(f) the impact of substances contained in batteries on the environment and on human health, including impact due to inappropriate discarding of waste batteries such as littering or discarding as unsorted municipal waste.	(f) the impact of substances***, in particular hazardous substances,*** contained in batteries on the environment and on human health, including impact due to inappropriate discarding of waste batteries such as littering or discarding as unsorted municipal waste.	(f) the impact of substances contained in batteries on the environment and on human health **or safety of persons**, including impact due to inappropriate discarding of waste batteries such as littering or discarding as unsorted municipal waste.	
Article 60(1), second subparagraph, introductory part				
698	This information shall be made available		This information shall be made available	
Article 60(1), second subparagraph, point (a)				
699	(a) in regular time intervals for each model from the moment the		(a) in regular time intervals for each model from the moment the	

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	battery model concerned is being made available on the market for the first time in a Member State as a minimum at the point of sale in a visible manner and through online marketplaces;		battery model concerned is being made available on the market for the first time in a Member State as a minimum at the point of sale in a visible manner and through online marketplaces;	
Article 60(1), second subparagraph, point (b)				
700	(b) in a language, which can be easily understood by consumers and other end-users, as determined by the Member State concerned.	(b) in a language, which can be easily understood by consumers and other ~~*end users*~~***end- users***, ***and accessible for persons with disabilities in accordance with Directive (EU) 2019/882*** as determined by the Member State concerned.	(b) in a language **or languages**, which can be easily understood by ~~consumers and other~~ end-users, as determined by the Member State ~~concerned~~**in which the battery is to be made available on the market**.	
Article 60(2)				
701	2. Producers shall make available to distributors and operators referred to in Articles 50, 52 and 53 and other waste management operators carrying out repair, remanufacturing, preparing for re-use, treatment and recycling activities information regarding the safety and protective measures, including on occupational safety, applicable to	2. Producers shall make available to distributors and operators referred to in Articles 50, 52 and 53 and other waste management operators carrying out repair, remanufacturing, preparing for re-use, treatment and recycling activities information regarding the ***components and materials of batteries as well as the location of all hazardous substances in***	2. Producers shall make available to distributors and operators referred to in Articles 50, 52 and 53 and other waste management operators carrying out**, preparing for re-use** ~~repair, remanufacturing~~, preparing for ~~re-use~~**repurpose**, treatment and recycling ~~activities~~**,** information regarding the safety and protective measures, including on	

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	the storage and collection of waste batteries.	***batteries. Producers shall make available information regarding the*** safety and protective measures, including on occupational safety, applicable to the storage and collection of waste batteries.	occupational safety, applicable to the storage and collection of waste batteries.	
Article 60(3), first subparagraph, introductory part				
702	3. From the moment that a battery model is supplied within the territory of a Member State producers shall make available electronically, upon request, to waste management operators carrying out repair, remanufacturing, preparing for re-use, treatment and recycling activities, as far as it is needed by those operators to carry out those activities, the following battery model specific information regarding the proper and environmentally sound treatment of waste batteries:	3. From the moment that a battery model is supplied within the territory of a Member State producers shall make available electronically, ***free of charge and*** upon request, to waste management operators carrying out repair, remanufacturing, preparing for re-use, treatment and recycling activities, as far as it is needed by those operators to carry out those activities, the following battery model specific information regarding the proper and environmentally sound treatment of waste batteries:	3. From the moment that a battery ~~model~~ is supplied within the territory of a Member State producers shall make available electronically, upon request, to waste management operators carrying out ~~repair, remanufacturing~~**preparing for re-use**, preparing for ~~re-use~~**repurposing**, treatment and recycling ~~activities~~, as far as it is needed by those operators to carry out those activities, the following battery model specific information regarding the proper and environmentally sound treatment of waste batteries:	
Article 60(3), first subparagraph, point (a)				
703	(a) the processes to ensure the	(a) the processes to ensure the	(a) the processes to ensure the	

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	dismantling of vehicles and appliances in a way that allows the removal of incorporated batteries;	dismantling of ***light means of transport,*** vehicles and appliances in a way that allows the removal of incorporated batteries;	dismantling of **light means of transport,** vehicles and appliances in a way that allows the removal of incorporated batteries;	
Article 60(3), first subparagraph, point (b)				
704	(b) the safety and protective measures, including on occupational safety, applicable to the storage, transport, treatment and recycling processes for waste batteries.	(b) the safety and protective measures, including on occupational safety ***and fire protection***, applicable to the storage, transport, treatment and recycling processes for waste batteries.	(b) the safety and protective measures, including on occupational safety, applicable to the storage, transport, treatment and recycling processes for waste batteries.	
Article 60(3), second subparagraph				
705	That information shall identify the components and materials, and the location of all hazardous substances in a battery, as far as it is needed by operators carrying out repair, remanufacturing, preparing for re-use, treatment and recycling activities in order to enable them to comply with the requirements of this Regulation.		That information shall identify the components and materials, and the location of all hazardous substances in a battery, as far as it is needed by operators carrying out ~~repair, remanufacturing~~**preparing for re-use**, preparing for ~~re-use~~**repurposing**, treatment and recycling activities in order to enable them to comply with the requirements of this Regulation.	
Article 60(3), third subparagraph				

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706	That information shall be made available in a language, which can be easily understood by the operators mentioned in the first subparagraph, as determined by the Member State concerned.		That information shall be made available in a language **or languages**, which can be easily understood by the operators mentioned in the first subparagraph, as determined by the Member State **on whose market the battery is to be made available** ~~concerned~~.	

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Article 60(4)				
707	4. Distributors that supply batteries to end-users shall provide in their retail premises, in a visible manner, and through their online marketplaces the information listed in paragraph 1 and 2, and information on how the end users may return waste batteries free of charge to the respective collection points established at retail outlets or on behalf of a marketplace. That obligation shall be limited to the types of batteries which the distributor or retailer has, or had, as new batteries in its offer.	4. Distributors that supply batteries to end-users shall ***permanently*** provide in their retail premises ***and through their online marketplaces, in an easily accessible and clearly*** ~~*, in a*~~ visible manner~~*, and through their online marketplaces*~~ ***for the end-users of the battery,*** the information listed in paragraph 1 and 2, and information on how the end users may return waste batteries free of charge to the respective collection points established at retail outlets or on behalf of a marketplace. That obligation shall be limited to the types of batteries which the distributor or retailer has, or had, as new batteries in its offer.	4. Distributors that supply batteries to end-users shall provide in their retail premises, in a visible manner, and through their online marketplaces**, if applicable,** the information listed in paragraph 1 and 2, and information on how the ~~end users~~**end-users** may return waste batteries free of charge to the respective collection points established at retail outlets or on behalf of a marketplace. That obligation shall be limited to the ~~types~~**categories** of batteries which the distributor or retailer has~~, or had, as new batteries~~ in its offer.	
Article 60(5)				
708	5. The costs covered by the producer under Article 47(1)(e) shall be shown separately to the end-user at the point of sale of a new battery. The costs mentioned shall not exceed the best estimate of the actual costs incurred.	5. The costs covered by the producer under Article 47(1)(e) shall be shown separately to the end-user at the point of sale of a new battery. The costs mentioned shall not exceed the best estimate of the actual costs incurred ***and shall not be added to the final***	*deleted*	

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		cost of the battery charged to the consumer at the point of sale.		
Article 60(6)				
709	6. Where information is provided publicly to end users under this Article, the confidentiality of commercially sensitive information in conformity with the relevant Union and national law shall be preserved.		~~6.~~ Where information is provided publicly to ~~end users~~**end-users** under this Article, the confidentiality of commercially sensitive information in conformity with the relevant Union and national law shall be preserved.	
Article 61				
710	Article 61 Reporting to the competent authorities		Article 61 **Minimum requirements for** reporting to the competent authorities	
Article 61(1), first subparagraph, introductory part				
711	1. Producers of portable batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf shall report to the competent authority for each calendar year the following	1. Producers of portable batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf shall report to the competent authority for each calendar year the following	1. Producers of portable batteries **and producers of LMT batteries** or, where appointed in accordance with Article ~~47(2)~~**47a(1)**, producer responsibility organisations ~~acting on their behalf~~ shall report to the competent authority**, at least,** for	

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	information according to the battery chemistry, specifying the amounts of batteries powering light means of transport:	information according to the battery chemistry~~, specifying the amounts of batteries powering light means of transport~~:	each calendar year the following information according to ~~the battery chemistry, specifying the amounts of batteries powering light means of transport~~**chemistries and categories of waste batteries**:	
Article 61(1), first subparagraph, point (a)				
712	(a) the amount of portable batteries made available on the market for the first time in the territory of a Member State, excluding any portable batteries that have left the territory of that Member State in that year before being sold to end users;			
Article 61(1), first subparagraph, point (aa)				
712a	(a) the amount of portable batteries made available on the market for the first time in the territory of a Member State, excluding any portable batteries that have left the territory of that Member State in that year before being sold to end users;	***(aa) the amount of portable batteries of general use made available on the market for the first time in the territory of a Member State, excluding any portable batteries of general use that have left the territory of that Member State in that year before being sold to end users;***	(a) the amount of portable batteries **or LMT batteries** made available on the market for the first time in the territory of a Member State, excluding ~~any portable~~ batteries that have left the territory of that Member State in that year**,** before being sold to ~~end users~~**end-users**;	

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Article 61(1), first subparagraph, point (b)				
713	(b) the amount of waste portable batteries collected in accordance with Article 48, calculated on the basis of the methodology set out in Annex XI;			
Article 61(1), first subparagraph, point (ba)				
713a	(b) the amount of waste portable batteries collected in accordance with Article 48, calculated on the basis of the methodology set out in Annex XI;	***(ba) the amount of waste portable batteries of general use collected in accordance with Article 48, calculated on the basis of the methodology set out in Annex XI;***	(b) the amount of waste portable batteries **or waste LMT batteries** collected in accordance with ~~Article 48, calculated on the basis of the methodology set out in Annex XI~~**Articles 48 and 48a, respectively**;	
Article 61(1), first subparagraph, point (c)				
714	(c) the collection target reached by the producer or producer responsibility organisation acting on behalf of their members;		(c) the collection ~~target~~**rate** reached by the producer or producer responsibility organisation acting on behalf of their members **for waste portable batteries or waste LMT batteries**;	
Article 61(1), first subparagraph, point (d)				
715				

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	(d) the amount of collected waste portable batteries delivered for treatment and recycling to permitted facilities.		(d) the amount of collected waste portable batteries ~~delivered for treatment and recycling~~**or waste LMT batteries delivered** to permitted facilities **for treatment and recycling**.	
Article 61(1), first subparagraph, point (da)				
715a		***(da) the amount of collected waste portable batteries exported to third countries for treatment, preparation for reuse, preparation for repurposing or recycling.***		
Article 61(1), second subparagraph				
716	Where waste management operators other than producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, collect waste portable batteries from distributors or other collection points for waste portable batteries, they shall report to the competent authority for each calendar year the amount of waste portable batteries collected according to their	Where waste management operators other than producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, collect waste portable batteries from distributors or other collection points for waste portable batteries, they shall report to the competent authority for each calendar year the amount of waste portable batteries collected according to their	Where waste management operators other than producers or, where appointed in accordance with Article ~~47(2)~~**47a(1)**, producer responsibility organisations acting on their behalf, collect waste portable **batteries or waste LMT** batteries from distributors or other collection points for waste portable batteries, they shall report to the competent authority for each calendar year the amount of waste portable batteries ~~collected~~	

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	chemistry and specifying the amounts of batteries powering light means of transport.	chemistry ~~*and specifying the amounts of batteries powering light means of transport*~~.	~~according to their chemistry and specifying the amounts of~~**for waste LMT** batteries ~~powering light means of transport.~~**collected according to their chemistry**	
Article 61(1), third subparagraph				
717	The operators referred to in the first and second subparagraph shall report this data within 4 months of the end of the reporting year for which the data are collected. The first reporting period shall concern the first full calendar year after the adoption of the implementing act that establishes the format for reporting to the Commission, in accordance with Article 62(6).		*deleted*	
Article 61(1), fourth subparagraph				
718	The competent authorities shall establish the format and procedures in accordance to which data shall be reported to them.			
Article 61(1a)				
718a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	The competent authorities shall establish the format and procedures in accordance to which data shall be reported to them.	***1a. Producers of light means of transport batteries or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf shall report to the competent authority for each calendar year the following information according to the chemical composition of the battery , specifying the quantities of batteries powering light means of transport:*** ***(a) the quantity of light means of transport batteries made available on the market for the first time in the territory of a Member State, excluding any light means of transport batteries that have left the territory of that Member State in that year before being sold to end users;*** ***(b) the quantity of light means of transport batteries collected in accordance with Article 48a, calculated on the basis of the methodology laid down in the delegated act that shall be adopted in accordance with Article 55(2b);*** ***(c) the collection target reached by the producer or producer responsibility organisation acting***	*deleted*	

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		on behalf of their members; ***(d) the quantity of collected light means of transport waste batteries delivered for treatment and recycling to permitted facilities; and*** ***(e) the quantity of batteries delivered for reuse, repurposing and remanufacturing.*** ***Where waste management operators other than producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, collect light means of transport batteries from distributors or other take-back and collection points for light means of transport batteries, they shall report to the competent authority for each calendar year the quantity of light means of transport batteries collected with a breakdown according to chemical composition, specifying the quantities of batteries powering light means of transport.*** ***The operators referred to in the first and second subparagraphs shall report to the competent authority the data referred to in***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		the first subparagraph within 4 months of the end of the reporting year for which the data are collected. The first reporting period shall concern the first full calendar year after the adoption of the implementing act that establishes the format for reporting to the Commission, in accordance with Article 62(5). The competent authorities shall establish the format and procedures in accordance with which data are to be reported to them.		
Article 61(2), introductory part				
719	2. Producers of automotive batteries, industrial batteries and electric vehicle batteries or where appointed in accordance with Article 47(2) producer responsibility organisations acting on their behalf, shall report to the competent authority for each calendar year the following information, according to chemistries and types of batteries:	2. ~~*Producers of automotive batteries, industrial batteries and electric vehicle batteries or where appointed in accordance with Article 47(2) producer responsibility organisations acting on their behalf, shall report to the competent authority for each calendar year the following information, according to chemistries and types of batteries:*~~	2. 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 acting on their behalf, shall report to the competent authority for each calendar year the following information, according to chemistries and ~~types of~~**categories of waste** batteries:	
Article 61(2), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
720	(a) the amount of automotive batteries, industrial batteries and electric vehicle batteries made available on the market for the first time in a Member State, excluding batteries that have left the territory of that Member State in that year before being sold to end users;		(a) the amount of ~~automotive~~**SLI** batteries, industrial batteries and electric vehicle batteries made available on the market for the first time in a Member State, excluding batteries that have left the territory of that Member State in that year**,** before being sold to end users;	
Article 61(2), point (aa)				
720a			**(aa) the amount of waste industrial batteries or waste electric vehicle batteries collected and delivered to preparing for re-use or preparing for repurposing;**	
Article 61(2), point (b)				
721	(b) the amount of waste automotive batteries, industrial batteries and electric vehicle batteries collected and delivered for treatment and recycling to permitted facilities.		(b) the amount of waste ~~automotive~~**SLI** batteries, **waste** industrial batteries ~~and~~**or waste** electric vehicle batteries collected and delivered **to permitted facilities** for treatment and recycling ~~to permitted facilities~~.	
Article 61(2), point (ba)				

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721a		***(ba) the amount of batteries delivered for reuse, repurposing and remanufacturing;***		
Article 61(2), point (bb)				
721b		***(bb) the amount of collected waste automotive batteries, industrial batteries and electric vehicle batteries exported to third countries for treatment, preparation for reuse, preparation for repurposing or recycling.***		
Article 61(3), first subparagraph, introductory part				
722	3. Where waste management operators collect waste batteries from distributors or other waste automotive, industrial and electric vehicle batteries collection points or end-users, they shall report to the competent authority for each calendar year the following information according to their chemistries and types of batteries:	3. Where waste management operators ~~*collect waste batteries from distributors or other waste automotive, industrial and electric vehicle*~~***other than producers or, where appointed in accordance with Article 47(2), producer responsibility organisations acting on their behalf, collect waste portable*** batteries ***from distributors or other*** collection points ~~*or end-users*~~***for waste portable batteries***, they shall	3. Where waste management operators collect waste batteries from distributors or other waste ~~automotive~~**SLI batteries**, industrial **batteries** and electric vehicle batteries collection points or **from** end-users, they shall report to the competent authority for each calendar year the following information according to ~~their~~ chemistries and ~~types of~~**categories of waste** batteries:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		report to the competent authority for each calendar year the ~~*following information according to their chemistries and types of batteries:*~~***amount of waste portable batteries collected according to their chemistry.***		
Article 61(3), first subparagraph, point (a)				
723	(a) the amount of waste automotive, industrial and electric vehicle batteries collected;		(a) the amount of waste ~~automotive,~~ **SLI batteries, waste** industrial **batteries and waste** ~~and~~ electric vehicle batteries collected**, by country of origin**;	
Article 61(3), first subparagraph, point (aa)				
723a			**(aa) the amount of waste industrial batteries or waste electric vehicle batteries collected and delivered to preparing for re-use or preparing for repurposing, by country of origin;**	
Article 61(3), first subparagraph, point (b)				
724	(b) the amount of waste automotive, industrial and electric		(b) the amount of waste ~~automotive,~~ **SLI batteries, waste**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	vehicle batteries delivered for treatment and recycling to permitted facilities.		industrial **batteries and waste** ~~and~~ electric vehicle batteries delivered **to permitted facilities** for treatment **operation and for** ~~and~~ recycling**, by country of origin** ~~to permitted facilities~~.	
Article 61(3), first subparagraph, point (ba)				
724a		***(ba) the amount of collected waste automotive batteries, industrial batteries and electric vehicle batteries exported to third countries for treatment, preparation for reuse, preparation for repurposing or recycling***		
Article 61(3), second subparagraph				
725	The operators mentioned in this paragraph shall report that data within four months of the end of the reporting year for which the data are collected. The first reporting period shall concern the first full calendar year after the adoption of the implementing act that establishes the format for reporting to the Commission in accordance with Article 62(5).		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 61(3), third subparagraph				
726	The competent authorities shall establish electronic systems through which data shall be reported to them and specify the formats to be used. Electronic systems for the reporting of information set up by the competent authorities shall be compatible and interoperable with the requirements of the information exchange system established pursuant to Article 64.		*deleted*	
Article 61(4)				
727	4. The data referred to in points (a) and (b) of paragraph 1 shall include batteries incorporated into vehicles and appliances, and waste batteries removed from those in accordance with Article 52.		4. The data referred to in points (a) and (b) of paragraph 1 shall include batteries incorporated into vehicles and appliances, and waste batteries removed from those in accordance with Article 52.	
Article 61(5), first subparagraph, introductory part				
728	5. Waste management operators carrying out treatment and recyclers shall report to the		5. Waste management operators carrying out treatment and recyclers shall report to the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	competent authorities for each calendar year the following information:		competent authorities for each calendar year the following information:	
Article 61(5), first subparagraph, point (a)				
729	(a) the amount of waste batteries received for treatment and recycling;		(a) the amount of waste batteries received for treatment and recycling**, by country of origin**;	
Article 61(5), first subparagraph, point (b)				
730	(b) the amount of waste batteries entering recycling processes;	(b) the amount of waste batteries entering ***preparation for repurposing and*** recycling processes;	(b) the amount of waste batteries entering recycling processes**, by country of origin**;	
Article 61(5), first subparagraph, point (c)				
731	(c) information on recycling efficiencies and levels of recovered materials for waste batteries.		(c) information on recycling efficiencies and levels of recovered materials for waste batteries **and on fate of the final output fractions, by country of origin**.	
Article 61(5), second subparagraph				
732	Reporting on the recycling efficiency and levels of recovered		Reporting on the recycling efficiency and levels of recovered	

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	materials shall cover all individual steps of recycling and all corresponding output fractions. Where a recycling process is carried out at more than one facility, the first recycler is responsible for collecting the information and reporting this information to the competent authorities.		materials shall cover all individual steps of recycling and all corresponding output fractions. Where ~~a~~ recycling ~~process is~~**operations are** carried out at more than one facility, the first recycler is responsible for collecting the information and reporting this information to the competent authorities.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 61(5), third subparagraph				
733	Recyclers shall report this data within four months of the end of the reporting year for which the data are collected. The first reporting period shall concern the first full calendar year after the adoption of the implementing act that establishes the format for reporting to the Commission, in accordance with Article 62(6).		Recyclers shall report ~~this data within four months of the end of the reporting year for which~~ the data ~~are collected. The first reporting period shall concern the first full calendar year after the adoption of the implementing act that establishes the format for reporting to the Commission, in accordance with Article 62(6)~~**on the recycling efficiency and levels of recovered materials to the competent authorities of the Member State where it is located**.	
Article 61(5), fourth subparagraph				
733a			**The competent authority of the Member State, where treatment and recycling of waste batteries is carried out, shall provide the data referred to in paragraph 5 to the competent authority of Member State, where the batteries were collected, if different.**	
Article 61(5), fifth subparagraph				

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733b			**Waste batteries sent to another Member State for the purposes of treatment and recycling in that other Member State shall be counted towards the waste data and the attainment of the targets laid down in Annex XII by the Member State in which that waste was collected.**	
Article 61(6)				
734	6. Where waste holders other than those referred to in paragraph 4 export batteries for treatment and recycling they shall report the data on the amount of separately collected waste batteries exported for treatment and recycling and the data referred to in paragraph 4(b) and (c) to the competent authorities within four months of the end of the reporting year for which the data are collected.		6. Where waste holders other than those referred to in paragraph ~~4~~**5** export batteries for treatment and recycling they shall report the data on the amount of separately collected waste batteries exported for treatment and recycling and the data referred to in paragraph ~~4(b)~~**45(b)** and (c) to the competent authorities ~~within four months~~ of the ~~end of the reporting year for which the data are collected~~**Member States where they are located**.	
Article 61(7)				
734a			**7. Producers or, where**	

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			appointed in accordance with Article 47a(1), producer responsibility organisations acting on their behalf, waste management operators and waste holders referred to in this Article shall report within six months of the end of the reporting year for which the data are collected. The first reporting period shall concern the first full calendar year after the entry into force of the implementing act that establishes the format for reporting to the Commission, in accordance with Article 62(5).	
Article 61(8)				
734b			**8. The competent authorities shall establish electronic systems through which data shall be reported to them and specify the formats to be used. Electronic systems for the reporting of information set up by the competent authorities shall be compatible and interoperable with the requirements of the information exchange system established pursuant to Article**	

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			64.	
Article 61(9)				
734c			**9. Member State may allow competent authorities to request any additional information necessary to ensure the reliability of the data reported.**	
Article 62				
735	Article 62 Reporting to the Commission		Article 62 Reporting to the Commission	
Article 62(1), first subparagraph, introductory part				
736	1. Member States shall make publicly available in an aggregated format for each calendar year the following data on portable batteries, automotive batteries, industrial batteries and electric vehicle batteries according to battery types and their chemistries and, regarding portable batteries, identifying separately batteries powering light means of transport:	1. Member States shall make publicly available in an aggregated format for each calendar year the following data on portable batteries, ***light means of transport batteries,*** automotive batteries, industrial batteries and electric vehicle batteries according to battery types and their chemistries and, regarding portable batteries, identifying separately batteries powering light means of transport:	1. Member States shall make publicly available in an aggregated format for each calendar year the following data on portable batteries, ~~automotive~~**LMT batteries, SLI** batteries, industrial batteries and electric vehicle batteries**,** according to battery ~~types~~**categories** and their chemistries~~ and, regarding portable batteries, identifying separately batteries powering light~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			~~means of transport~~:	
Article 62(1), first subparagraph, point (a)				
737	(a) the amount of batteries made available on the market for the first time in a Member State, excluding batteries that have left the territory of that Member State in that year before being sold to end users;		(a) the amount of batteries made available on the market for the first time in a Member State, excluding batteries that have left the territory of that Member State in that year**,** before being sold to ~~end users~~**end-users**;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 62(1), first subparagraph, point (b)				
738	(b) the amount of waste batteries collected in accordance with Article 48 and 49, calculated on the basis of the methodology set out in Annex XI;	(b) the amount of waste batteries collected in accordance with Article 48***, 48a*** and 49, calculated on the basis of the methodology set out in Annex XI;	(b) the amount of waste batteries collected **and collection rates** in accordance with ~~Article 48~~**Articles 48, 48a** and 49, calculated on the basis of the methodology set out in Annex XI;	
Article 62(1), first subparagraph, point (ba)				
738a			**(ba) the amount of waste industrial batteries or waste electric vehicle batteries collected and delivered to preparing for re-use or preparing for repurposing collected;**	
Article 62(1), first subparagraph, point (c)				
739	(c) the values of the achieved recycling efficiencies as referred to in Annex XII, Part B, and the values of the achieved material recovery referred to in Part C of Annex XII.		(c) the values of the achieved recycling efficiencies as referred to in Annex XII, Part B, and the values of the achieved material recovery referred to in Part C of Annex XII**, regarding the batteries collected in that Member State**.	
Article 62(1), second subparagraph				

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740	Member States shall make this data available within 18 months of the end of the reporting year for which the data are collected. They shall make that information public electronically in the format established by the Commission in accordance with paragraph 6, using easily accessible data services that are interoperable with the System established pursuant to Article 64. The data shall be machine readable, sortable and searchable, respecting open standards for third party use. Member States shall notify the Commission when the data referred to in the first sub-paragraph is made available.		Member States shall make this data available within 18 months ~~of~~**after** the end of the reporting year for which the data are collected. They shall make that information public electronically in the format established by the Commission in accordance with paragraph ~~6~~**5**, using easily accessible data services that are interoperable with the system established pursuant to Article 64. The data shall be machine readable, sortable and searchable, respecting open standards for third party use. Member States shall notify the Commission when the data referred to in the first sub-paragraph is made available.	
Article 62(1), third subparagraph				
741	The first reporting period shall concern the first full calendar year after the adoption of the implementing act that establishes the format for reporting, in accordance with paragraph 6.		The first reporting period shall concern the first full calendar year after the ~~adoption~~**entry into force** of the implementing act that establishes the format for reporting **to the Commission**, in accordance with paragraph ~~6~~**5**.	
Article 62(1), fourth subparagraph				

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742	In addition to the obligations under Directives 2000/53/EC and 2012/19/EU, data referred to in points (a) and (b) of paragraph 1 shall include batteries incorporated into vehicles and appliances, and waste batteries removed from those in accordance with Article 52.		In addition to the obligations under Directives 2000/53/EC and 2012/19/EU, data referred to in points (a)**, (b) and (c)** ~~and (b)~~ of paragraph 1 shall include batteries incorporated into vehicles and appliances, and waste batteries removed from those in accordance with Article 52.	
Article 62(2)				
743	2. Reporting on the recycling efficiency and levels of recovered materials referred to in paragraph 1 shall cover all individual steps of recycling and all corresponding output fractions.		2. Reporting on the recycling efficiency and levels of recovered materials referred to in paragraph 1 shall cover all individual steps of recycling and all corresponding output fractions.	
Article 62(3)				
744	3. The data made available by Member States in accordance with this Article shall be accompanied by a quality check report. That information shall be presented in the format established by the Commission in accordance with paragraph 6.		3. The data made available by Member States in accordance with this Article shall be accompanied by a quality check report. That information shall be presented in the format established by the Commission in accordance with paragraph 6.	

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Article 62(4)				
745	4. The Commission shall collect and review the information made available in accordance with this Article. The Commission shall publish a report assessing the organisation of the data collection, the sources of data and the methodology used in Member States as well as the completeness, reliability, timeliness and consistency of that data. The assessment may include specific recommendations for improvement. The report shall be drawn up after the first reporting of the data by Member States and every four years thereafter.		4. The Commission shall collect and review the information made available in accordance with this Article. The Commission shall publish a report assessing the organisation of the data collection, the sources of data and the methodology used in Member States as well as the completeness, reliability, timeliness and consistency of that data. The assessment may include specific recommendations for improvement. The report shall be drawn up **6 months** after the first reporting of the data by Member States and every four years thereafter.	
Article 62(5)				
746	5. The Commission shall, by 31 December 2023, adopt implementing acts laying down the format for the data and information to be reported to the Commission, as well as verification methods and operational conditions, for the purpose of paragraphs 1 and 4.		5. The Commission shall, by ~~31 December 2023~~**24 months after entry into force of the Regulation**, adopt implementing acts laying down the format for the data and information to be reported to the Commission, as well as ~~verification~~**assessment** methods and operational	

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	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).		conditions, for the purpose of paragraphs 1 and 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).	

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Article 63				
747	Article 63 Application of Chapter VII		*deleted*	
Article 63, first paragraph				
748	Chapter VII shall apply from 1 July 2023.		*deleted*	
Chapter VIII				
749	Chapter VIII Electronic exchange of information		Chapter VIII Electronic exchange of information **on LMT batteries, industrial batteries with a capacity above 2 kwh and electric vehicle batteries**	
Article 64				
750	Article 64 Electronic exchange system		Article 64 Electronic exchange system	
Article 64(1)				
751	1. By 1 January 2026, the Commission shall set up the electronic exchange system for			

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	battery information (“the system”).			

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Article 64(1a)				
751a	1. By 1 January 2026, the Commission shall set up the electronic exchange system for battery information (“the system”).	***1a. The system shall serve the following purposes:*** ***(a) supporting market surveillance authorities in carrying out their tasks under this Regulation and the relevant delegated acts, including the enforcement by those authorities of the Regulation;*** ***(b) providing the public with information about batteries placed on the market and their sustainability and safety requirements, and battery information sheets;*** ***(c) providing the Commission and accredited remanufacturers, second-life operators and recyclers with up-to-date information for batteries.***	1. By ~~1 January 2026~~**48 months after entry into force of the Regulation**, the Commission shall set up the electronic exchange system for battery information **"The European Electronic Exchange System" (hereafter:** "the system").	
Article 64(2)				
752	2. The system shall contain the information and data on rechargeable industrial batteries and electric vehicle batteries with internal storage and a capacity above 2 kWh as laid down in Annex XIII. That information and	2. The system shall contain the information and data on ~~*rechargeable*~~***light means of transport batteries,*** industrial batteries and electric vehicle batteries ~~*with internal storage and a capacity above 2 kWh*~~ as laid	2. The system shall contain the information and data on ~~rechargeable~~**the model of LMT batteries, of** industrial batteries ~~and electric vehicle batteries with internal~~**with a capacity above 2 kWh , except for those with**	

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	data shall be sortable and searchable, respecting open standards for third party use.	down in Annex XIII. That information and data shall be sortable and searchable, respecting open standards for third party use. ***The system shall also contain a regularly updated database for all batteries falling under this Regulation.***	**exclusively external** storage**, and of electric vehicle batteries placed on the market** ~~and a capacity above 2 kWh~~ as laid down in Annex XIII. That information and data shall be sortable and searchable, respecting open standards for third party use.	
Article 64(3)				
753	3. The economic operators that place a rechargeable industrial battery or an electric vehicle battery with internal storage on the market shall make the information referred to in paragraph 2 available electronically in a machine readable format using interoperable and easily accessible data services in the format established in accordance with paragraph 5.	3. The economic operators that place a ~~*rechargeable*~~***light means of transport battery,*** industrial battery or an electric vehicle battery ~~*with internal storage*~~ on the market shall make the information referred to in paragraph 2 available electronically in a machine readable format using interoperable and easily accessible data services in the format established in accordance with paragraph 5.	3. The economic operators that place ~~a rechargeable~~**LMT batteries,** industrial ~~battery or an electric vehicle battery with internal~~**batteries with a capacity above 2 kWh, except those with exclusively external** storage**, or electric vehicle batteries** on the market shall make the information referred to in paragraph 2 available electronically in ~~a~~**the system in** machine readable format using interoperable and easily accessible data services in the format established in accordance with paragraph 5.	
Article 64(4)				
754	4. The Commission shall, after a		4. The Commission shall, after a	

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	review in accordance with Article 62(5), publish through the System the information referred to in Article 62(1) as well as the assessment referred to in Article 62(5).		review in accordance with Article ~~62(5)~~**62(4)**, publish through the system the information referred to in Article 62(1) as well as the assessment referred to in Article ~~62(5)~~**62(4)**.	
Article 64(4a)				
754a		***4a. The system shall not replace or modify the responsibilities of the market surveillance authorities.***	**4a. The economic operators referred to in paragraph 3 shall be responsible for the accuracy, completeness and up-to-dateness of the data. Market surveillance authorities shall carry out random controls of the data.**	
Article 64(5), first subparagraph, introductory part				
755	5. The Commission shall, by 31 December 2024, adopt implementing acts to establish:	5. The Commission shall, by 31 December 2024, adopt ~~*implementing acts to establish*~~***a delegated act in accordance with Article 73 to supplement this Regulation by establishing***:	5. The Commission shall, by ~~31 December 2024~~**36 months after entry into force of the Regulation**, adopt implementing acts to establish:	
Article 64(5), first subparagraph, point (a)				
756	(a) the architecture of the system;		(a) the architecture of the system**, based, where applicable, on the**	

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			European Commission's Connecting Europe Facility principles for the eDelivery Network;	

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Article 64(5), first subparagraph, point (b)				
757	(b) the format in which the data and information referred to in paragraph 2 shall be made available;		(b) the format in which the data and information referred to in paragraph 2 shall be made available;	
Article 64(5), first subparagraph, point (c)				
758	(c) the rules for accessing, sharing, managing, exploring, publishing and reusing of the information and data in the system.		(c) the rules for accessing, sharing, managing, exploring, publishing and reusing of the information and data in the system~~.~~**;**	
Article 64(5), first subparagraph, point (d)				
758a			**(d) the rules for checking completeness of the data.**	
Article 64(5), second subparagraph				
759	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).	~~*Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).*~~ ***Deleted***	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).	
Article 65				
760				

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	Article 65 Battery passport		Article 65 Battery passport	

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Article 65(1)				
761	1. By 1 January 2026, each industrial battery and electric vehicle battery placed on the market or put into service and whose capacity is higher than 2 kWh shall have an electronic record (“battery passport”).	1. By 1 January 2026, each industrial battery ~~*and*~~**,** electric vehicle battery ***and light means of transport battery*** placed on the market or put into service ~~*and whose capacity is higher than 2 kWh*~~ shall have an electronic record ("battery passport").	1. ~~By 1 January 2026, each~~ **From either 48 months after entry into force of the Regulation, each LMT battery and** industrial battery **with a capacity above 2 kWh , except those with exclusively external storage,** and electric vehicle battery placed on the market or put into service ~~and whose capacity is higher than 2 kWh~~ shall have an electronic record ("battery passport").	
Article 65(2)				
762	2. The battery passport shall be unique for each individual battery referred to in paragraph 1 and shall be identified through a unique identifier that the economic operator placing the battery on the market shall attribute to it and which shall be printed or engraved on it.		2. The battery passport shall be unique for each individual battery referred to in paragraph 1 and shall be ~~identified~~**accessible** through a **data carrier linking to a** unique identifier that the economic operator placing the battery on the market shall attribute to it and which shall be printed or engraved on it **in accordance with paragraph 7**.	
Article 65(3)				
763				

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	3. The battery passport shall be linked to the information about the basic characteristics of each battery type and model stored in the data sources of the System established pursuant to Article 64. The economic operator that places an industrial battery or an electric vehicle battery on the market shall ensure that the data included in the battery passport is accurate, complete and up-to-date.	3. ***For industrial batteries and electric vehicle batteries,*** the battery passport shall be linked to the information about the basic characteristics of each battery type and model stored in the data sources of the System established pursuant to Article 64. The economic operator that places an industrial battery or an electric vehicle battery on the market shall ensure that the data included in the battery passport is accurate, complete and up-to-date.	3. The battery passport shall be ~~linked to the information about the basic characteristics of each battery type and model stored in the data sources of the System established pursuant to Article 64.~~**unique for each individual battery referred to in paragraph 1 and shall be accessible through a data carrier linking to a unique identifier that** the economic operator ~~that places an industrial battery or an electric vehicle~~**placing the** battery on the market shall ~~ensure that the data included in the battery passport is accurate, complete and up-to-date~~**attribute to it and which shall be printed or engraved on it in accordance with paragraph 7**.	
Article 65(3) second subparagraph				
763a		***3a. For light means of transport batteries, the battery passport shall contain the information described in Article 13 (5) points (a) to (d), and points (i) and (j), and updated information about the battery, linked to changes to its status.***	**The economic operator referred to in first subparagraph shall ensure that the data included in the battery passport are accurate, complete and up-to-date. Market surveillance authorities shall carry out random controls of**	

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			the data, in accordance with paragraph 4a of article 64.	
Article 65(4)				
764	4. The battery passport shall be accessible online, through electronic systems interoperable with the System established pursuant to Article 64.	4. The battery passport shall be accessible online, through electronic systems ***that are*** interoperable with the System established pursuant to Article 64***, and via the QR code referred to in Article 13(5)***.	4. The ~~battery passport~~**economic operators referred to in paragraph 3** shall ~~be~~**make the battery passport** accessible online, through electronic systems interoperable with the system established pursuant to Article 64.	
Article 65(5)				
765	5. The battery passport shall allow access to information about the values for performance and durability parameters referred to in Article 10(1), when the battery is placed on the market and when it is subject to changes in its status.	5. The battery passport shall allow access to information about the values for performance and durability parameters referred to in Article 10(1), ***as well as to information on the state of health of the battery pursuant to Article 14,*** when the battery is placed on the market and when it is subject to changes in its status.	~~5.~~ The ~~battery passport shall allow access to~~ information ~~about the values for performance and durability parameters referred to in Article 10(1), when~~ **and data in** the battery ~~is placed on the market and when it is subject to changes in its status~~**passport shall be sortable and searchable, respecting open standards for third party use**.	
Article 65(6)				
766	6. When the change in the status	6. When the change in the status	6. ~~When the change in the status~~	

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	is due to repairing or repurposing activities, the responsibility for the battery record in the battery passport shall be transferred to the economic operator that is considered to place the industrial battery or the electric vehicle battery on the market or that puts it into service.	is due to ~~*repairing or repurposing*~~***repurposing or remanufacturing*** activities, the responsibility for the battery record in the battery passport shall be transferred to the economic operator that is considered to place the industrial battery ~~*or*~~**,** the electric vehicle battery ***or the light means of transport battery*** on the market or that puts it into service. ***The record for repurposed or remanufactured batteries shall be linked to the record of the original battery.***	~~is due to repairing~~**For batteries that have been subject to preparing for re-use, preparing for repurpose** or repurposing**, or remanufacturing** ~~activities~~, the responsibility for the ~~battery~~**data** record in the battery passport shall be transferred to the economic operator that **places that battery on the market or that puts it into service. When there is a change in the status of a**~~is considered to place the industrial~~ battery ~~or the electric vehicle~~**to a waste battery, the responsibility for the data record in the** battery **passport shall be transferred either to the producer or, where appointed in accordance with Article 47a(2), producer responsibility organisations acting on their behalf, or waste management operator referred to in Article 54a**~~on the market or that puts it into service~~.	
Article 65(6a)				
766a			**6a. For a battery that has been subject to preparing for re-use, preparing for repurpose or repurposing, or**	

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			remanufacturing, data record shall be considered as a new battery passport and shall include the data referred to in Part B of Annex XIII transferred from the previous battery passport or passports.	
Article 65(6b)				
766b			**6b. A battery passport or passports shall cease to exist when a new battery passport or passports in accordance with paragraph 6a are established, or after the battery has been recycled.**	
Article 65(6c)				
766c			**6c. The Commission shall be empowered to adopt a delegated act in accordance with Article 73 to amend or supplement the information that the battery passport shall provide in view of technical and scientific progress.**	
Article 65(7), introductory part				
767				

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	7. The Commission is empowered to adopt implementing acts to establish the rules for accessing, sharing, managing, exploring, publishing and reusing of the information and data accessible through the battery passport.	7. The Commission is empowered to adopt ~~*implementing acts*~~***delegated acts in accordance with Article 73*** to establish the rules for accessing, sharing, managing, exploring, publishing and reusing of the information and data accessible through the battery passport.	7. The Commission ~~is empowered to adopt implementing acts to establish the rules for accessing, sharing, managing, exploring, publishing and reusing~~**shall, by 36 months after entry into force** of the ~~information and data accessible through the battery passport.~~**Regulation, adopt implementing acts to establish :**	
Article 65(7), point (a)				
767a			**(a) the architecture of an open network for the data exchange needed for the battery passport, based, where applicable, on the European Commission's Connecting Europe Facility principles for the eDelivery Network;**	
Article 65(7), point (b)				
767b			**(b) the format of the data carrier, which shall be easy to scan, and the unique identifier;**	
Article 65(7), point (c)				
767c				

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			(c) the format in which the data and information referred to in paragraph 3 shall be made available;	
Article 65(7), point (d)				
767d			**(d) the rules for accessing, sharing, managing, exploring, publishing and reusing of the information and data accessible through the battery passport.**	
Article 65(7), first paragraph				
768	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).	~~*Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).*~~ ***deleted***	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).	
Chapter IX				
769	Chapter IX Union market surveillance, control of batteries entering the Union market and Union safeguard procedures		Chapter IX Union market surveillance~~, control of batteries entering the Union market~~ and Union safeguard procedures	
Article 66				
770				

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	Article 66 Procedure at national level for dealing with batteries presenting a risk		Article 66 Procedure at national level for dealing with batteries presenting a risk	
Article 66(1), first subparagraph				
771	1. Where the market surveillance authorities of one Member State have sufficient reason to believe that a battery covered by this Regulation presents a risk to human health or safety of persons, to property or to the environment, they shall carry out an evaluation in relation to the battery concerned covering all relevant requirements laid down in this Regulation.	1. ~~*Where the*~~ Market surveillance authorities ~~*of one Member State have sufficient reason to believe that a battery covered by this Regulation presents a risk to human health or safety of persons, to property or to the environment, they shall carry out an evaluation in relation*~~***shall perform appropriate checks on batteries made available online and offline on an adequate scale, by means of documentary checks and, where appropriate, physical and laboratory checks based on adequate samples, covering all relevant requirements laid down in this Regulation. Market surveillance authorities may send batteries*** to the ~~*battery concerned covering all relevant requirements laid down in this Regulation*~~***Union testing facility referred to in Article 68a for such an evaluation***.	1. **Without prejudice to Article 19 of the Regulation (EU) 2019/1020,** where the market surveillance authorities of one Member State have sufficient reason to believe that a battery covered by this Regulation presents a risk to human health or safety of persons, to property or to the environment, they shall carry out an evaluation in relation to the battery concerned covering all relevant requirements laid down in this Regulation. **The relevant economic operators shall cooperate as necessary with the market surveillance authorities for that purpose.**	

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Article 66(1), first subparagraph a				
771a		***By ... [two years after the entry into force of this Regulation] the Commission shall adopt implementing acts to establish the uniform conditions for checks, criteria for determination of the frequency of checks and the amount of samples to be checked in accordance with Article 11(4) of Regulation (EU) 2019/1020. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 74(3).***		
Article 66(1), second subparagraph				
772	Where, in the course of the evaluation referred to in the first subparagraph, the market surveillance authorities find that the battery does not comply with the requirements laid down in this Regulation, they shall without delay require the relevant economic operator to take all appropriate corrective action to bring the battery into compliance		Where, in the course of the evaluation referred to in the first subparagraph, the market surveillance authorities find that the battery does not comply with the requirements laid down in this Regulation, they shall without delay require the relevant economic operator to take all appropriate corrective action**, within a reasonable period**	

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	with those requirements, to withdraw it from the market, or to recall it within a reasonable period which is commensurate with the nature of the risk referred to in the first subparagraph.		**prescribed by the market surveillance authorities and commensurate with the nature of the risk,** to bring the battery into compliance with those requirements, to withdraw it from the market, or to recall it ~~within a reasonable period which is commensurate with the nature of the risk referred to in the first subparagraph.~~	
Article 66(1), third subparagraph				
773	The market surveillance authorities shall inform the relevant notified body accordingly.		The market surveillance authorities shall inform the relevant notified body accordingly.	
Article 66(2)				
774	2. Where the market surveillance authorities consider that non-compliance is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take.	2. ~~*Where*~~ The market surveillance authorities ~~*consider that non-compliance is not restricted to their national territory, they*~~ shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take.	2. Where the market surveillance authorities consider that non-compliance is not restricted to their national territory, they shall inform the Commission and the other Member States of the results of the evaluation and of the actions which they have required the economic operator to take.	

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Article 66(3)				
775	3. The economic operator shall ensure that all appropriate corrective action is taken in respect of all the concerned batteries that the economic operator has made available on the market throughout the Union.		3. The economic operator shall ensure that all appropriate corrective action is taken in respect of all the concerned batteries that the economic operator has made available on the market throughout the Union.	
Article 66(4), introductory part				
776	4. Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the batteries being made available on their national market, to withdraw the battery from that market or to recall it.		4. Where the relevant economic operator does not take adequate corrective action within the period referred to in the second subparagraph of paragraph 1, the market surveillance authorities shall take all appropriate provisional measures to prohibit or restrict the batteries being made available on their national market, to withdraw the battery from that market or to recall it.	
Article 66(4), first paragraph				
777	The market surveillance authorities shall inform the Commission and the other Member States, without delay, of		The market surveillance authorities shall inform the Commission and the other Member States, without delay, of	

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	those measures.		those measures.	
Article 66(5), introductory part				
778	5. The information referred to in the second subparagraph of paragraph 4 shall include all available details, in particular the data necessary for the identification of the non-compliant battery, the origin of that battery, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either of the following:		5. The information referred to in the second subparagraph of paragraph 4 shall include all available details, in particular the data necessary for the identification of the non-compliant battery, the origin of that battery, the nature of the non-compliance alleged and the risk involved, the nature and duration of the national measures taken and the arguments put forward by the relevant economic operator. In particular, the market surveillance authorities shall indicate whether the non-compliance is due to either of the following:	
Article 66(5), point (a)				
779	(a) failure of the battery to meet the requirements set out in Chapter II or III of this Regulation	(a) failure of the battery to meet the requirements set out in Chapter II or III ***or Article 39*** of this Regulation**;**	(a) failure of the battery to meet **any of the applicable** ~~the~~ requirements set out in ~~Chapter II or III~~ **Articles 6 to 10 or 12 to 14** of this Regulation**;**	
Article 66(5), point (b)				

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780	(b) shortcomings in the harmonised standards referred to in Article 15;		(b) shortcomings in the harmonised standards referred to in Article 15;	
Article 66(5), point (c)				
781	(c) shortcomings in the common specifications referred to in Article 16.		(c) shortcomings in the common specifications referred to in Article 16.	
Article 66(6)				
782	6. Member States other than the Member State initiating the procedure under this Article shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the battery concerned, and, in the event of disagreement with the adopted national measure, of their objections.		6. Member States other than the Member State initiating the procedure under this Article shall without delay inform the Commission and the other Member States of any measures adopted and of any additional information at their disposal relating to the non-compliance of the battery concerned, and, in the event of disagreement with the adopted national measure, of their objections.	
Article 66(7)				
783	7. Where, within three months of		7. Where, within three months of	

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	receipt of the information referred to in the second subparagraph of paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by a Member State, that measure shall be deemed justified.		receipt of the information referred to in the second subparagraph of paragraph 4, no objection has been raised by either a Member State or the Commission in respect of a provisional measure taken by ~~a Member State~~**market surveillance authorities**, that measure shall be deemed justified.	
Article 66(8)				
784				
Article 66(8a)				
784a	8. Member States shall ensure that appropriate restrictive measures, such as withdrawal of the battery from the market, are taken in respect of the battery concerned without delay.	***8a. Consumers shall be enabled to enter information on batteries presenting a risk to consumers in a separate section of the Community Rapid Information System (RAPEX) provided for in Article 12 of Directive 2001/95/EC. The Commission shall take due account of the information received and ensure follow-up, including transmission of the information to the relevant national authorities, where appropriate.*** ***The Commission shall adopt an implementing act in accordance***	8. Member States shall ensure that appropriate restrictive measures, such as withdrawal of the battery from the market, are taken in respect of the battery concerned without delay.	

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		with the advisory procedure referred to in Article 74(2) to establish the modalities for the transmission of the information referred to in the first subparagraph as well as for the transmission of such information to the relevant national authorities for follow-up.		
Article 67				
785	Article 67 Union safeguard procedure		Article 67 Union safeguard procedure	
Article 67(1), introductory part				
786	1. Where, on completion of the procedure set out in Article 66(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that	1. Where, on completion of the procedure set out in Article 66(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. ***The Commission shall conclude that***	1. Where, on completion of the procedure set out in Article 66(3) and (4), objections are raised against a measure taken by ~~a Member State~~**market surveillance authorities**, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On	

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	evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not.	***evaluation within one month.*** On the basis of the results of that evaluation, the Commission shall decide by means of an implementing act whether the national measure is justified or not.	the basis of the results of that evaluation, the Commission shall ~~decide by means of an implementing act~~**adopt an implementing act in the form of a decision determining** whether the national measure is justified or not.	

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Article 67(1), first paragraph				
787	That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).		That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).	
Article 67(2), first subparagraph				
788	2. The Commission shall address its decision to all Member States and shall without delay communicate it to them and the relevant economic operator or operators.		2. The Commission shall address its decision to all Member States and shall without delay communicate it to them and the relevant economic operator or operators.	
Article 67(2), second subparagraph				
789	If the national measure is considered justified, all Member States shall take the necessary measures to ensure that the non-compliant battery is withdrawn from their market, and shall inform the Commission accordingly.		If the national measure is considered justified, all Member States shall take the necessary measures to ensure that the non-compliant battery is withdrawn from their market, and shall inform the Commission accordingly.	
Article 67(2), third subparagraph				
790	If the national measure is		If the national measure is	

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	considered unjustified, the Member State concerned shall withdraw that measure.		considered unjustified, the Member State concerned shall withdraw that measure.	
Article 67(3)				
791	3. Where the national measure is considered justified and the non-compliance of the battery is attributed to shortcomings in the harmonised standards referred to in Article 15 of this Regulation, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.		3. Where the national measure is considered justified and the non-compliance of the battery is attributed to shortcomings in the harmonised standards referred to in Article 15 of this Regulation, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.	
Article 67(3a)				
791a			**3a. Where the national measure is considered justified and the non-compliance of the battery is attributed to shortcomings in the common specifications referred to in Article 16, the Commission shall, without delay, adopt implementing acts amending or repealing the common specifications concerned.** **Those implementing acts shall**	

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			be adopted in accordance with the examination procedure referred to in Article 74(3).	

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Article 68				
792	Article 68 Compliant batteries which present a risk		Article 68 Compliant batteries which present a risk	
Article 68(1)				
793	1. Where, having carried out an evaluation under Article 67(1), a Member State finds that although a battery is in compliance with the requirements set out in Chapters II and III, it presents a risk to the human health or safety of persons, to the protection of property or to the environment, it shall require the relevant economic operator to take all appropriate measures to ensure that the battery concerned, when placed on the market, no longer presents that risk, to withdraw the battery from the market or to recall it, within a reasonable period which is commensurate with the nature of that risk.	1. Where, having carried out an evaluation under Article 67(1), a Member State finds that although a battery is in compliance with the requirements set out in Chapters II and III, it presents a risk ***or may reasonably be considered to present a risk*** to the human health or safety of persons, to the protection of property or to the environment, it shall require the relevant economic operator to take all appropriate measures to ensure that the battery concerned, when placed on the market, no longer presents that risk, to withdraw the battery from the market or to recall it, within a reasonable period which is commensurate with the nature of that risk.	1. Where, having carried out an evaluation under Article ~~67(1)~~**66(1)**, a Member State finds that although a battery is in compliance with the **applicable** requirements set out in ~~Chapters II and III~~**Articles 6 to 10 and 12 to 14**, it presents a risk to the human health or safety of persons, to the protection of property or to the environment, it shall **without delay** require the relevant economic operator to take all appropriate measures**, within a reasonable period prescribed by the market surveillance authorities and commensurate with the nature of the risk,** to ensure that the battery concerned, when ~~placed~~**made available** on the market, no longer presents that risk, to withdraw the battery from the market or to recall it~~, within a reasonable period which is~~	

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			~~commensurate with the nature of that risk~~.	

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Article 68(2)				
794	2. The economic operator shall ensure that corrective action is taken in respect of all the concerned batteries that the economic operator has made available on the market throughout the Union.		2. The economic operator shall ensure that corrective action is taken in respect of all the concerned batteries that the economic operator has made available on the market throughout the Union.	
Article 68(3)				
795	3. The Member State shall immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the batteries concerned, the origin and the supply chain of the battery, the nature of the risk involved and the nature and duration of the national measures taken.	3. The Member State shall immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the batteries concerned, the origin and the ~~*supply*~~***value*** chain of the battery, the nature of the risk involved and the nature and duration of the national measures taken.	3. The Member State shall immediately inform the Commission and the other Member States. That information shall include all available details, in particular the data necessary for the identification of the batteries concerned, the origin and the supply chain of the battery, the nature of the risk involved and the nature and duration of the national measures taken.	
Article 68(4)				
796	4. The Commission shall without delay enter into consultation with the Member States and the relevant economic operator or		4. The Commission shall without delay enter into consultation with the Member States and the relevant economic operator or	

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	operators and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall adopt an implementing act in the form of a decision determining whether the national measure is justified or not and, where necessary, ordering appropriate measures.		operators and shall evaluate the national measures taken. On the basis of the results of that evaluation, the Commission shall adopt an implementing act in the form of a decision determining whether the national measure is justified or not and, where necessary, ~~ordering~~**proposing** appropriate measures.	
Article 68(5)				
797	5. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).		5. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 74(3).	
Article 68(6)				
798	6. On duly justified imperative grounds of urgency relating to the protection of human health and safety of persons, and to the protection of property or to the environment, the Commission shall adopt an immediately applicable implementing act in accordance with the procedure referred to in Article 74(3).		6. On duly justified imperative grounds of urgency relating to the protection of human health and safety of persons, and to the protection of property or to the environment, the Commission shall adopt an immediately applicable implementing act in accordance with the procedure referred to in Article ~~74(3)~~**74(4)**.	

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Article 68(7)				
799	7. The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.			
Article 68a				
799a		***Article 68a*** ***Union testing facility***		
Article 68a				
799b		***1. By ... [two years after the entry into force of this Regulation], the Commission shall designate a Union testing facility specialised in batteries in accordance with Article 21(2), second subparagraph, of Regulation (EU) 2019/1020.*** ***2. The Union testing facility shall serve as a competence centre for:*** ***(a) providing, by way of derogation from Article 21(6)(b) of Regulation(EU) 2019/1020, independent technical and***		

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		scientific advice to the Commission in the course of the investigations referred to in Article 32 of this Regulation and in the course of the evaluations referred to in Articles 67(1) and 68(4) of this Regulation; ***(b) carrying out the testing of batteries at the request of market surveillance authorities for the purpose of the evaluation referred to in Article 66(1).***		
Article 68b				
799c		***Article 68b*** ***National battery competence centres***		
Article 68b				
799d	7. The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.	***1. Market surveillance authorities shall agree with the organisations representing economic operators and research centres to set up a national battery competence centre in each Member State.*** ***2. National battery competence centres referred to in paragraph 1 shall carry out activities that***		

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		have the aim of promoting compliance, identifying non-compliance, raising awareness and providing guidance and technical advice in relation to the requirements of this Regulation. Where relevant, other stakeholders, such as organisations representing end-users, may also participate in the activities of the national battery competence centres. ***3. In accordance with Article 9(2) of Regulation (EU) 2019/1020, the market surveillance authority and the parties referred to in paragraph 1 shall ensure that the activities carried out by national battery competence centres do not lead to unfair competition between economic operators and do not affect the objectivity, independence and impartiality of the parties.***		
Article 69				
800	Article 69 Other non-compliance		Article 69 ~~Other~~**Formal** non-compliance	
Article 69(1), introductory part				

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801	1. Without prejudice to Article 66, where a Member State finds that a battery falling outside the scope of Article 68 is non-compliant with this Regulation or an economic operator has infringed an obligation set out in this Regulation, shall require the relevant economic operator to put an end to the non-compliance concerned. Such non compliances shall include the following:	1. Without prejudice to Article 66, where a Member State finds that a battery falling outside the scope of Article 68 is non-compliant with this Regulation or an economic operator has infringed an obligation set out in this Regulation, shall require the relevant economic operator to put an end to the non-compliance concerned. ***To facilitate this task, Member States shall establish easily accessible reporting channels for consumers on non-compliance***	1. Without prejudice to Article 66, where a Member State ~~finds that a battery falling outside the scope of Article 68 is non-compliant with this Regulation or an economic operator has infringed an obligation set out in this Regulation,~~**makes one of the following findings, it** shall require the relevant economic operator to put an end to the non-compliance concerned. Such non compliances shall include the following:	
Article 69(1), point (a)				
802	(a) the CE marking has been affixed in violation of Article 30 of Regulation (EC) No 765/2008 or of Article 20 of this Regulation;		(a) the CE marking has been affixed in violation of Article 30 of Regulation (EC) No 765/2008 or of Article 20 of this Regulation;	
Article 69(1), point (b)				
803	(b) the CE marking has not been affixed;		(b) the CE marking has not been affixed;	
Article 69(1), point (c)				
804				

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	(c) the identification number of the notified body involved in the production control phase has been affixed in violation of Article 20 or has not been affixed;		(c) the identification number of the notified body**, where required under Annex VIII,** ~~involved in the production control phase~~ has been affixed in violation of Article 20 or has not been affixed;	
Article 69(1), point (d)				
805	(d) the EU declaration of conformity has not been drawn up or has not been drawn up correctly;		(d) the EU declaration of conformity has not been drawn up or has not been drawn up correctly;	

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Article 69(1), point (e)				
806	(e) the EU declaration of conformity is not accessible via the QR code on the battery;		(e) the ~~EU declaration of conformity is not accessible via the QR code on the battery~~**QR code referred to in Article 13(5) does not provide access to the required information in accordance with Article 13(5)**;	
Article 69(1), point (f)				
807	(f) the technical documentation is not available, is not complete or contains errors;		(f) the technical documentation is not available, is not complete or contains errors;	
Article 69(1), point (g)				
808	(g) the information referred to in paragraphs 7, 9 and 10 of Article 38 or Article 41(3) and (4) is absent, false or incomplete or, in the case of the instructions for use, not translated into a language accepted by the Member States where the battery is placed on the market or made available;		(g) the information referred to in ~~paragraphs 7, 9 and 10 of~~ Article ~~38~~**38(8)** or Article 41(3) ~~and (4)~~ is absent, false or incomplete~~ or, in the case of the instructions for use, not translated into a language accepted by the Member States where the battery is placed on the market or made available~~;	
Article 69(1), point (ga)				
808a				

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			(ga) any of the requirements on electronical availability of information set out in Article 64(3) or Article 65 is not fulfilled;	
Article 69(1), point (h)				
809	(h) any other administrative requirement provided for in Article 38 or Article 40 is not fulfilled;		(h) any other administrative requirement provided for in Article 38 or Article ~~40~~**41** is not fulfilled;	
Article 69(1), point (i)				
810	(i) the requirements for safe operation and use of stationary battery energy storage systems set out in Article 12 are not respected;		*deleted*	
Article 69(1), point (j)				
811	(j) the sustainability and safety requirements set out in Articles 6 to 12 in Chapter II and the labelling and information requirements set out in Articles 13 and 14 in Chapter III are not fulfilled;		*deleted*	

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Article 69(1), point (k)				
812	(k) the requirements related to the supply chain due diligence policy in Article 39 are not fulfilled.	(k) the requirements related to the ~~supply~~***value*** chain due diligence policy in Article 39 are not fulfilled~~.~~**:**	*deleted*	
Article 69(1), point (ka)				
812a		***(ka) the requirements on battery passports referred to in Article 65 are not fulfilled.***		
Article 69(2)				
813	2. Where the operator does not put an end to the non-compliance referred to in point (k) of paragraph 1, a notice of remedial action shall be issued.		2. Where the ~~operator does not put an end to the non-compliance referred to in point (k) of paragraph 1, a notice of remedial action shall be issued~~**non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the battery being made available on the market or ensure that it is recalled or withdrawn from the market**.	
Article 69(3)				

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814	3. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the battery being made available on the market or ensure that it is recalled or withdrawn from the market. In case of the non-compliance referred to in point (k) of paragraph 1, this paragraph shall apply as a last resort if the non-compliance is serious and persists after the issuing of a notice of remedial action as referred to in paragraph 2.		*deleted*	
Article 69(3a)				
814a		***3a. Competent authorities of the Member States shall be granted investigative powers in accordance with Article 14 of Regulation (EU) 2019/1020 to carry out appropriate controls, be they risk-based or on the basis of information received, to detect possible non-compliance.***	**Article 69a** **Non-compliance with supply chain due diligence obligations**	
Article 69a(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
814b		***Market surveillance authorities shall cooperate to ensure cross-border enforcement of this Regulation in accordance with the provisions set out in Chapter VI of Regulation (EU) 2019/1020.***	**1. Where a Member State finds that an economic operator has infringed an obligation on supply chain due diligence set out in Articles 45a to 45c of this Regulation, it shall require the relevant economic operator to put an end to the non-compliance concerned.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 69a(2)				
814c		***Member States shall cooperate in an enforcement network supporting each other in the infringement procedure in case of cross-border sales within the Union.***	**2. Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the batteries made available on the market by the economic operator referred to in paragraph 1 from being made available on the market or ensure that they are recalled or withdrawn from the market.**	
Chapter X				
815	Chapter X Green public procurement, procedure for amending restrictions on hazardous substances and Commission recognition of supply chain due diligence schemes		Chapter X Green public procurement, procedure for amending restrictions on ~~hazardous~~ substances ~~and Commission recognition of supply chain due diligence schemes~~	
Article 70				
816	Article 70 Green public procurement		Article 70 Green public procurement	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 70(1)				
817	1. Contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3(1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU shall, when procuring batteries or products containing batteries in situations covered by those Directives, take account of the environmental impacts of batteries over their life cycle with a view to ensure that such impacts of the batteries procured are kept to a minimum.	1. Contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3(1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU shall, when procuring batteries or products containing batteries in situations covered by those Directives, ~~take account of the environmental impacts of~~***give preference to the most environmentally friendly*** batteries ~~over~~***based on*** their ***entire*** life cycle with a view to ensure that such impacts of the batteries procured are kept to a minimum.	1. Contracting authorities, as defined in Article 2(1) of Directive 2014/24/EU or Article 3(1) of Directive 2014/25/EU, or contracting entities, as defined in Article 4(1) of Directive 2014/25/EU shall, when procuring batteries or products containing batteries in situations covered by those Directives, take account of the environmental impacts of batteries over their life cycle with a view to ensure that such impacts of the batteries procured are kept to a minimum.	
Article 70(2)				
818	2. The obligation set out in paragraph 1 shall apply to any contracts entered into by contracting authorities or contracting entities for the purchase of batteries or products containing batteries and shall mean that these contracting authorities and contracting entities are obliged to include technical		2. **From either 72 months after entry into force of the Regulation or 12 months after entry into force of delegated acts referred to in paragraph 3, whichever is later,** the obligation set out in paragraph 1 shall apply to any ~~contracts entered into~~**procedure for procurement** by contracting authorities or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	specifications and award criteria based on Articles 7 to 10 to ensure that a product is chosen among products with significantly lower environmental impacts over their lifecycle.		contracting entities for the purchase of batteries or products containing batteries and shall mean that these contracting authorities and contracting entities are obliged to include technical specifications ~~and~~**or** award criteria based on Articles 7 to 10 to ensure that a product is chosen among products with significantly lower environmental impacts over their lifecycle.	
Article 70(3)				
819	3. The Commission shall, by 31 December 2026, adopt delegated acts in accordance with Article 73 supplementing this Regulation by establishing minimum mandatory green public procurement criteria or targets based on the requirements set out in Articles 7 to 10.		3. The Commission shall, by ~~31 December 2026~~**60 months after entry into force of the Regulation**, adopt delegated acts in accordance with Article 73 supplementing this Regulation by establishing minimum mandatory green public procurement criteria ~~or targets~~ based on the requirements set out in Articles 7 to 10.	
Article 71				
820	Article 71 Procedure for amending		Article 71 ~~Procedure for amending~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	restrictions on hazardous substances		~~restrictions on hazardous~~**Initiation of restriction procedure** substances	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 71(1)				
821	1. If the Commission considers that the use of a substance in the manufacture of batteries, or the presence of a substance in the batteries when they are placed on the market, or during their subsequent life cycle stages, including the waste phase, poses a risk to human health or the environment that is not adequately controlled and needs to be addressed on a Union-wide basis, it shall request the European Chemicals Agency (the 'Agency') to prepare a dossier that conforms to the requirements of point (3) of Part II of Annex XV to Regulation (EC) No 1907/2006 ('restriction dossier'). The restriction dossier shall include a socio-economic assessment, including an analysis of alternatives.		1. If the Commission considers that the use of a substance in the manufacture of batteries, or 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** ~~the~~ waste ~~phase~~**batteries**, poses a risk to human health or the environment that is not adequately controlled and needs to be addressed on a Union-wide basis, it shall request the ~~European Chemicals~~ Agency ~~(the 'Agency')~~ to prepare a **restriction** dossier**, in the format outlined in** ~~that conforms to the requirements of point (3) of Part II of~~ Annex XV to Regulation (EC) No 1907/2006 ~~('restriction dossier'). The restriction~~ **. The** dossier ~~shall~~**may** include a socio-economic assessment, including an analysis of alternatives.	
Article 71(2)				
822	2. The Agency shall publish			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	without delay the intention of the Commission to initiate such restriction process life cycle for a substance, and shall inform stakeholders concerned.		*deleted*	
Article 71(3)				
823	3. Within 12 months of the receipt of the request from the Commission in paragraph 1 and if the restriction dossier prepared by the Agency pursuant to that paragraph demonstrates that action is necessary on a Union-wide basis, the Agency shall suggest restrictions in order to initiate the restriction process described in paragraphs 4 to 14.		~~3~~**2**. Within 12 months of the receipt of the request from the Commission in paragraph 1 and if the ~~restriction~~ dossier prepared by the Agency pursuant to that paragraph demonstrates that action is necessary on a Union-wide basis, **beyond any measures already in place,** the Agency shall suggest restrictions in order to initiate the ~~restriction~~ process described in ~~paragraphs 4 to 14~~**paragraph 3 to 8 of this Article, Article 71a and Article 71b**.	
Article 71(3a)				
823a		***3a. If a Member State considers that the use of a substance in the manufacture of batteries, or the presence of a substance in the batteries when they are placed on***	**3. If a Member State considers that the use of a substance in the manufacture of batteries, or the presence of a substance in the batteries when they are placed**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		the market, or during their subsequent life cycle stages, including the waste phase, poses a risk to human health or the environment, and that that risk is not adequately controlled and needs to be addressed, it shall notify the Agency that it proposes to prepare a dossier which conforms to the requirements of a restriction dossier. If that dossier demonstrates that action on a Community-wide basis is necessary, beyond any measures already in place, the Member State shall submit the dossier to the Agency in order to initiate the restrictions process.	**on the market, or during their subsequent life cycle stages, including during repurposing or during the treatment or recycling of waste batteries, poses a risk to human health or the environment that is not adequately controlled and needs to be addressed on a Union-wide basis, it shall notify the Agency that it proposes to prepare a restriction dossier.** **The Member State shall prepare a restriction dossier. The restriction dossier shall include a socio-economic assessment, including an analysis of alternatives.**	
Article 71(3), first subparagraph				
823b			**If the restriction dossier demonstrates that action on a Union-wide basis is necessary, beyond any measures already in place, the Member State shall submit it to the Agency in the format outlined in Annex XV to Regulation (EC) No 1907/2006, in order to initiate the process.**	
Article 71(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
823c			**4. The Agency or Member States shall refer to any dossier, chemical safety report or risk assessment submitted to the Agency or Member State under the Regulation (EC) No 1907/2006. The Agency or Member States shall also refer to any relevant risk assessment submitted for the purposes of other Union Regulations or Directives. To this end other bodies, such as agencies, established under Union law and carrying out a similar task shall provide information to the Agency or Member State concerned on request.**	
Article 71(5)				
823d			**5. The Agency shall maintain a list of substances for which a restriction dossier under this Regulation is planned or underway by either the Agency or a Member State.**	
Article 71(6)				
823e				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			6. The Committee for Risk Assessment, set up pursuant to Article 76(1)(c) of Regulation (EC) No 1907/2006, and the Committee for Socio-economic Analysis, set up pursuant to Article 76(1)(d) of Regulation (EC) No 1907/2006, shall check whether the dossier submitted conforms to the requirements of Annex XV to Regulation (EC) No 1907/2006. Within 30 days of receipt, the respective Committee shall inform the Agency or the Member State suggesting restrictions, as to whether the dossier conforms. If the dossier does not conform, the reasons shall be given to the Agency or the Member State in writing within 45 days of receipt. The Agency or the Member State shall bring the dossier into conformity within 60 days of the date of receipt of the reasons from the Committees, otherwise the procedure under this provision shall be terminated.	
Article 71(7)				
823f				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			7. The Agency shall publish without delay the intention of the Commission or a Member State to initiate the restriction process for a substance, under this Article, and shall inform stakeholders concerned.	
Article 71(4)				
824	4. The Agency shall make publicly available on its website the restriction dossier, including the restrictions suggested pursuant to paragraph 3, without delay, clearly indicating the date of publication. The Agency shall invite all interested parties to submit individually or jointly, within four months of the date of publication, comments on the restriction dossier.		~~4~~ **8**. The Agency shall make publicly available on its website the ~~restriction~~ dossier, including the restrictions suggested pursuant to paragraph ~~3,~~**2 and 4 of this Article** without delay, clearly indicating the date of publication. The Agency shall invite all interested parties to submit individually or jointly, within four months of the date of publication~~, comments on the restriction dossier.~~**:**	
Article 71(8), point (a)				
824a			**(a) comments on dossiers and the suggested restrictions;**	
Article 71(8), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
824b			**(b) a socio-economic analysis, or information which can contribute to one, of the suggested restrictions, examining the advantages and drawbacks of the proposed restrictions. It shall conform to the requirements in Annex XVI of Regulation (EC) No 1907/2006.**	
Article 71a new				
824c			**Article 71a Opinion of the Agency's Committees**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 71a(1)				
825	5. Within 12 months of the date of publication referred to in paragraph 4, the Committee for Risk Assessment , set up pursuant to Article 76(1)(c) of Regulation (EC) No 1907/2006, shall adopt an opinion as to whether the suggested restrictions are appropriate in reducing the risk to human health and/or the environment, based on its consideration of the relevant parts of the restriction dossier. This opinion shall take account of the restriction dossier prepared by the Agency at the request of the Commission, and the views of interested parties referred to in paragraph 4.		~~5~~**1**. Within 12 months of the date of publication referred to in ~~paragraph 4~~**Article 71(8)**, the Committee for Risk Assessment ~~,~~ ~~set up pursuant to Article 76(1)(c) of Regulation (EC) No 1907/2006,~~ shall adopt an opinion as to whether the suggested restrictions are appropriate in reducing the risk to human health ~~and/or~~**or** the environment, based on its consideration of the relevant parts of the ~~restriction~~ dossier. This opinion shall take account of the ~~restriction~~ dossier prepared by the Agency at the request of the Commission **or by the Member State**, and the views of interested parties referred to in ~~paragraph 4~~**Article 71(8)(a)**.	
Article 71(6)				
826	6. Within 15 months of the date of publication referred to in paragraph 4, the Committee for Socio-economic Analysis, set up pursuant to Article 76(1)(d) of Regulation (EC) No 1907/2006, shall adopt an opinion on the		~~6~~**2**. Within 15 months of the date of publication referred to in ~~paragraph 4~~**Article 71(8)**, the Committee for Socio-economic Analysis~~, set up pursuant to Article 76(1)(d) of Regulation (EC) No 1907/2006,~~ shall adopt	

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	suggested restrictions, based on its consideration of the relevant parts of the dossier and the socio-economic impact. Prior to that, it shall prepare a draft opinion on the suggested restrictions and on the related socio-economic impact, taking account of the analyses or information according to paragraph 4, if there are any.		an opinion on the suggested restrictions, based on its consideration of the relevant parts of the dossier and the socio-economic impact. Prior to that, it shall prepare a draft opinion on the suggested restrictions and on the related socio-economic impact, taking account of the analyses or information according to ~~paragraph 4~~**Article 71(8)(b)**, if there are any.	
Article 71(7)				
827	7. The Agency shall publish the draft opinion of the Committee for Socio-economic Analysis on its website without delay and invite interested parties to provide their comments on the draft opinion no later than 60 days from the publication of that draft opinion.		~~7~~**3**. The Agency shall publish the draft opinion of the Committee for Socio-economic Analysis on its website without delay and invite interested parties to provide their comments on the draft opinion no later than 60 days from the publication of that draft opinion.	
Article 71(8)				
828	8. The Committee for Socio-economic Analysis shall without delay adopt its opinion, taking into account where appropriate further comments received by the		~~8~~**4**. The Committee for Socio-economic Analysis shall without delay adopt its opinion, taking into account where appropriate further comments received by the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	deadline set in paragraph 7. This opinion shall take account of the comments of interested parties submitted under paragraphs 4 and 7.		deadline set in paragraph ~~7~~**3**. This opinion shall take account of the comments of interested parties submitted under ~~paragraphs 4 and 7~~**Article 71(8)(b) and paragraph 3 of this Article**.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 71(9)				
829	9. Where the opinion of the Committee for Risk Assessment diverges significantly from the restrictions suggested, the Agency shall postpone the deadline for the opinion of the Committee for Socio-economic Analysis by a maximum of 90 days.		~~9~~**5**. Where the opinion of the Committee for Risk Assessment diverges significantly from the restrictions suggested, the Agency shall postpone the deadline for the opinion of the Committee for Socio-economic Analysis by a maximum of 90 days.	
Article 71a(6) new				
829a			**6. new Where the Committees for Risk Assessment and Socio-economic Analysis provide an opinion pursuant to paragraphs 1 and 2, they shall make use of rapporteurs under Article 87 of Regulation (EC) No 1907/2006and in line with the conditions provided thereof.**	
Article 71b new				
829b			**Article 71b Submission of an opinion to the Commission**	
Article 71(10)				

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830	10. The Agency shall submit to the Commission without delay the opinions of the Committees for Risk Assessment and Socio-economic Analysis on the restrictions suggested pursuant to the request made by the Commission under paragraph 1. Where the opinions of the Committees for Risk Assessment and Socio-economic Analysis diverge significantly from the restrictions suggested pursuant to paragraph 3, the Agency shall submit an explanatory note to the Commission providing a detailed explanation of the reasons for such differences. If one or both of the Committees do not adopt an opinion by the deadline set in paragraphs 5 and 6 the Agency shall inform the Commission accordingly, stating the reasons.		~~10~~**1**. The Agency shall submit to the Commission without delay the opinions of the Committees for Risk Assessment and Socio-economic Analysis on ~~the~~ restrictions suggested pursuant to ~~the request made by the Commission under paragraph 1~~**Article 71**. Where the opinions of the Committees for Risk Assessment and~~–~~ Socio-economic Analysis diverge significantly from the ~~restrictions~~ suggested ~~pursuant to paragraph 3~~**the restrictions**, the Agency shall submit an explanatory note to the Commission providing a detailed explanation of the reasons for such differences. If one or both of the Committees do not adopt an opinion by the deadline set in ~~paragraphs 5 and 6~~**paragraphs1 and 2 of Article 71a** the Agency shall inform the Commission accordingly, stating the reasons.	
Article 71(11)				
831	11. The Agency shall publish the opinions of the two Committees on its website without delay.		~~11~~**2**. The Agency shall publish the opinions of the two Committees on its website without	

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			delay.	
Article 71(12)				
832	12. The Agency shall provide the Commission on request with all documents and evidence submitted to or considered by it.		~~12~~**3**. The Agency shall provide the Commission **or Member State** on request with all documents and evidence submitted to or considered by it.	
Article 71(13)				
833	13. If the Commission concludes that the conditions laid down in Article 6(2) are fulfilled, it shall adopt a delegated act pursuant to Article 6(2). This delegated act shall be adopted without undue delay following the receipt of the opinion of the Committee for Socio-economic Analysis referred to in paragraph 8 or after the deadline set out under paragraphs 6 and 9, as applicable, if that Committee does not adopt an opinion.		*deleted*	
Article 71(14)				
834	14. Where the Committees for			

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	Risk Assessment and Socio-economic Analysis provide an opinion pursuant to paragraphs 5 and 6, they shall make use of rapporteurs as specified in Article 87 of Regulation (EC) No 1907/2006. The rapporteurs or co-rapporteurs concerned, or their employer, shall be remunerated by the Agency in accordance with a scale of fees to be included in the financial arrangements related to restrictions established by the Management Board, set up pursuant to Article 76(1)(a) of Regulation (EC) No 1907/2006. Where the persons concerned fail to fulfil their duties, the Executive Director of the Agency has the right to terminate or suspend the contract or withhold remuneration.		*deleted*	
Article 71(14a)				
834a		***14a. 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 that amendment***		

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		of Regulation (EC) No 1907/2006 or that future Union legislation requires an amendment of this Article, and adopt, where appropriate, a delegated act in accordance with Article73 of this Regulation to amend those provisions accordingly.		

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Article 72				
835	Article 72 Supply chain due diligence schemes		*deleted*	
Article 72(1)				
836	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).		*deleted*	
Article 72(2), introductory part				
837	2. Where, on the basis of the evidence and information		*deleted*	

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	provided pursuant to the first 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).			
Article 72(2), first paragraph				
838	When making a determination on the recognition of a due diligence 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.		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 72(2a)				
838a		***2a. Only industry led schemes that fulfil the requirements of Article 39 and are verified by third party actors may be recognised.***		
Article 72(3)				
839	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 appropriate, periodically verify that recognised supply chain due diligence schemes continue to fulfil the criteria that led to a recognition of		*deleted*	

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	equivalence decision adopted pursuant to paragraph 2.			
Article 72(4)				
840	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.		*deleted*	
Article 72(5)				
841	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.		*deleted*	
Article 72(6)				

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842	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 time to take remedial action.		*deleted*	

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Article 72(7)				
843	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 adopted in accordance with the examination procedure referred to in Article 74(3).		*deleted*	
Article 72(8)				
844	8. The Commission shall establish and keep up-to-date a register of recognised supply chain due diligence schemes. That		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	register shall be made publicly available on the internet.			
Chapter XI				
845	Chapter XI Delegated powers and committee procedure		Chapter XI Delegated powers and committee procedure	
Article 73				
846	Article 73 Exercise of the delegation		Article 73 Exercise of the delegation	
Article 73(1)				
847	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
Article 73(2)				
848	2. The power to adopt delegated acts referred to in Articles 6(2), 7(1), (2) and (3), 9(2), 10(3), 12(2), 17(4), 27(3), 39(8), 55(4), 56(4), 57(6), 58(3) and 70(2) shall be conferred on the Commission	2. The power to adopt delegated acts referred to in Articles 6(2), ***6(5a), 7(1) third subparagraph, point (a), 7(1), fourth subparagraph, 7 (2) fourth subparagraph, point(a), 7 (3)***	2. The power to adopt delegated acts referred to in Articles 6(2), 7(1), (2) and (3), **8(4),** 9(2), 10(3), 12(2), 17(4), ~~27(3), 39(8),~~ **45a(8),** **[**55(4), 56(4), ~~57(6)~~**57(5)**, 58(3)**]** **and 70(3)** ~~and 70(2)~~ shall be	

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	for a period of five years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than three months before the end of each period.	***third subparagraph and forth subparagraph, 8(1) second subparagraph, point (a), 8(4a)*** ~~*7(1), (2) and (3)*~~, 9(2) ***second subparagraph, 10(1b) and (1c)***, 10(3) ***first subparagraph, 10(3a), 11a (4), 11b (2), 13(6a), 14(3) subparagraph 1a, 12(2), 17(4)*** ~~*, 12(2), 17(4), 27(3)*~~, 39(8) ***and (8a), 55(2b)*** ~~*, 55(4)*~~, 56(4), ~~*57(6)*~~***57(4), 57(5a)*** , 58(3)***, 64(5), 65(7), 70(3), 71(14a) and 76(1b)*** ~~*and 70(2)*~~ shall be conferred on the Commission for a period of five years from ***...*** [date of entry into force of this Regulation].	conferred on the Commission for a period of **[**five years**]** from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no later than three months before the end of each period.	
Article 73(3)				
849	3. The delegation of power referred to in Articles 6(2), 7(1), (2) and (3), 9(2), 10(3), 12(2), 17(4), 27(3), 39(8), 55(4), 56(4), 57(6), 58(3) and 70(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later	3. The delegation of power referred to in Articles 6(2), ***6(5a), 7(1) third subparagraph, point (a), 7(1), fourth subparagraph, 7 (2) fourth subparagraph, point(a), 7 (3) third subparagraph and forth subparagraph, 8(1) second subparagraph, point (a), 8(4a)*** ~~*7(1), (2) and (3)*~~, 9(2) ***second subparagraph, 10 (1b) and (1c)***, 10(3) ***first subparagraph, 10(3a), 11a (4), 11b (2), 13(6a), 14(3) subparagraph 1a*** , 12(2), 17(4),	3. The delegation of power referred to in Articles 6(2), 7(1), (2) and (3), **8(4),** 9(2), 10(3), 12(2), 17(4), ~~27(3), 39(8),~~ **45a(8), [**55(4), 56(4), ~~57(6)~~**57(5)**, 58(3)**]** **and 70(3)** ~~and 70(2)~~ may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal	

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	date specified therein. It shall not affect the validity of any delegated acts already in force.	~~*27(3), 39(8), 55(4), 56(4), 57(6)*~~***39(8) and (8a), 55(2b), 56(4), 57(4), 57(5a)*** , 58(3)***, 64(5), 65(7), 70(3), 71(14a) and 76(1b)*** ~~*and 70(2)*~~ may be revoked at any time by the European Parliament or by the Council.	of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 73(4)				
850	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.		4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	
Article 73(5)				
851	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.		5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
Article 73(6)				
852	6. A delegated act adopted pursuant to Articles 6(2), 7(1), (2) and (3), 9(2), 10(3), 12(2), 17(4), 27(3), 39(8), 55(4), 56(4), 57(6), 58(3) and 70(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the	6. A delegated act adopted pursuant to Articles 6(2), ***6(5a), 7(1) third subparagraph, point (a), 7(1), fourth subparagraph, 7 (2) fourth subparagraph, point(a), 7 (3) third subparagraph and forth subparagraph, 8(1) second subparagraph, point (a), 8(4a)*** ~~*7(1), (2) and (3)*~~, 9(2) ***second***	6. A delegated act adopted pursuant to Articles 6(2), 7(1), (2) and (3), **8(4),** 9(2), 10(3), 12(2), 17(4), ~~27(3), 39(8),~~ **45a(8), [**55(4), 56(4), ~~57(6)~~**57(5)**, 58(3)**] and 70(3)** ~~and 70(2)~~ shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of ~~two~~**three** months of	

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	European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	***subparagraph, 10(1b) and (1c)***, 10(3) ***first subparagraph, 10(3a), 11a (4), 11b (2), 13(6a), 14(3) subparagraph 1a***, 12(2), 17(4), ~~*27(3), 39(8), 55(4), 56(4), 57(6)*~~***39(8) and (8a), 55(2b), 56(4), 57(4), 57(5a)***, 58(3)***, 64(5), 65(7), 70(3), 71(14a) and 76(1b)*** ~~*and 70(2)*~~ shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object.	notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	
Article 74				
853	Article 74 Committee procedure		Article 74 Committee procedure	
Article 74(1)				
854	1. The Commission shall be assisted by a committee established by Article 39 of Directive 2008/98/EC. That		1. The Commission shall be assisted by a committee established by Article 39 of Directive 2008/98/EC. That	

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	committee shall be a committee within the meaning of Regulation (EU) No 182/2011.		committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	
Article 74(2)				
855	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.		2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	
Article 74(3), introductory part				
856	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.		3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	
Article 74(3), first paragraph				
857	Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.		Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.	
Article 74(4)				
858	4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction		4. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction	

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	with Article 5 thereof, shall apply.		with Article 5 thereof, shall apply.	
Chapter XII				
859	Chapter XII Amendments		Chapter XII Amendments	
Article 75				
860	Article 75 Amendments to Regulation (EU) 2109/1020		Article 75 Amendments to Regulation (EU) ~~2109/1020~~**2019/1020**	
Article 75, first paragraph, introductory part				
861	Regulation (EU) 2019/1020 is amended as follows:		**1.** Regulation (EU) 2019/1020 is amended as follows:	
Article 75, first paragraph, point (1), introductory part				
862	(1) in Article 4(5), the text "(EU) 2016/425(35) and (EU) 2016/426(36)" is replaced by the following:		(1) in Article 4(5), the text "(EU) 2016/425(35) and (EU) 2016/426(36)" is replaced by the following:	
Article 75, first paragraph, point (1), amending provision, first paragraph				
863	" (EU) 2016/425 (*), (EU)		" (EU) 2016/425 (*), (EU)	

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	2016/426 (**) and [(EU) 2020/…(***)]		2016/426 (**) and [(EU) ~~2020~~**[…] [year of adoption of this Regulation]**/…(***)]	
Article 75, first paragraph, point (1), amending provision, second paragraph				
864	_____		_____	
Article 75, first paragraph, point (1), amending provision, third paragraph				
865	* Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC (OJ L 81, 31.3.2016, p. 51).		* Regulation (EU) 2016/425 of the European Parliament and of the Council of 9 March 2016 on personal protective equipment and repealing Council Directive 89/686/EEC (OJ L 81, 31.3.2016, p. 51).	
Article 75, first paragraph, point (1), amending provision, fourth paragraph				
866	** Regulation (EU) 2016/426 of the European Parliament and of the Council of 9 March 2016 on appliances burning gaseous fuels and repealing Directive 2009/142/EC (OJ L 81, 31.3.2016, p. 99).		** Regulation (EU) 2016/426 of the European Parliament and of the Council of 9 March 2016 on appliances burning gaseous fuels and repealing Directive 2009/142/EC (OJ L 81, 31.3.2016, p. 99).	
Article 75, first paragraph, point (1), amending provision, fifth paragraph				
867				

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	*** [Regulation of the European Parliament and of the Council on batteries and waste batteries, amending Regulation (EU) No 2019/1020 and repealing Directive 2006/66/EC (For the Publications Office to fill in the OJ publication details)]; ”		*** [Regulation of the European Parliament and of the Council on batteries and waste batteries, amending Regulation (EU) No 2019/1020 and repealing Directive 2006/66/EC (For the Publications Office to fill in the OJ publication details)]; ”	
Article 75, first paragraph, point (2), introductory part				
868	(2) in Annex I, the following point 71 is added to the list of Union harmonisation legislation:	(2) in Annex I, ~~*the following*~~ point ~~*71 is added to*~~***21 of*** the list of Union harmonisation legislation ***is replaced by the following***:	(2) in Annex I, the following point 71 is added to the list of Union harmonisation legislation:	
Article 75, first paragraph, point (2), amending provision, numbered paragraph (71)				
869	‘ 71. Regulation of the European Parliament and of the Council on batteries and waste batteries, amending Regulation (EU) No 2019/1020 and repealing Directive 2006/66/EC (the Publications Office to fill in the OJ publication details); ’		" 71. Regulation of the European Parliament and of the Council on batteries and waste batteries, amending Regulation (EU) No 2019/1020 and repealing Directive 2006/66/EC (the Publications Office to fill in the OJ publication details).	

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Article 75a				
869a			**Article 75a** **Amendments to Directive 2008/98/EC**	
Article 75a, first paragraph, introductory part				
869b			**Directive 2008/98/EC is amended as follows:**	
Article 75a, first paragraph, point (1), introductory part				
869c			**(1) in Article 8a(7), the text "by 5 January 2023" is replaced by the following:**	

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Article 75a, first paragraph, point (1), amending provision, first paragraph				
869d			" **by 5 January 2023, with the exception of extended producer responsibility schemes for batteries, as defined in Article 2(1) of [insert reference and numbering of this Regulation].**	
Article 75a, first paragraph, point (1), amending provision, second paragraph				
869e			**In regard to such schemes, Member States shall take measures to ensure that those established before 4 July 2018, comply with this Article by 1st of January 24 months after entry into force of the Regulation.**	
Chapter XIII				
870	Chapter XIII Final provisions		Chapter XIII Final provisions	
Article 76				
871	Article 76 Penalties		Article 76 Penalties	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 76, first paragraph				
872	Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.		**By 24 months after entry into force of the Regulation** Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.	
Article 76, first paragraph a				
872a		***By 1 January 2023, the Commission shall develop harmonised criteria or guidance for effective, proportionate and dissuasive penalties and for compensation of damages caused to individuals.*** ***Those criteria shall at least cover the following types of infringements:*** ***– making false declarations***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		during the conformity assessment procedures set out in Chapter IV and measures set out in Articles 66 and 68; ***– falsifying test results for conformity or for market surveillance;*** ***– withholding data or technical specifications that could lead to the recall of the battery or its components or to the refusal or withdrawal of the declaration of conformity.***		
Article 76, first paragraph b				
872b		***The Commission shall, by 1 January 2023, adopt delegated acts in accordance with Article 73, supplementing this Regulation by establishing criteria for effective, proportionate and dissuasive penalties and for compensation of damages caused to individuals covering at least the infringements listed in paragraph 1a.***		
Article 77				
873				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 77 Review		Article 77 Review	
Article 77(1)				
874	1. By 31 December 2030, the Commission shall draw up a report on the application of this Regulation and its impact on the environment and the functioning of the internal market.	1. By 31 December 2030, ***and every 5 years thereafter,*** the Commission shall draw up a report on the application of this Regulation and its impact on the environment***, human health*** and the functioning of the internal market ***and submit and present it to the European Parliament and to the Council***.	1. By ~~31 December 2030~~**96 months after entry into force of the Regulation**, the Commission shall draw up a report on the application of this Regulation and its impact on the environment and the functioning of the internal market.	
Article 77(2), first subparagraph, introductory part				
875	2. Taking account of technical progress and practical experience gained in Member States, the Commission shall in its report include an evaluation on the following aspects of this Regulation:		2. Taking account of technical progress and practical experience gained in Member States, the Commission shall in its report include an evaluation on the following aspects of this Regulation:	
Article 77(2), first subparagraph, point (a0)				
875a			**(a0) the list of common formats falling under the definition of**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			portable batteries of general use;	
Article 77(2), first subparagraph, point (a)				
876	(a) sustainability and safety requirements set out in Chapter II;		(a) sustainability and safety requirements set out in Chapter II**, including the possibility to introduce an export ban of batteries which are non compliant with the restrictions set out in Annex I**;	
Article 77(2), first subparagraph, point (b)				
877	(b) labelling and information requirements set out in Chapter III;		(b) labelling and information requirements set out in Chapter III;	
Article 77(2), first subparagraph, point (c)				
878	(c) supply chain due diligence requirements set out in Articles 39 and 72;	(c) ~~*supply*~~***battery value*** chain due diligence requirements set out in Articles 39 and 72;	(c) supply chain due diligence requirements set out in Articles ~~39 and 72~~**45a to 45f**;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 77(2), first subparagraph, point (d)				
879	(d) measures regarding end-of-life management of batteries set out in Chapter VII.		(d) measures regarding ~~end-of-life~~ management of **waste** batteries~~–~~ set out in Chapter VII~~.~~ **, including the possibility to introduce two sub-categories of portable batteries: rechargeable and non rechargeable, with separate collection targets, and**	
Article 77(2), first subparagraph, point (da)				
879a		***(da) the measures regarding the identification of economic operators set out in Article 45;***	**(e) measures regarding electronic exchange of information and battery passport set out in Chapter VIII.**	
Article 77(2), first subparagraph, point (db)				
879b		***(db) infringements and the effectiveness, proportionality and dissuasiveness of penalties as set out in Article 76;***		
Article 77(2), first subparagraph, point (dc)				
879c		***(dc) analysis of the impact of the Regulation on the***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		competitiveness of and on the investments in the batteries sector, and of the administrative burden.		
Article 77(2), second subparagraph				
880	Where appropriate, the report shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Regulation.	~~*Where*~~***If*** appropriate, the report ***referred to in paragraph 1*** shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Regulation.	Where appropriate, the report shall be accompanied by a legislative proposal for amendment of the relevant provisions of this Regulation.	
Article 77(3)				
880a			**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.**	
Article 77(4)				
880b			**4. By 60 months after entry into force of the Regulation, the Commission shall submit a report to the European**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			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.	
Article 78				
881	Article 78 Repeal and transitional rules		Article 78 Repeal and transitional rules	
Article 78, first paragraph, introductory part				
882	Directive 2006/66/EC is repealed with effect from 1 July 2023; however, its:		Directive 2006/66/EC is repealed with effect from 1**st** **of January 24 months after the entry into force of this Regulation** ~~July 2023~~; however, its:	
Article 78, first paragraph, point (a)				
883	(a) Article 10(3), Article 12(4) and Article 12(5) shall continue to apply until 31 December 2023,		(a) Article 10(3)~~, Article 12(4) and Article 12(5)~~ shall continue to apply until 31 December ~~2023~~**24**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	except as regards the transmission of data to the Commission which shall continue to apply until 31 December 2025;		**months after the entry into force of this Regulation**, except as regards the transmission of data to the Commission which shall continue to apply until ~~31 December 2025~~**42 months after the entry into force of this regulation**;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 78, first paragraph, point (b)				
883a			**(b) Article 12(4) and Article 12(5) shall continue to apply until 36 months after entry into force of the Regulation, except as regards the transmission of data to the Commission which shall continue to apply until 54 months after entry into force of the Regulation;**	
Article 78, first paragraph, point (c)				
884	(b) Article 21(2) shall continue to apply until 31 December 2026.		~~(b)~~**(c)** Article 21(2) shall continue to apply until ~~31 December 2026~~**48 months after entry into force of this regulation**.	
Article 78, second paragraph				
885	References to the repealed Directive shall be construed as references to this Regulation.		References to the repealed Directive shall be construed as references to this Regulation.	
Article 79				
886	Article 79 Entry into force and application		Article 79 Entry into force and application	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 79, first paragraph				
887	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.		**1.** This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
Article 79, second paragraph				
888	It shall apply from 1 January 2022.	It shall apply from ~~*1 January 2022*~~***... [6 months after the entry into force of this Regulation]***.	**2.** ~~It~~**Chapter IV, V and VI** shall apply from ~~1 January 2022~~**12 months after entry into force of the Regulation**.	
Article 79(3)				
888a			**3. Chapter VII shall apply form the 1st of January, 24 months after entry into force of the Regulation.**	
Article 79, third paragraph				
889	This Regulation shall be binding in its entirety and directly applicable in all Member States.		This Regulation shall be binding in its entirety and directly applicable in all Member States.	
Formula				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
890	Done at Brussels,		Done at Brussels,	
Formula				
891	For the European Parliament		For the European Parliament	
Formula				
892	The President		The President	
Formula				
893	For the Council		For the Council	
Formula				
894	The President		The President	
Annex I				
895	Annex I Restrictions on hazardous substances		Annex I Restrictions on ~~hazardous~~ substances	
Annex I, Table 1, Column 1, Row 1				
896	Designation of the substance or group of substances		Designation of the substance or group of substances	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex I, Table 1, Column 1, Row 2				
897	1. Mercury CAS No. 7439-97-6 EC No. 231-106-7 and its compounds		1. Mercury CAS No. 7439-97-6 EC No. 231-106-7 and its compounds	
Annex I, Table 1, Column 1, Row 3				
898	2. Cadmium CAS No. 7440-43-9 EC No. 231-152-8 and its compounds		2. Cadmium CAS No. 7440-43-9 EC No. 231-152-8 and its compounds	
Annex I, Table 1, Column 2, Row 1				
899	Conditions of restriction		Conditions of restriction	
Annex I, Table 1, Column 2, Row 2				
900	1. Batteries, whether or not incorporated into appliances, shall not contain more than 0,0005 % of mercury (expressed as mercury metal) by weight. 2. Batteries used in vehicles to		1. Batteries, whether or not incorporated into appliances, ~~shall not contain more than 0,0005 % of mercury (expressed as mercury metal) by weight.~~ ~~2. Batteries used in~~**light means of**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	which Directive 2000/53/EC applies shall not contain more than 0,1% of mercury (expressed as mercury metal) by weight in homogeneous material.		**transport or** vehicles ~~to which Directive 2000/53/EC applies~~**,** shall not contain more than ~~0,1%~~**0,0005 %** of mercury (expressed as mercury metal) by weight ~~in homogeneous material~~.	
Annex I, Table 1, Column 2, Row 3				
901	1. Portable batteries, whether or not incorporated into appliances, shall not contain more than 0,002% of cadmium (expressed as cadmium metal) by weight. 1. The restriction set out in point 1 shall not apply to portable batteries intended for use in: (a) emergency and alarm systems, including emergency lighting; (b) medical equipment. 2. Batteries used in vehicles to which Directive 2000/53/EC applies shall not contain more than 0,01% of cadmium (expressed as cadmium metal) by weight in homogeneous material. 3. The restriction set out in point 3 does not apply to vehicles that benefit from an exemption on the basis of Annex II to Directive 2000/53/EC.		~~1.~~ Portable batteries, whether or not incorporated into appliances, **light means of transport or vehicles,** shall not contain more than 0,002% of cadmium (expressed as cadmium metal) by weight. ~~1. The restriction set out in point 1 shall not apply to portable batteries intended for use in:~~ ~~(a) emergency and alarm systems, including emergency lighting;~~ ~~(b) medical equipment.~~ ~~2~~ **5**. Batteries used in vehicles to which Directive 2000/53/EC applies shall not contain more than ~~0,01%~~**0,002 %** of cadmium (expressed as cadmium metal) by weight in homogeneous material. ~~3. The restriction set out in point 3~~	

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			~~does not apply to vehicles that benefit from an exemption on the basis of Annex II to Directive 2000/53/EC.~~	
Annex I, Table 1, Column 1, Row 3a				
901a		***2a. Lead CAS No. 7439-92-1 EC No. 231-100-4 and its compounds***		
Annex I, Table 1, Column 2, Row 3a				
901b		***Portable batteries, whether or not incorporated into appliances, shall not contain more than 0,01 % of lead (expressed as lead metal) by weight.***		
Annex II				
902	Annex II Carbon footprint		Annex II Carbon footprint	
Annex II, point (1), introductory part				
903	1. Definitions		1. Definitions	
Annex II, point (1), first paragraph, introductory part				

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904	For the purposes of this Annex, the following definitions shall apply:		For the purposes of this Annex, the following definitions shall apply:	
Annex II, point (1), first paragraph(a)				
905	(a) 'Activity data' means the information associated with processes while modelling Life Cycle Inventories (LCI). The aggregated LCI results of the process chains that represent the activities of a process are each multiplied by the corresponding activity data and then combined to derive the environmental footprint associated with that process;		(a) 'Activity data' means the information associated with processes while modelling Life Cycle Inventories (LCI). The aggregated LCI results of the process chains that represent the activities of a process are each multiplied by the corresponding activity data and then combined to derive the ~~environmental~~ footprint associated with that process;	
Annex II, point (1), first paragraph(b)				
906	(b) 'Bill of materials' means list of the raw materials, sub-assemblies, intermediate assemblies, sub-components, parts and the quantities of each needed to manufacture the product in scope of the study;		(b) 'Bill of materials' means list of the raw materials, sub-assemblies, intermediate assemblies, sub-components, parts and the quantities of each needed to manufacture the product in scope of the study;	
Annex II, point (1), first paragraph(c)				

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907	(c) 'Company-specific data' refers to directly measured or collected data from one or multiple facilities (site-specific data) that are representative for the activities of the company. It is synonymous to "primary data";		(c) 'Company-specific data' refers to directly measured or collected data from one or multiple facilities (site-specific data) that are representative for the activities of the company. It is synonymous to "primary data";	
Annex II, point (1), first paragraph(ca)				
907a		***(ca) 'Data Quality Ratings' means a semi-quantitative assessment of the quality criteria of a dataset based on technological representativeness, geographical representativeness, time-related representativeness, and precision. The data quality shall be considered to be that of the dataset as documented.***		
Annex II, point (1), first paragraph(d)				
908	(d) 'Functional unit' means the qualitative and quantitative aspects of the function(s) and/or service(s) provided by the product being evaluated;		(d) 'Functional unit' means the qualitative and quantitative aspects of the function(s) and/or service(s) provided by the product being evaluated;	
Annex II, point (1), first paragraph(e)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
909	(e) 'Life cycle' means the consecutive and interlinked stages of a product system, from raw material acquisition or generation from natural resources to final disposal (ISO 14040:2006);		(e) 'Life cycle' means the consecutive and interlinked stages of a product system, from raw material acquisition or generation from natural resources to final disposal (ISO 14040:2006 **or equivalent**);	
Annex II, point (1), first paragraph(f)				
910	(f) 'Life cycle inventory (LCI)' means the combined set of exchanges of elementary, waste and product flows in a LCI dataset;		(f) 'Life cycle inventory (LCI)' means the combined set of exchanges of elementary, waste and product flows in a LCI dataset;	
Annex II, point (1), first paragraph(g)				
911	(g) 'Life cycle inventory (LCI) dataset' means a document or file with life cycle information of a specified product or other reference (e.g., site, process), covering descriptive metadata and quantitative life cycle inventory. A LCI dataset could be a unit process dataset, partially aggregated or an aggregated dataset;		(g) 'Life cycle inventory (LCI) dataset' means a document or file with life cycle information of a specified product or other reference (e.g., site, process), covering descriptive metadata and quantitative life cycle inventory. A LCI dataset could be a unit process dataset, partially aggregated or an aggregated dataset;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex II, point (1), first paragraph(h)				
912	(h) 'Reference flow' means the measure of the outputs from processes in a given product system required to fulfil the function expressed by the functional unit (based on ISO 14040:2006);		(h) 'Reference flow' means the measure of the outputs from processes in a given product system required to fulfil the function expressed by the functional unit (based on ISO 14040:2006 **or equivalent**);	
Annex II, point (1), first paragraph(i)				
913	(i) 'Secondary data' means data not from a specific process within the supply-chain of the company performing a carbon footprint study. This refers to data that is not directly collected, measured, or estimated by the company, but sourced from a third party LCI database or other sources. Secondary data includes industry average data (e.g., from published production data, government statistics, and industry associations), literature studies, engineering studies and patents, and may also be based on financial data, and contain proxy data, and other generic data. Primary data that go through a horizontal aggregation step are		(i) 'Secondary data' means data not from a specific process within the supply-chain of the company performing a carbon footprint study. This refers to data that is not directly collected, measured, or estimated by the company, but sourced from a third party LCI database or other sources. Secondary data includes industry average data (e.g., from published production data, government statistics, and industry associations), literature studies, engineering studies and patents, and may also be based on financial data, and contain proxy data, and other generic data. Primary data that go through a horizontal aggregation step are	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	considered as secondary data;		considered as secondary data;	
Annex II, point (1), first paragraph(j)				
914	(j) ‘System boundary’ means the aspects included or excluded from the life cycle study.		(j) ‘System boundary’ means the aspects included or excluded from the life cycle study.	
Annex II, point (1), second paragraph				
915	Additionally, the harmonised rules for the calculation of the carbon footprint of batteries shall include any further definition necessary for their interpretation.		Additionally, the harmonised rules for the calculation of the carbon footprint of batteries shall include any further definition necessary for their interpretation.	
Annex II, point (2), introductory part				
916	2. Scope		2. Scope	
Annex II, point (2), first paragraph				
917	This Annex provides essential elements on how to calculate the carbon footprint.		This Annex provides essential elements on how to calculate the carbon footprint.	
Annex II, point (2), second paragraph				
918	The harmonised calculation rules	The harmonised calculation rules	The harmonised calculation rules	

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	referred to in Article 7 shall build on the essential elements included in this Annex, be in compliance with the latest version of the Commission Product Environmental Footprint[1] (PEF) method and relevant Product Environmental Footprint Category Rules (PEFCRs)[2] and reflect the international agreements and technical/scientific progress in the area of life cycle assessment[3]. _____ 1. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013H0179&from=EN 2. https://ec.europa.eu/environment/eussd/smgp/pdf/PEFCR_guidance_v6.3.pdf 3. See https://ec.europa.eu/environment/eussd/smgp/dev_methods.htm	referred to in Article 7 shall build on the essential elements included in this Annex, be in compliance with the latest version of the Commission Product Environmental Footprint[1] (PEF) method and relevant Product Environmental Footprint Category Rules (PEFCRs)[2] and reflect the international agreements and technical/scientific progress in the area of life cycle assessment[3]. ***The development and update of PEF methods and relevant PEFCRs shall be open and transparent, and involve adequate representation of civil society organisations, academia and other interested parties.***	referred to in Article ~~7~~**7(1)** shall build on the essential elements included in this Annex, be in compliance with the latest version of the Commission Product Environmental Footprint[1] (PEF) method and relevant Product Environmental Footprint Category Rules (PEFCRs)[2] and reflect the international agreements and technical/scientific progress in the area of life cycle assessment[3]. _____ 1. https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013H0179&~~amp;~~from=EN 2. https://ec.europa.eu/environment/eussd/smgp/pdf/PEFCR_guidance_v6.3.pdf 3. See https://ec.europa.eu/environment/eussd/smgp/dev_methods.htm	
Annex II, point (2), third paragraph				
919	The calculation of the life cycle carbon footprint shall be based on			

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	the bill of material, the energy, and auxiliary materials used in a specific plant to produce a specific battery model. In particular, the electronic components (e.g. battery management units, safety units) and the cathode materials have to be accurately identified, as they may become the main contributor for the battery carbon footprint.			
Annex II, point (2a)				
919a	The calculation of the life cycle carbon footprint shall be based on the bill of material, the energy, and auxiliary materials used in a specific plant to produce a specific battery model. In particular, the electronic components (e.g. battery management units, safety units) and the cathode materials have to be accurately identified, as they may become the main contributor for the battery carbon footprint.	***(2a) Energy use and accounting*** ***When calculating the carbon intensity of the energy used during the different battery life cycle stages and processes as listed in point 4, average carbon emissions data for the country where the specific activity or process took place shall be used. Lower emission factors shall only be used where the economic actor can reliably demonstrate that the region where the specific activity took place and which supplied the energy to the economic operator or their individual processes or energy supply are***	The calculation of the life cycle carbon footprint shall be based on the bill of material, the energy, and auxiliary materials used in a specific plant to produce a specific battery model. In particular, the electronic components (e.g. battery management units, safety units) and the cathode materials have to be accurately identified, as they may become the main contributor for the battery carbon footprint.	

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		less carbon intensive than the country average. This shall be demonstrated via proof that the energy is taken from that region and that it is less carbon intensive, or via a direct connection to a renewable or lower carbon energy source or a contract demonstrating a temporal and geographical link between the energy supply and the use by the economic operator, which must be verified by a third party verification statement.		
Annex II, point (3), introductory part				
920	3. Functional unit and reference flow		3. Functional unit and reference flow	
Annex II, point (3), first paragraph				
921	The functional unit is further defined as one kWh (kilowatt-hour) of the total energy provided over the service life by the battery system, measured in kWh. The total energy is obtained from the number of cycles multiplied by the amount of delivered energy over each cycle.		The functional unit is further defined as one kWh (kilowatt-hour) of the total energy provided over the service life by the battery system, measured in kWh. The total energy is obtained from the number of cycles multiplied by the amount of delivered energy over each cycle.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex II, point (3), second paragraph				
922	The reference flow is the amount of product needed to fulfil the defined function and shall be measured in kg of battery per kWh of the total energy required by the application over its service life. All quantitative input and output data collected by the manufacturer to quantify the carbon footprint shall be calculated in relation to this reference flow.		The reference flow is the amount of product needed to fulfil the defined function and shall be measured in kg of battery per kWh of the total energy required by the application over its service life. All quantitative input and output data collected by the manufacturer to quantify the carbon footprint shall be calculated in relation to this reference flow.	
Annex II, point (4), introductory part				
923	4. System boundary		4. System boundary	
Annex II, point (4), first paragraph, introductory part				
924	The following life cycle stages and processes shall be included in the system boundary:		The following life cycle stages and processes shall be included in the system boundary:	
Annex II, point (4), first paragraph, Table 2, Column 1, Row 1				
925	Life cycle stage		Life cycle stage	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex II, point (4), first paragraph, Table 2, Column 1, Row 2				
926	Raw material acquisition and pre-processing		Raw material acquisition and pre-processing	
Annex II, point (4), first paragraph, Table 2, Column 1, Row 3				
927	Main product production		Main product production	
Annex II, point (4), first paragraph, Table 2, Column 1, Row 4				
928	Distribution		Distribution	
Annex II, point (4), first paragraph, Table 2, Column 1, Row 5				
929	End of life and recycling		End of life and recycling	
Annex II, point (4), first paragraph, Table 2, Column 2, Row 1				
930	Short description of the processes included		Short description of the processes included	
Annex II, point (4), first paragraph, Table 2, Column 2, Row 2				
931	Includes mining and pre-processing, up to the manufacturing of battery cells and batteries components (active	Includes mining and ***other relevant sourcing,*** pre-processing ***and transport of all raw and active materials***, up to the	Includes mining and pre-processing, up to the manufacturing of battery cells and batteries components (active	

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	materials, separator, electrolyte, casings, active and passive battery components), and electric/electronics components.	manufacturing of battery cells and batteries components (active materials, separator, electrolyte, casings, active and passive battery components), and electric/electronics components***[SNA1] [SNA1]Not done correctly in TTE - COM text is missing***.	materials, separator, electrolyte, casings, active and passive battery components), and electric/electronics components.	
Annex II, point (4), first paragraph, Table 2, Column 2, Row 3				
932	Assembly of battery cells and assembly of batteries with the battery cells and the electric/electronic components		Assembly of battery cells and assembly of batteries with the battery cells and the electric/electronic components	
Annex II, point (4), first paragraph, Table 2, Column 2, Row 4				
933	Transport to the point of sale		Transport to the point of sale	
Annex II, point (4), first paragraph, Table 2, Column 2, Row 5				
934	Collection, dismantling and recycling		Collection, dismantling and recycling	
Annex II, point (4), second paragraph, introductory part				
935	The following processes shall be excluded:		The following processes shall be excluded:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex II, point (4), second paragraph, first indent				
936	- Manufacturing of equipment for batteries assembly and recycling, as impacts have been calculated as negligible in the PEFCRs for high specific energy rechargeable batteries for mobile applications;		- Manufacturing of equipment for batteries assembly and recycling, as impacts have been calculated as negligible in the PEFCRs for high specific energy rechargeable batteries for mobile applications;	
Annex II, point (4), second paragraph, second indent				
937	- Battery assembly process with the original equipment manufacturer (OEM) system components. It mainly corresponds to mechanical assembly, and it is included inside the OEM equipment or vehicle assembly line. The specific energy or material consumption for this process are negligible when compared to the manufacturing process of OEM components.		- Battery assembly process with the original equipment manufacturer (OEM) system components. It mainly corresponds to mechanical assembly, and it is included inside the OEM equipment or vehicle assembly line. The specific energy or material consumption for this process are negligible when compared to the manufacturing process of OEM components.	
Annex II, point (4), third paragraph				
938	The use phase should be excluded from the lifecycle carbon footprint calculations, as not being under	The use phase ~~*should*~~***may only*** be excluded from the lifecycle carbon footprint calculations, ~~*as not being*~~	The use phase should be excluded from the lifecycle carbon footprint calculations, as not being under	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the direct influence of manufacturers unless it is demonstrated that choices made by battery manufacturers at the design stage can make a non-negligible contribution to this impact.	~~*under the direct influence of*~~***where*** manufacturers ~~*unless it is demonstrated that choices made by battery manufacturers at the design stage can make a non-negligible*~~ ***can reliably demonstrate that design choices only lead to a*** contribution to this impact ***that is negligible***.	the direct influence of manufacturers unless it is demonstrated that choices made by battery manufacturers at the design stage can make a non-negligible contribution to this impact.	
Annex II, point (5), introductory part				
939	5. Use of company specific and secondary datasets		5. Use of company specific and secondary datasets	
Annex II, point (5), first paragraph				
940	Due to the high number of battery components and the complexity of the processes, the economic operator shall limit, where justified, the use of company specific data to process and component analysis to the battery-specific parts.		Due to the high number of battery components and the complexity of the processes, the economic operator shall limit, where justified, the use of company specific data to process and component analysis to the battery-specific parts.	
Annex II, point (5), second paragraph				
941	In particular, all activity data related to the battery's anode,	In particular, all activity data related to the battery's ***raw***	In particular, all activity data related to the battery's anode,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	cathode, electrolyte, separator and cell-casing shall refer to a specific battery model produced in a specific production plant (i.e., no default activity data shall be used). The battery-specific activity data shall be used in combination with the relevant Product Environmental Footprint compliant secondary datasets.	***materials,***	cathode, electrolyte, separator and cell-casing shall refer to a specific battery model produced in a specific production plant (i.e., no default activity data shall be used). The battery-specific activity data shall be used in combination with the relevant Product Environmental Footprint compliant secondary datasets.	
Annex II, point (5), third paragraph				
942	As the carbon footprint declaration shall be specific to a model battery produced in a defined production site, sampling of data collected from different plants producing the same battery model should not be allowed.		As the carbon footprint declaration shall be specific to a model battery produced in a defined production site, sampling of data collected from different plants producing the same battery model should not be allowed.	
Annex II, point (5), fourth paragraph				
943	A change in the bill of materials or energy mix used to produce a battery model requires a new calculation of the carbon footprint for that battery model.		A change in the bill of materials or energy mix used to produce a battery model requires a new calculation of the carbon footprint for that battery model.	
Annex II, point (5), fifth paragraph, introductory part				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
944	The harmonised rules to be elaborated via a delegated act shall include detailed modelling of the following lifecycle stages:		The harmonised rules to be elaborated via a delegated act **referred to in Article 7(1)** shall include detailed modelling of the following lifecycle stages:	
Annex II, point (5), fifth paragraph, first indent				
945	- Raw material acquisition and pre-processing stage	- Raw material acquisition***, including transport,*** and pre-processing stage	- Raw material acquisition and pre-processing stage**;**	
Annex II, point (5), fifth paragraph, second indent				
946	- Production stage		- Production stage**;**	
Annex II, point (5), fifth paragraph, third indent				
947	- Distribution		- Distribution**;**	
Annex II, point (5), fifth paragraph, fourth indent				
948	- Own electricity production		- Own electricity production**;**	
Annex II, point (5), fifth paragraph, fifth indent				
948a			**- The use of guarantees of origin issued under Article 19 of**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Directive (EU) 2018/2001[1]; _____ **1. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources**	
Annex II, point (5), fifth paragraph, fifth indent				
949	- End of life stage		- End of life stage**.**	
Annex II, point (6), introductory part				
950	6. Carbon footprint impact assessment		6. Carbon footprint impact assessment	
Annex II, point (6), first paragraph				
951	The carbon footprint of the battery shall be calculated using the "climate change" life cycle impact assessment method recommended in the 2019 Joint Research Centre (JRC) report available at https://eplca.jrc.ec.europa.eu/permalink/PEF_method.pdf .		The carbon footprint of the battery shall be calculated using the "climate change" life cycle impact assessment method recommended in the 2019 Joint Research Centre (JRC) report available at https://eplca.jrc.ec.europa.eu/permalink/PEF_method.pdf .	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex II, point (6), second paragraph				
952	The results shall be provided as characterised results (without normalisation and weighting). The list of characterization factors to be used is available at https://eplca.jrc.ec.europa.eu/EnvironmentalFootprint.html.		The results shall be provided as characterised results (without normalisation and weighting). The list of characterization factors to be used is available at https://eplca.jrc.ec.europa.~~eu/EnvironmentalFootprint~~**eu/EnvironmentalFootprint**.html.	
Annex II, point (7), introductory part				
953	7. Offsets		7. Offsets	
Annex II, point (7), first paragraph				
954	Offsets are calculated relative to a baseline that represents a hypothetical scenario for what emissions would have been in the absence of the mitigation project that generates the offsets.		Offsets are calculated relative to a baseline that represents a hypothetical scenario for what emissions would have been in the absence of the mitigation project that generates the offsets.	
Annex II, point (7), second paragraph				
955	Offsets shall not be included in the carbon footprint declaration, but may be reported separately as additional environmental		Offsets shall not be included in the carbon footprint declaration, but may be reported separately as additional environmental	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	information and used for communication purposes.		information and used for communication purposes.	
Annex II, point (8), introductory part				
956	8. Carbon footprint performance classes		8. Carbon footprint performance classes	
Annex II, point (8), first paragraph				
957	Depending on the distribution of the values of the batteries' carbon footprint declarations placed in the EU internal market, a meaningful number of classes of performance will be identified, with category A being the best class with the lowest carbon footprint life cycle impact, to allow for market differentiation.	Depending on the distribution of the values of the batteries' carbon footprint declarations ***and data quality ratings*** placed in the EU internal market, a meaningful number of classes of performance will be identified, with category A being the best class with the lowest carbon footprint life cycle impact, to allow for market differentiation.	Depending on the distribution of the values of the batteries' carbon footprint declarations placed ~~in the EU internal~~**on the** market, a meaningful number of classes of performance will be identified, with category A being the best class with the lowest carbon footprint life cycle impact, to allow for market differentiation **of industrial batteries with a capacity above 2 kWh, except those with exclusively external storage, and electric vehicle batteries**.	
Annex II, point (8), second paragraph				
958	The identification of the threshold for each class of performance, as		The identification of the threshold for each class of performance, as	

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	well as their width, will be based on the distribution of performances of the batteries placed on the market in the previous 3 years, the expected technological improvements, and other technical factors to be identified.		well as their width, will be based on the distribution of performances of the **industrial batteries with a capacity above 2 kWh, except those with exclusively external storage, and electric vehicle** batteries placed on the market in the previous 3 years, the expected technological improvements, and other technical factors to be identified.	
Annex II, point (8), third paragraph				
959	The Commission shall review the number of performance classes and the thresholds between them every three years in order to keep them representative of the market reality and its expected development.		*deleted*	
Annex II, point (9), introductory part				
960	9. Maximum carbon thresholds		9. Maximum carbon thresholds	
Annex II, point (9), first paragraph				
961	Based on the information collected through the carbon		Based on the information collected through the carbon	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	footprint declarations and the relative distribution of the carbon footprint performance classes of battery models placed on the market, and taking into account the scientific and technical progress in the field, the Commission will identify maximum lifecycle carbon footprint thresholds for rechargeable industrial and electric vehicle batteries, further to a dedicated impact assessment to determine those values.		footprint declarations **of industrial batteries with a capacity above 2 kWh, except those with exclusively external storage, and electric vehicle batteries** and the relative distribution of the carbon footprint performance classes of **their** battery models placed on the market, and taking into account the scientific and technical progress in the field, the Commission will identify maximum lifecycle carbon footprint thresholds for ~~rechargeable~~ industrial **batteries with a capacity above 2 kWh, except those with exclusively external storage,** and electric vehicle batteries~~,~~ further to a dedicated impact assessment to determine those values.	
Annex II, point (9), second paragraph				
962	In proposing maximum carbon footprint thresholds, the Commission will take into account the relative distribution of the carbon footprint values in batteries on the market, the extent of progress in the reduction of		In proposing maximum carbon footprint thresholds **referred to in first subparagraph**, the Commission will take into account the relative distribution of the carbon footprint values ~~in~~**of the industrial batteries with a**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	carbon footprint of batteries placed on the Union market and the effective and potential contribution of this measure to the Union's objectives on sustainable mobility and climate neutrality by 2050.		**capacity above 2 kWh, except those with exclusively external storage, and electric vehicle** batteries on the market, the extent of progress in the reduction of carbon footprint of batteries placed on the Union market and the effective and potential contribution of this measure to the Union's objectives on sustainable mobility and climate neutrality by 2050.	
Annex III				
963	Annex III Electrochemical performance and durability parameters for portable batteries of general use	Annex III Electrochemical performance and durability parameters for portable batteries ~~*of general use*~~	Annex III Electrochemical performance and durability parameters for portable batteries of general use	
Annex III, point (1)				
964	1. Battery capacity, electric charge which a battery can deliver under a specific set of conditions.	1. Battery capacity, electric charge which a battery can deliver under ~~*a specific set of*~~***real-life*** conditions.	1. Battery capacity, electric charge which a battery can deliver under a specific set of conditions.	
Annex III, point (2)				
965	2. Minimum average duration,		2. Minimum average duration,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	minimum average time on discharge when used in specific applications, depending on the type of battery.		minimum average time on discharge when used in specific applications, depending on the ~~type~~**category** of battery.	
Annex III, point (3)				
966	3. Shelf life (delayed discharge performance), the relative decrease of the minimum average duration after a defined period of time and specific conditions.	3. Shelf life (delayed discharge performance), the relative decrease of the minimum average duration ***with the initially measured capacity as the reference point,*** after a defined period of time and specific conditions.	3. ~~Shelf life (~~ Delayed discharge performance~~)~~, the relative decrease of the minimum average duration**, with the initially measured capacity as the reference point,** after a defined period of time and specific conditions.	
Annex III, point (4)				
967	4. Endurance in cycles (for rechargeable batteries), the capacity of the battery after a pre-established number of charge and discharge cycles.		4. Endurance in cycles (for rechargeable batteries), the capacity of the battery after a pre-established number of charge and discharge cycles.	
Annex III, point (5)				
968	5. Resistance to leakage, i.e. resistance to unplanned escape of electrolyte, gas or other material (poor, good or excellent).		5. Resistance to leakage, i.e. resistance to unplanned escape of electrolyte, gas or other material (poor, good or excellent).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex IV				
969	Annex IV Electrochemical performance and durability requirements for rechargeable industrial batteries and electric vehicle batteries	Annex IV Electrochemical performance and durability requirements for ~~rechargeable~~***light means of transport batteries,*** industrial batteries and electric vehicle batteries	Annex IV Electrochemical performance and durability requirements for ~~rechargeable~~**LMT batteries,** industrial batteries and electric vehicle batteries **with a capacity above 2 kWh**	
Annex IV, A				
970	A Part A		A Part A	
Annex IV, A, first paragraph, introductory part				
971	Parameters related to the electrochemical performance and durability		Parameters related to the electrochemical performance and durability	
Annex IV, A, first paragraph, point (1)				
972	1. Rated capacity (in Ah) and capacity fade (in %).		1. Rated capacity (in Ah) and capacity fade (in %).	
Annex IV, A, first paragraph, point (2)				
973	2. Power (in W) and power fade		2. Power (in W) and power fade	

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	(in %).		(in %).	
Annex IV, A, first paragraph, point (3)				
974	3. Internal resistance (in □) and internal resistance increase (in %).	3. Internal resistance (in □) ~~*and*~~, internal resistance increase (in %)~~.~~ ***and electrochemical impedance (in□)***	3. Internal resistance (in □) and internal resistance increase (in %).	
Annex IV, A, first paragraph, point (4)				
975	4. Energy round trip efficiency and its fade (in %).		4. Energy round trip efficiency and its fade (in %).	
Annex IV, A, first paragraph, point (5)				
976	5. An indication of their expected life-time under the conditions for which they have been designed.	5. ~~*An indication of*~~ Their expected life-time under the ***reference*** conditions for which they have been designed ***in terms of cycles and calendar years***.	5. An indication of their expected life-time under the conditions for which they have been designed.	
Annex IV, A, first paragraph, point (5a)				
976a		***(5a) Self discharge.***		
Annex IV, A, second paragraph				
977	'Rated capacity' means the total	~~-~~'Rated capacity' means the total	-'Rated capacity' means the total	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	number of ampere-hours (Ah) that can be withdrawn from a fully charged battery under specific conditions.	number of ampere-hours (Ah) that can be withdrawn from a fully charged battery under specific ***reference*** conditions.	number of ampere-hours (Ah) that can be withdrawn from a fully charged battery under specific conditions.	
Annex IV, A, third paragraph				
978	‘Capacity fade’ means the decrease over time and upon usage in the amount of charge that a battery can deliver at the rated voltage, with respect to the original rated capacity declared by the manufacturer.	‘Capacity fade’ means the decrease over time and upon usage in the amount of charge that a battery can deliver at the rated voltage, with respect to the original rated capacity ~~*declared by the manufacturer.*~~.	‘Capacity fade’ means the decrease over time and upon usage in the amount of charge that a battery can deliver at the rated voltage, with respect to the original ~~rated~~**measured** capacity ~~declared by the manufacturer~~.	
Annex IV, A, fourth paragraph				
979	‘Power’ means the amount of energy that a battery is capable to provide over a given period of time.	‘Power’ means the amount of energy that a battery is capable to provide over a given period of time ***under reference conditions***.	‘Power’ means -the amount of energy that a battery is capable to provide over a given period of time.	
Annex IV, A, fifth paragraph				
980	‘Power fade’ means the decrease over time and upon usage in the amount of power that a battery can deliver at the rated voltage.		‘Power fade’ means the decrease over time and upon usage in the amount of power that a battery can deliver at the rated voltage.	
Annex IV, A, sixth paragraph				

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981	‘Internal resistance’ means the opposition to the flow of current within a cell or a battery, that is, the sum of electronic resistance and ionic resistance to the contribution to total effective resistance including inductive/capacitive properties.	‘Internal resistance’ means the opposition to the flow of current within a cell or a battery ***under reference conditions***, that is, the sum of electronic resistance and ionic resistance to the contribution to total effective resistance including inductive/capacitive properties.	‘Internal resistance’ means the opposition to the flow of current within a cell or a battery, that is, the sum of electronic resistance and ionic resistance to the contribution to total effective resistance including inductive/capacitive properties.	
Annex IV, A, seventh paragraph				
982	‘Energy round trip efficiency’ means the ratio of the net energy delivered by a battery during a discharge test to the total energy required to restore the initial State of Charge by a standard charge.		‘Energy round trip efficiency’ means the ratio of the net energy delivered by a battery during a discharge test to the total energy required to restore the initial State of Charge by a standard charge.	
Annex IV, A, seventh paragraph a				
982a		***'Self discharge' means the reduction of the stored electric charge when the battery’s electrodes are not connected, for example when the battery is stored or not used for an extended period of time, for example 48 h, 168 h,720 h, with the effect that the battery’s***		

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		charge gradually reduces overtime.		
Annex IV, B				
983	B Part B		B Part B	
Annex IV, B, first paragraph, introductory part				
984	Elements for explanation of the measurements made for parameters listed in Part A		Elements for explanation of the measurements made for parameters listed in Part A	
Annex IV, B, first paragraph, point (1)				
985	1. Applied discharge rate and charge rate.		1. Applied discharge rate and charge rate.	
Annex IV, B, first paragraph, point (2)				
986	2. Ratio between maximum allowed battery power (W) and battery energy (Wh).		2. Ratio between maximum allowed battery power (W) and battery energy (Wh).	
Annex IV, B, first paragraph, point (3)				
987	3. Depth of discharge in the cycle-life test.		3. Depth of discharge– in the cycle-life test.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex IV, B, first paragraph, point (4)				
988	4. Power capability at 80% and 20% state of charge.		4. Power capability at 80% and 20% state of charge.	
Annex IV, B, first paragraph, point (5)				
989	5. Any calculations performed with the measured parameters, if applicable.		5. Any calculations performed with the measured parameters, if applicable.	
Annex V				
990	Annex V Safety parameters		Annex V Safety parameters	
Annex V, point (1), introductory part				
991	1. Thermal shock and cycling		1. Thermal shock and cycling	
Annex V, point (1), first paragraph				
992	This test shall be designed to evaluate changes in the integrity of the battery arising from expansion and contraction of cell components upon exposure to extreme and sudden changes in temperature and potential consequences of such changes.		This test shall be designed to evaluate changes in the integrity of the battery arising from expansion and contraction of cell components upon exposure to extreme and sudden changes in temperature and potential consequences of such changes.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	During a thermal shock the battery shall be exposed to two temperature limits and held at each temperature limit for a specified period of time.		During a thermal shock the battery shall be exposed to two temperature limits and held at each temperature limit for a specified period of time.	
Annex V, point (2), introductory part				
993	2. External short circuit protection		2. External short circuit protection	
Annex V, point (2), first paragraph				
994	This test shall evaluate the safety performance of a battery when applying an external short circuit. The test can evaluate the activation of the overcurrent protection device or the ability of cells to withstand the current without reaching a hazardous situation (e.g. thermal runaway, explosion, fire). The main risk factors are heat generation at cell level and electrical arcing which may damage circuitry or may lead to reduced isolation resistance.		This test shall evaluate the safety performance of a battery when applying an external short circuit. The test can evaluate the activation of the overcurrent protection device or the ability of cells to withstand the current without reaching a hazardous situation (e.g. thermal runaway, explosion, fire). The main risk factors are heat generation at cell level and electrical arcing which may damage circuitry or may lead to reduced isolation resistance.	
Annex V, point (3), introductory part				
995				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	3. Overcharge protection		3. Overcharge protection	
Annex V, point (3), first paragraph				
996	This test shall evaluate the safety performance of a battery in overcharge situations. The main safety risks during overcharge are the decomposition of the electrolyte, cathode and anode breakdown, exothermic decomposition of the solid electrolyte interphase (SEI) layer, separator degradation, and the Li plating, which can lead to self-heating of the battery and thermal runaway. The factors affecting the outcome of the test shall include, at least, the charging rate and the finally reached state-of-charge (SOC). The protection can be ensured by either voltage control (interruption after reaching the limit charging voltage) or current control (interruption after exceeding maximum charging current).		This test shall evaluate the safety performance of a battery in overcharge situations. The main safety risks during overcharge are the decomposition of the electrolyte, cathode and anode breakdown, exothermic decomposition of the solid electrolyte interphase (SEI) layer, separator degradation, and the ~~Li~~**Lithium** plating, which can lead to self-heating of the battery and thermal runaway. The factors affecting the outcome of the test shall include, at least, the charging rate and the finally reached state-of-charge (SOC). The protection can be ensured by either voltage control (interruption after reaching the limit charging voltage) or current control (interruption after exceeding maximum charging current).	
Annex V, point (4), introductory part				
997	4. Over-discharge protection		4. Over-discharge protection	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex V, point (4), first paragraph				
998	This test shall evaluate the safety performance of a battery in over-discharge situations. Safety risks during over-discharge include polarity reversal leading to oxidation of the anode current collector (Copper) and to plating on the cathode side. Even minor over-discharge may cause dendrite formation and finally short circuit.		This test shall evaluate the safety performance of a battery in over-discharge situations. Safety risks during over-discharge include polarity reversal leading to oxidation of the anode current collector (Copper) and to plating on the cathode side. Even minor over-discharge may cause dendrite formation and finally short circuit.	
Annex V, point (5), introductory part				
999	5. Over-temperature protection		5. Over-temperature protection	
Annex V, point (5), first paragraph				
1000	This test shall evaluate the effect of temperature control failure or failure of other protection features against internal overheating during operation.		This test shall evaluate the effect of temperature control failure or failure of other protection features against internal overheating during operation.	
Annex V, point (6), introductory part				
1001	6. Thermal propagation	6. Thermal propagation ***protection***	6. Thermal propagation	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex V, point (6), first paragraph				
1002	This test shall evaluate the safety performance of a battery in thermal propagation situations. A thermal runaway in one cell can cause a cascading reaction through the entire battery which can be composed of numerous cells. It can lead to severe consequences including a significant gas release. The test shall take into account the tests under development for transport applications by ISO and UN GTR.		This test shall evaluate the safety performance of a battery in thermal propagation situations. A thermal runaway in one cell can cause a cascading reaction through the entire battery which can be composed of numerous cells. It can lead to severe consequences including a significant gas release. The test shall take into account the tests under development for transport applications by ISO and UN GTR.	
Annex V, point (7), introductory part				
1003	7. Mechanical damage by external forces (drop and impact)	7. Mechanical damage ~~*by external forces (drop and impact)*~~***protection***	7. Mechanical damage by external forces (~~drop and~~ impact)	
Annex V, point (7), first paragraph				
1004	These tests shall simulate one or more situations in which a battery accidentally drops or is impacted by a heavy load and remains operational for the purpose for	These tests shall simulate one or more situations in which a battery ~~*accidentally drops or is impacted by a heavy load*~~***is accidentally exposed to mechanical stresses***	These tests shall simulate one or more situations in which a battery **is** accidentally ~~drops or is~~ impacted by a heavy load and remains operational for the	

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	which it was designed. The criteria to simulate these situations should reflect real life uses.	and remains operational for the purpose for which it was designed.	purpose for which it was designed. The criteria to simulate these situations should reflect real life uses.	
Annex V, point (8), introductory part				
1005	8. Internal short circuit		8. Internal short circuit	
Annex V, point (8), first paragraph				
1006	This test shall evaluate the safety performance of a battery in internal short-circuit situations The occurrence of internal short circuits, one of the main concerns for battery manufacturers, potentially leads to venting, thermal runaway, along with sparking which can ignite the electrolyte vapours escaping from the cell. The generation of these internal shorts can be triggered by manufacturing imperfections, presence of impurities in the cells or dendritic growth of lithium, and leads to most of in-field safety incidents. Multiple internal short circuits scenarios are possible (e.g. electrical contact of cathode/anode, aluminium current		This test shall evaluate the safety performance of a battery in internal short-circuit situations The occurrence of internal short circuits, one of the main concerns for battery manufacturers, potentially leads to venting, thermal runaway, along with sparking which can ignite the electrolyte vapours escaping from the cell. The generation of these internal shorts can be triggered by manufacturing imperfections, presence of impurities in the cells or dendritic growth of lithium, and leads to most of in-field safety incidents. Multiple internal short circuits scenarios are possible (e.g. electrical contact of cathode/anode, aluminium current	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	collector/copper current collector, aluminium current collector /anode) each with a different contact resistance.		collector/copper current collector, aluminium current collector /anode) each with a different contact resistance.	
Annex V, point (9), introductory part				
1007	9. Thermal abuse		9. Thermal abuse	
Annex V, point (9), first paragraph				
1008	During this test, the battery shall exposed to elevated temperatures (in IEC 62619 this is 85 °C) which can trigger exothermal decomposition reactions and lead to a thermal runaway of the cell.		During this test, the battery shall exposed to elevated temperatures (in IEC 62619 this is 85 °C) which can trigger exothermal decomposition reactions and lead to a thermal runaway of the cell.	
Annex V, point (9), second paragraph				
1009	Proper considerations to the risk of toxic gases emitted from non-aqueous electrolytes should be made for all safety parameters listed in points 1 to 9.		Moved to row 1009c	
Annex V, point (10), introductory part				
1009a		***(9a) Fire test***	**(10) Fire test**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex V, Annex V, point (10), first paragraph				
1009b		***The objective of the fire test is to expose the battery to a fire and assess the risk of explosion. The measure of the energy released is an important safety indicator.***	**The risk of explosion shall be assessed by exposing the battery to fire.**	
Annex V, point (9b), introductory part				
		(9b) Gas emission – hazardous substances measurements		
Annex V, point (9b), first paragraph				
1009c	Proper considerations to the risk of toxic gases emitted from non-aqueous electrolytes should be made for all safety parameters listed in points 1 to 9. Moved reference text	***Batteries could contain significant amounts of potentially hazardous materials, for example highly flammable electrolytes, corrosive and toxic components. If exposed to certain conditions, the integrity of the battery could be compromised, with release of hazardous gases. Therefore, it is important to identify and quantify substances being released from the battery during tests representing misuse and abuse.***	Proper considerations to the risk of toxic gases emitted from non-aqueous electrolytes should be made for all safety parameters listed in points 1 to ~~9~~**10**. Moved from row 1009	
Annex VI				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1010	Annex VI Labelling requirements		Annex VI Labelling**, marking and information** requirements	
Annex VI, A				
1011	A Part A		A Part A	
Annex VI, A, first heading				
1012	General information about batteries		General information about batteries	
Annex VI, A, first paragraph, introductory part				
1013	Information on the label of batteries:		Information on the label of batteries:	
Annex VI, A, first paragraph, point (1)				
1014	1. the manufacturer's name, registered trade name or trade mark;		1. the manufacturer's **identification in accordance with Article 38(8)** ~~name, registered trade name or trade mark~~;	
Annex VI, A, first paragraph, point (1a)				
1014a			**(1a) where relevant, the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			importer's identification in accordance with Article 41(3);	
Annex VI, A, first paragraph, point (2)				
1015	2. the battery type, batch or serial number of the battery or other element allowing its unequivocal identification;		2. the battery type~~, batch or serial number of the battery or other element allowing its unequivocal identification~~ **and its identification in accordance with Article 38(7a)**;	
Annex VI, A, first paragraph, point (3)				
1016	3. battery model identifier;		*deleted*	
Annex VI, A, first paragraph, point (4)				
1017	4. date of manufacture;		*deleted*	
Annex VI, A, first paragraph, point (5)				
1018	5. date of placing on the market;	5. ~~*date of placing on the market;*~~***deleted***	*deleted*	
Annex VI, A, first paragraph, point (5a)				
1018a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		(5a) the weight of the battery	**(4) manufacturing place (geographical location of a battery manufacturing facility);**	
Annex VI, A, first paragraph, point (4a)				
1018b			**(4a) manufacturing date (month and year);**	
Annex VI, A, first paragraph, point (5)				
1018c			**(5) weight;**	
Annex VI, A, first paragraph, point (5a)				
1018d			**(5a) capacity;**	
Annex VI, A, first paragraph, point (6)				
1019	6. chemistry;		6. chemistry;	
Annex VI, A, first paragraph, point (7)				
1020	7. hazardous substances contained in the battery other than mercury, cadmium or lead;	7. hazardous substances contained in the battery ***above a concentration of 0,1 % weight by weight*** other than mercury, cadmium or lead;	*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VI, A, first paragraph, point (8)				
1021	8. critical raw materials contained in the battery.	8. ~~*critical raw materials contained in the battery.*~~***deleted***	*deleted*	
Annex VI, *A, first paragraph, point (9)*				
1021a		***Part Aa Additional information about batteries accessed through the QR code***	**(9) usable extinguishing agent.**	
Annex VI, Part aa, a				
1021b		***1. Date of placing on the market.*** ***2. Critical raw materials contained in the battery above a concentration of 0,1 % weight by weight.*** ***3. Information relating to the consumption of electric energy, other forms of energy and where relevant other essential resources during use.***		
Annex VI, B				
1022	B Part B		B Part B	
Annex VI, B, first heading				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1023	Symbol for separate collection of batteries		Symbol for separate collection of batteries	
Annex VI, B, first paragraph, introductory part				
1024			**The symbol shall cover at least 3 % of the area of the largest side of the battery, except in the case of cylindrical battery cells, where the symbol shall cover at least 1,5 % of the surface area of the battery.**	
Annex VI, B, first paragraph a				
1024a			**The size of the symbol marking the battery shall not be smaller than 0,5 × 0,5 cm and shall not be bigger than 5 × 5 cm.**	
Annex VI, B, first paragraph b				
1024b			**The size of the symbol printed on the packaging and on the documentation accompanying the battery shall not be smaller than 1 × 1 cm.**	
Annex VI, C				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1025	C Part C		C Part C	
Annex VI, C, first heading				
1026	QR code	~~*QR code*~~	QR code **and unique identifier**	
Annex VI, C, first paragraph				
1027	The QR code shall be 100% black and of a size that is easily readable by a commonly available QR reader, such as those integrated in hand-held communication devices.	The QR code shall be ~~*100% black*~~***in a colour with a high contrast compared to its background*** and of a size that is easily readable by a commonly available QR reader, such as those integrated in hand-held communication devices~~.~~	The QR code **an unique identifier** shall be ~~100% black~~**of a high colour contrast** and of a size that is easily readable by a commonly available ~~QR~~ reader, such as those integrated in hand-held communication devices.	
Annex VII				
1028	Annex VII Parameters for determining the state of health of batteries and expected lifetime of batteries		Annex VII Parameters for determining the state of health ~~of batteries~~ and expected lifetime of **industrial batteries, LMT batteries with a capacity above 2 kWh, and electric vehicle** batteries	
Annex VII, first paragraph, introductory part				
1029				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Parameters for determining the state of health of batteries:		Parameters for determining the state of health of **LMT batteries, industrial batteries with a capacity above 2 kWh, and electric vehicle** batteries:	
Annex VII, first paragraph, point (1)				
1030	1. Remaining capacity;		1. Remaining capacity;	
Annex VII, first paragraph, point (2)				
1031	2. Overall capacity fade;		2. Overall capacity fade;	
Annex VII, first paragraph, point (3)				
1032	3. Remaining power capability and power fade;		3. Remaining power capability and power fade;	
Annex VII, first paragraph, point (4)				
1033	4. Remaining round trip efficiency;		4. Remaining round trip efficiency;	
Annex VII, first paragraph, point (5)				
1034	5. Actual cooling demand;		5. Actual cooling demand;	

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Annex VII, first paragraph, point (6)				
1035	6. Evolution of self-discharging rates;		6. Evolution of self-discharging rates;	
Annex VII, first paragraph, point (7)				
1036	7. Ohmic resistance and/or electrochemical impedance.		7. Ohmic resistance and/or electrochemical impedance.	
Annex VII, second paragraph, introductory part				
1037	Parameters for determining the expected lifetime of batteries:		Parameters for determining the expected lifetime of batteries:	
Annex VII, second paragraph, point (1)				
1038	1. The dates of manufacturing of the battery and putting into service;		1. The dates of manufacturing of the battery ~~and~~**or, if applicable, the date of** putting into service;	
Annex VII, second paragraph, point (2)				
1039	2. Energy throughput;		2. Energy throughput;	
Annex VII, second paragraph, point (3)				
1040	3. Capacity throughput.		3. Capacity throughput~~.~~**;**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VII, second paragraph, point (4)				
1040a			**(4) Tracking of harmful events, such as the number of deep discharge events, time spent in extreme temperatures, time spent charging during extreme temperatures;**	
Annex VII, second paragraph, point (5)				
1040b			**(5) Number of full charge-discharge cycles.**	
Annex VIII				
1041	Annex VIII Conformity assessment procedures		Annex VIII Conformity assessment procedures	
Annex VIII, A				
1042	A Part A		A Part A	
Annex VIII, A, first heading				
1043	MODULE A - INTERNAL PRODUCTION CONTROL		MODULE A - INTERNAL PRODUCTION CONTROL	

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Annex VIII, A, point (1), introductory part				
1044	1. Description of the module		1. Description of the module	
Annex VIII, A, point (1), first paragraph				
1045	Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 4, and ensures and declares that the battery satisfies the requirements set out in Articles 6, 9, 10, 11, 12, 13 and 14 that apply to them.	Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 4, and ensures and declares that the battery satisfies the requirements set out in Articles 6, 9, ~~*10, 11, 12*~~***11***, 13 and 14 that apply to them.	Internal production control is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 4 **of this Module**, and ensures and declares **on his sole responsibility, without prejudice to the responsibilities of other economic operators in accordance with this Regulation,** that the **batteries concerned satisfy** ~~battery satisfies~~ the requirements set out in Articles 6, **7, 8,** 9, 10, ~~11,~~12, 13 and 14 that apply to them.	
Annex VIII, A, point (2), introductory part				
1046	2. Technical documentation		2. Technical documentation	
Annex VIII, A, point (2), first paragraph				
1047	The manufacturer shall draw up the technical documentation. The		The manufacturer shall draw up the technical documentation. The	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	documentation shall make it possible to assess the battery's conformity with the relevant requirements referred to in point 1.		documentation shall make it possible to assess the battery's conformity with the relevant requirements referred to in point 1**, and shall include an adequate analysis and assessment of the risk(s)**.	
Annex VIII, A, point (2), second paragraph, introductory part				
1048	The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and intended use of the battery. The technical documentation shall contain, where applicable, at least the following elements:		The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and ~~intended use~~**operation** of the battery. The technical documentation shall contain, where applicable, at least the following elements:	
Annex VIII, A, point (2), second paragraph(a)				
1049	(a) a general description of the battery and its intended use;		(a) a general description of the battery and its intended use;	
Annex VIII, A, point (2), second paragraph(b)				
1050	(b) conceptual design and manufacturing drawings and schemes of components, sub-		(b) conceptual design and manufacturing drawings and schemes of components, sub-	

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	assemblies, circuits;		assemblies, circuits**, etc**;	
Annex VIII, A, point (2), second paragraph(c)				
1051	(c) descriptions and explanations necessary for the understanding of the drawings and schemes referred to in point (b) and the operation of the battery;		(c) descriptions and explanations necessary for the understanding of the drawings and schemes referred to in point (b) and the operation of the battery;	
Annex VIII, A, point (2), second paragraph(ca)				
1051a			**(ca) a specimen of the labelling required in accordance with Article 13;**	
Annex VIII, A, point (2), second paragraph(d), introductory part				
1052	(d) a list which includes:		(d) a list **harmonised standards, common specifications or other relevant technical specifications** which includes:	
Annex VIII, A, point (2), second paragraph(d)(i)				
1053	(i) the harmonised standards referred to in Article 15, applied in full or in part;		(i) **a list of** the harmonised standards referred to in Article 15, applied in full or in part**, including an indication of which parts have been applied**;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, A, point (2), second paragraph(d)(ii)				
1054	(ii) the common specifications referred to in Article 16, applied in full or in part;		(ii) **a list of** the common specifications referred to in Article 16, applied in full or in part**, including an indication of which parts have been applied**;	
Annex VIII, A, point (2), second paragraph(d)(iii)				
1055	(iii) other relevant technical specifications used for measurement or calculation purposes;		(iii) **a list of** other relevant technical specifications used for measurement or calculation purposes;	
Annex VIII, A, point (2), second paragraph(d)(iv)				
1056	(iv) an indication of which parts of the harmonised standards referred to in point (i) and the common specifications referred to in point (ii) that have been applied;		*deleted*	
Annex VIII, A, point (2), second paragraph(d)(v)				
1057	(v) where the harmonised standards referred to in point (i) and the common specifications		(v) where the harmonised standards referred to in point (i) and the common specifications	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	referred to in point (ii) have not been applied, a description of the solutions adopted to meet the requirements referred to in point 1.		referred to in point (ii)– have not been applied **or are not available**, a description of the solutions adopted to meet the **applicable** requirements referred to in point 1- **or to verify the compliance of batteries with those requirements;**	
Annex VIII, A, point (2), second paragraph(da)				
1057a			**(da) results of design calculations made, examinations carried out, technical or documentary evidence used, etc.; and**	
Annex VIII, A, point (2), second paragraph(e)				
1058	(e) test reports.		(e) test reports.	
Annex VIII, A, point (3), introductory part				
1059	3. Manufacturing		3. Manufacturing	
Annex VIII, A, point (3), first paragraph				
1060	The manufacturer shall take all measures necessary so that the manufacturing process and its		The manufacturer shall take all measures necessary so that the manufacturing process and its	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	monitoring ensure compliance of the battery with the technical documentation referred to in point 2 and with the requirements referred to in point 1.		monitoring ensure compliance of the ~~battery~~**manufactured batteries** with the technical documentation referred to in point 2 and with the **applicable** requirements referred to in point 1.	
Annex VIII, A, point (4), introductory part				
1061	4. CE marking and EU declaration of conformity		4. CE marking and EU declaration of conformity	
Annex VIII, A, point (4), first paragraph				
1062	The manufacturer shall affix the CE marking to each individual packaging of the battery model that satisfies the requirements referred to in point 1, or, where it is supplied without packaging, in a document accompanying the battery model.		The manufacturer shall affix the CE marking to each individual ~~packaging of the~~ battery ~~model~~ that satisfies the **applicable** requirements referred to in point 1, or, where ~~it is supplied without packaging, in a document~~**that is not possible or not warranted due to the nature of the battery, to the packaging and the documents** accompanying the battery ~~model~~.	
Annex VIII, A, point (4), second paragraph				
1063				

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	The manufacturer shall draw up an EU declaration of conformity for each battery model in accordance with Article 18 and keep it together with the technical documentation at the disposal of the national authorities for ten years after the last battery belonging to the respective battery model has been placed on the market.		The manufacturer shall draw up an EU declaration of conformity for each battery model in accordance with Article 18 and keep it together with the technical documentation at the disposal of the national authorities for ten years after the last battery belonging to the respective battery model has been placed on the market. **The EU declaration of conformity shall identify the battery model for which it has been drawn up.**	
Annex VIII, A, point (4), third paragraph				
1064	A copy of the EU declaration of conformity shall be made available to the relevant authorities of the Member States upon request.		A copy of the EU declaration of conformity shall be made available to the ~~relevant~~**national** authorities ~~of the Member States~~ upon request.	
Annex VIII, A, point (5), introductory part				
1065	5. Authorised representative		5. **Manufacturer's** Authorised representative	
Annex VIII, A, point (5), first paragraph				
1066				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	The manufacturer's obligations set out in point 4 may be fulfilled by his or her authorised representative, on his or her behalf and under his or her responsibility, provided that they are specified in the mandate.		The manufacturer's obligations set out in point 4 may be fulfilled by ~~his or her~~**the manufacturer's** authorised representative, on ~~his or her~~**its** behalf and under ~~his or her~~**the manufacturer's** responsibility, provided that they are specified in the mandate.	
Annex VIII, B				
1067	B Part B		B Part B	
Annex VIII, B, first heading				
1068	MODULE A1 - INTERNAL PRODUCTION CONTROL PLUS SUPERVISED VERIFICATION		MODULE ~~A1 - INTERNAL PRODUCTION CONTROL PLUS SUPERVISED VERIFICATION~~**D1 - QUALITY ASSURANCE OF THE PRODUCTION PROCESS**	
Annex VIII, B, point (1), introductory part				
1069	1. Description of the module		1. Description of the module	
Annex VIII, B, point (1), first paragraph				
1070	Internal production control plus supervised verification is the	Internal production control plus supervised verification is the	~~Internal production control plus supervised verification~~**Quality**	

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	conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3, 4, and 5, and ensures and declares that the battery satisfy the requirements set out in Articles 7, 8 and 39 that are applicable.	conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3, 4, and 5, and ensures and declares that the battery satisfy the requirements set out in Articles 7, 8, ***10, 12*** and 39 that are applicable.	**assurance of the production process** is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2~~, 3, 4, and 5~~**, 4 and 7 of this module**, and ensures and declares **on his sole responsibility, without prejudice to the responsibilities of other economic operators in accordance with this Regulation,** that the ~~battery~~**batteries concerned** satisfy the **applicable** requirements set out in Articles 7 **and 8, or, at the choice of the manufacturer, all**~~, 8 and 39 that are~~ applicable **requirement set out in Articles 6 to 10 and 12 to 14**.	
Annex VIII, B, point (2), introductory part				
1071	2. Technical documentation		2. Technical documentation	
Annex VIII, B, point (2), first paragraph				
1072	The manufacturer shall draw up the technical documentation. The documentation shall make it possible to assess the battery's		The manufacturer~~ shall draw up~~ **shall establish** the technical documentation. The **technical** documentation shall make it	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	conformity with the requirements referred to in point 1, and shall include an adequate analysis and assessment of the risk(s).		possible to assess the battery's conformity with the ~~requirements referred to in point 1~~**relevant requirements**, and shall include an adequate analysis and assessment of the risk(s).	
Annex VIII, B, point (2), second paragraph, introductory part				
1073	The technical documentation shall specify the applicable requirements referred to in point 1 and cover, as far as relevant for the assessment, the design, manufacture and operation of the battery. The technical documentation shall contain, wherever applicable, at least the following elements:		The technical documentation shall specify the applicable requirements ~~referred to in point 1~~ and cover, as far as relevant for the assessment, the design, manufacture and operation of the battery. The technical documentation shall ~~contain, wherever~~**, where** applicable, **contain** at least the following elements:	
Annex VIII, B, point (2), second paragraph(a)				
1074	(a) a general description of the battery;		(a) a general description of the battery~~;~~ **and its intended use,**	
Annex VIII, B, point (2), second paragraph(b)				
1075	(b) conceptual design and manufacturing drawings and		(b) conceptual design and manufacturing drawings and	

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	schemes of components, sub-assemblies, circuits.;		schemes of components, sub-assemblies, circuits**, etc**.~~:~~**,**	
Annex VIII, B, point (2), second paragraph(c)				
1076	(c) descriptions and explanations necessary for the understanding of the drawings and schemes referred to in point (b) and the operation of the battery;test reports.		(c) descriptions and explanations necessary for the understanding of the drawings and schemes referred to in point (b) and the operation of the battery~~;test reports.~~**,**	
Annex VIII, B, point (2), second paragraph(d)				
1076a			**(d) a specimen of the labelling required in accordance with Article 13,**	
Annex VIII, B, point (2), second paragraph(e)				
1076b			**(e) a list of the harmonised standards referred to in Article 15 and/or the common specifications referred to in Article 16, applied, and, in the event of partly applied harmonised standards and/or common specifications, an indication of which parts have been applied,**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, B, point (2), second paragraph(f)				
1076c			**(f) a list of other relevant technical specifications used for measurement or calculation purposes and descriptions of the solutions adopted to meet the applicable requirements referred to in point 1 or to verify the compliance of batteries with those requirements, where harmonised standards and/or common specifications have not been applied or are not available,**	
Annex VIII, B, point (2), second paragraph(g)				
1076d			**(g) results of design calculations made, examinations carried out, technical or documentary evidence used, etc.,**	
Annex VIII, B, point (2), second paragraph(h)				
1076e			**(h) a study supporting the carbon footprint values referred to in Article 7(1) and the carbon footprint class referred to in Article 7(2), containing the calculations made in accordance**	

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			with the methodology set out in the delegated act adopted by the Commission pursuant to point (a) of Article 7(1) and the evidence and information determining the input data for those calculations,	
Annex VIII, B, point (2), second paragraph(i)				
1076f			**(i) a study supporting the recycled content share referred to in Article 8, containing the calculations made in accordance with the methodology set out in the delegated act adopted by the Commission pursuant to second subparagraph of Article 8(1) and the evidence and information determining the input data for those calculations;**	
Annex VIII, B, point (2), second paragraph(j)				
1076g			**(j) test reports.**	
Annex VIII, B, point (3), introductory part				
1076h			**3. Availability of technical**	

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			documentation	
Annex VIII, B, point (3), first paragraph				
1076i			**The manufacturer shall keep the technical documentation at the disposal of the national authorities for 10 years after the battery has been placed on the market.**	
Annex VIII, B, point (3), introductory part				
1077	3. Manufacturing		~~3~~**4**. Manufacturing	
Annex VIII, B, point (3), first paragraph				
1078	The manufacturer or the importer that places the battery on the Union market shall take all measures necessary so that the manufacturing process and its monitoring ensure compliance of the manufactured products with the technical documentation referred to in point 2 and with the applicable requirements referred to in point 1.		The manufacturer ~~or the importer that places the battery on the Union market~~ shall ~~take all measures necessary so that the manufacturing process and its monitoring ensure compliance~~**operate an approved quality system for production, final product inspection and testing** of the ~~manufactured products with the technical documentation referred to~~**batteries concerned as**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			specified in point ~~2 and with the applicable requirements referred to~~**5, and shall be subject to surveillance as specified** in point ~~1~~**6**.	
Annex VIII, B, point (5), introductory part				
1078a			**5. Quality system**	
Annex VIII, B, point (5)(1), introductory part				
1078b			**1 The manufacturer shall lodge an application for assessment of his quality system with the notified body of his choice, for the batteries concerned.** **The application shall include:**	
Annex VIII, B, point (5)(1), point (a)				
1078c			**(a) the name and address of the manufacturer and, if the application is lodged by the manufacturer's authorised representative, his name and address as well,**	
Annex VIII, B, point (5)(1), point (b)				
1078d				

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			(b) a written declaration that the same application has not been lodged with any other notified body,	
Annex VIII, B, point (5)(1), point (c)				
1078e			**(c) all relevant information for the battery category envisaged,**	
Annex VIII, B, point (5)(1), point (d)				
1078f			**(d) the documentation concerning the quality system referred to in point 5.2,**	
Annex VIII, B, point (5)(1), point (e)				
1078g			**(e) the technical documentation referred to in point 2.**	
Annex VIII, B, point (5), second paragraph, introductory part				
1078h			**2. The quality system shall ensure compliance of the batteries with the requirements referred to in point 1 that apply to them.**	

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Annex VIII, B, point (5)(2), second paragraph				
1078i			**All the elements, requirements and provisions adopted by the manufacturer shall be documented in a systematic and orderly manner in the form of written policies, procedures and instructions. The quality system documentation shall permit a consistent interpretation of the quality programmes, plans, manuals and records.**	
Annex VIII, B, point (5)(2), third paragraph, introductory part				
1078j			**It shall, in particular, contain an adequate description of:**	
Annex VIII, B, point (5)(2), point (a)				
1078k			**(a) the quality objectives and the organisational structure, responsibilities and powers of the management with regard to product quality,**	
Annex VIII, B, point (5)(2), point (b)				
1078l			**(b) the procedures for**	

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			documenting and monitoring the parameters and data necessary for calculating and updating the recycled content share referred to in Article 8 and, where applicable, the carbon footprint values and class referred to in Article 7,	
Annex VIII, B, point (5)(2), point (c)				
1078m			**(c) the corresponding manufacturing, quality control and quality assurance techniques, processes and systematic actions that will be used,**	
Annex VIII, B, point (5)(2), point (d)				
1078n			**(d) the examinations, calculations, measurements and tests that will be carried out before, during and after manufacture, and the frequency with which they will be carried out,**	
Annex VIII, B, point (5)(2), point (e)				
1078o				

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			(e) the quality records, such as inspection reports and calculation, measurement and test data, calibration data, qualification reports on the personnel concerned, etc.,	
Annex VIII, B, point (5)(2), point (f)				
1078p			**(f) the means of monitoring the achievement of the required product quality and the effective operation of the quality system.**	
Annex VIII, B, point (5) (3)				
1078q			**3. The notified body shall assess the quality system to determine whether it satisfies the requirements referred to in point 5.2.**	
Annex VIII, B, point (5)(3), first paragraph				
1078r			**It shall presume conformity with those requirements in respect of the elements of the quality system that comply with the corresponding specifications of the relevant harmonised**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			standard.	
Annex VIII, B, point (5)(3), second paragraph				
1078s			**In addition to experience in quality management systems, the auditing team shall have at least one member with experience of evaluation in the relevant product field and product technology concerned, and knowledge of the applicable requirements referred to in point 1. The audit shall include an assessment visit to the manufacturer's premises.**	
Annex VIII, B, point (5), third paragraph				
1078t			**The auditing team shall review the technical documentation referred to in point 2 in order to verify the manufacturer's ability to identify the applicable requirements referred to in point 1 and to carry out the necessary examinations, calculations, measurements and tests with a view to ensuring compliance of the battery with those requirements. The**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			auditing team shall check the reliability of data used for the calculation of the recycled content share referred to in Article 8 and, where applicable, the carbon footprint values and class referred to in Article 7 as well as the proper implementation of the relevant calculation methodology.	
Annex VIII, B, point (5), fourth paragraph				
1078u			**The decision of the notified body shall be notified to the manufacturer. The notification shall contain the conclusions of the audit and the reasoned assessment decision.**	
Annex VIII, B, point (5) (4)				
1078v			**4. The manufacturer shall undertake to fulfil the obligations arising out of the quality system as approved and to maintain it so that it remains adequate and efficient.**	
Annex VIII, B, point (5) (5)				

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1078w			**5. The manufacturer shall keep the notified body that has approved the quality system informed of any intended change to the quality system.**	
Annex VIII, B, point (5) (5), first paragraph				
1078x			**The notified body shall evaluate any proposed changes and decide whether the modified quality system will continue to satisfy the requirements referred to in point 5.2 or whether reassessment is necessary.**	
Annex VIII, B, point (5)(5), second paragraph				
1078y			**The notified body shall notify the manufacturer of its decision. The notification shall contain the conclusions of the examination and the reasoned assessment decision.**	
Annex VIII, B, point (6)				
1078z			**Surveillance under the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			responsibility of the notified body	
Annex VIII, B, point (6) (1)				
1078a a			**1. The purpose of surveillance is to make sure that the manufacturer duly fulfils the obligations arising out of the approved quality system.**	
Annex VIII, B, point (6) (2)				
1078a b			**2. The manufacturer shall, for assessment purposes, allow the notified body access to the manufacture, inspection, testing and storage sites and shall provide it with all necessary information, in particular:**	
Annex VIII, B, point (6)(2), point (a)				
1078a c			**(a) the quality system documentation referred to in point 5.2,**	
Annex VIII, B, point (6)(2), point (b)				
1078a d			**(b) the technical documentation**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			referred to in point 2,	
Annex VIII, B, point (6)(2), point (c)				
1078ae			**(c) the quality records, such as inspection reports and calculation, measurement and test data, calibration data, qualification reports on the personnel concerned, etc.**	
Annex VIII, B, point (6) (3)				
1078af			**3. The notified body shall carry out periodic audits to make sure that the manufacturer maintains and applies the quality system and shall provide the manufacturer with an audit report. During such audits the notified body shall check at least the reliability of data used for the calculation of the recycled content share referred to in Article 8 and, where applicable, the carbon footprint values and class referred to in Article 7 as well as the proper implementation of the relevant calculation methodology.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, B, point (6) (4)				
1078ag			**4. In addition, the notified body may pay unexpected visits to the manufacturer. During such visits the notified body may, if necessary, carry out examinations, calculations, measurements and tests, or have them carried out, in order to verify that the quality system is functioning correctly. The notified body shall provide the manufacturer with a visit report and, if tests have been carried out, with a test report.**	
Annex VIII, B, point (7)				
1078ah			**CE marking and EU declaration of conformity**	
Annex VIII, B, point (7) (1)				
1078ai			**1. The manufacturer shall affix the CE marking, and, under the responsibility of the notified body referred to in point 5.1, the latter's identification number to each individual battery that satisfies the applicable**	

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			requirements referred to in point 1, or, where that is not possible or not warranted due to the nature of the battery, to the packaging and the documents accompanying the battery.	
Annex VIII, B, point (7) (2)				
1078aj			**2. The manufacturer shall draw up an EU declaration of conformity for each battery model in accordance with Article 18 and keep it at the disposal of the national authorities for 10 years after the last battery belonging to the respective battery model has been placed on the market. The EU declaration of conformity shall identify the battery model for which it has been drawn up.**	
Annex VIII, B, point (7) (2), first paragraph				
1078ak			**A copy of the EU declaration of conformity shall be made available to the national authorities upon request.**	
Annex VIII, B, point (8), introductory part				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1078al			**8 Availability of quality system documentation**	
Annex VIII, B, point (8), first paragraph				
1078am			**The manufacturer shall, for a period of 10 years after the battery has been placed on the market, keep at the disposal of the national authorities:**	
Annex VIII, B, point (8), first paragraph, point (a)				
1078an			**(a) the quality system documentation referred to in point 5.2,**	
Annex VIII, B, point (8), first paragraph, point (b)				
1078ao			**(b) the change referred to in point 5.5, as approved,**	
Annex VIII, B, point (8), first paragraph, point (c)				
1078ap			**(c) the decisions and reports of the notified body referred to in points 5.5, 6.3 and 6.4.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, B, point (9), introductory part				
1078aq			**9. Information obligations of the notified body**	
Annex VIII, B, point (9), first paragraph				
1078ar			**Each notified body shall inform its notifying authority of quality system approvals issued or withdrawn, and shall, periodically or upon request, make available to its notifying authority the list of quality system approvals refused, suspended or otherwise restricted.**	
Annex VIII, B, point (9), second paragraph				
1078as			**Each notified body shall inform the other notified bodies of quality system approvals which it has refused, withdrawn, suspended or otherwise restricted, and, upon request, of quality system approvals which it has issued.**	
Annex VIII, B, point (10), introductory part				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1078at			**10. Manufacturer's Authorised representative**	
Annex VIII, B, point (9), first paragraph				
1078au			**The manufacturer's obligations set out in points 3, 5.1, 5.5, 7 and 8 may be fulfilled by the manufacturer's authorised representative, on the manufacturer's behalf and under the manufacturer's responsibility, provided that they are specified in the mandate.**	
Annex VIII, B, point (4), introductory part				
1079	4. Product and information checks		*deleted*	
Annex VIII, B, point (4), first paragraph				
1080	For each battery model, and where applicable, for each batch that the manufacturer or the importer places on the Union market, the mentioned economic operator shall carry out one or more tests		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	on one or more specific aspects of the battery model or batch of batteriesin order to verify conformity with the corresponding requirements referred to in point 1. For large battery batches, the manufacturer, the authorised representative or the importer shall choose a statistically representative sample of batteries.			
Annex VIII, B, point (4), second paragraph				
1081	The manufacturer, or the importer that places the battery model on the Union market, shall submit the information and documents referred to in Articles 7, 8 and 39 of this Regulation to the notified body for verification of compliance with the applicable requirements and obligations in those Articles, as well as in applicable implementing measures.		*deleted*	
Annex VIII, B, point (5), introductory part				
1082	5. CE marking and EU declaration of conformity		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, B, point (5), first paragraph				
1083	The manufacturershall affix the CE marking and, under the responsibility of the notified body referred to in point 4, the latter's identification number to each battery, or to the packaging thereof, that satisfies the applicable requirements of this Regulation.		*deleted*	
Annex VIII, B, point (5), second paragraph				
1084	The manufacturer shall draw up a an EU declaration of conformity for each battery model in accordance with Article 18 and keep it together with the technical documentation at the disposal of the national authorities for ten years after the last battery belonging to the respective model has been placed on the market.		*deleted*	
Annex VIII, B, point (5), third paragraph				
1085	A copy of the EU declaration of conformity shall be made available to the relevant authorities of Member States upon		*deleted*	

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	request.			
Annex VIII, B, point (6), introductory part				
1086	6. Authorised representative		*deleted*	
Annex VIII, B, point (6), first paragraph				
1087	The manufacturer's obligations set out in points 4 and 5 may be fulfilled by the manufacturer's authorised representative, on the manufacturer's behalf and under the manufacturer's responsibility, provided that they are specified in the mandate.		*deleted*	
Annex VIII, Part C				
1087a			**Part C Part C**	
Annex VIII, Part C - Title				
1087b			**Title** **MODULE G - CONFORMITY BASED ON UNIT VERIFICATION**	

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Annex VIII, point (1)				
1087c			**1 Description of the module**	
Annex VIII, Part C, point (1), first paragraph				
1087d			**Conformity based on unit verification is the conformity assessment procedure whereby the manufacturer fulfils the obligations laid down in points 2, 3 and 5 of this module, and ensures and declares on his sole responsibility, without prejudice to the responsibilities of other economic operators in accordance with this Regulation, that the battery concerned, which has been subject to the provisions of point 4, is in conformity with the applicable requirements set out in Articles 7 and 8, or, at the choice of the manufacturer, all applicable requirements set out in Articles 6 to 10 and 12 to 14.**	
Annex VIII, point (2)				
1087e			**2. Technical documentation**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, point (2)(1)				
1087f			**2.1 The manufacturer shall establish the technical documentation and make it available to the notified body referred to in point 4. The technical documentation shall make it possible to assess the battery's conformity with the relevant requirements and shall include an adequate analysis and assessment of the risk(s).**	
Annex VIII, point (2)(1), first paragraph				
1087g			**The technical documentation shall specify the applicable requirements and cover, as far as relevant for the assessment, the design, manufacture and operation of the battery.**	
Annex VIII, point (2)(1), second paragraph				
1087h			**The technical documentation shall, where applicable, contain at least the following elements:**	
Annex VIII, point (2)(1), second paragraph, point (a)				

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1087i			**(a) a general description of the battery and its intended use,**	
Annex VIII, point (2)(1), second paragraph, point (b)				
1087j			**(b) conceptual design and manufacturing drawings and schemes of components, sub-assemblies, circuits, etc.,**	
Annex VIII, point (2)(1), second paragraph, point (c)				
1087k			**(c) descriptions and explanations necessary for the understanding of the drawings and schemes referred to in point (b) and the operation of the battery,**	
Annex VIII, point (2)(1), second paragraph, point (d)				
1087l			**(d) a specimen of the labelling required in accordance with Article 13,**	
Annex VIII, point (2) (1), second paragraph, point (e)				
1087m			**(e) a list of the harmonised standards referred to in Article**	

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			15 and/or the common specifications referred to in Article 16 applied, and, in the event of partly applied harmonised standards and/or common specifications, an indication of which parts have been applied,	
Annex VIII, point (2)(1), second paragraph, point (f)				
1087n			**(f) a list of other relevant technical specifications used for measurement or calculation purposes and descriptions of the solutions adopted to meet the applicable requirements referred to in point 1 or to verify the compliance of batteries with those requirements, where harmonised standards and/or common specifications have not been applied or are not available,**	
Annex VIII, point (2)(1), second paragraph, point (g)				
1087o			**(g) results of design calculations made, examinations carried out, technical or documentary evidence used, etc.,**	

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Annex VIII, point (2)(1), second paragraph, point (h)				
1087p			**(h) a study supporting the carbon footprint values and class referred to in Article 7, containing the calculations made in accordance with the methodology set out in the delegated act adopted by the Commission pursuant to point (a) of the third subparagraph of Article 7(1) and the evidence and information determining the input data for those calculations,**	
Annex VIII, point (2)(1), second paragraph, point (i)				
1087q			**(i) a study supporting the recycled content share referred to in Article 8, containing the calculations made in accordance with the methodology set out in the delegated act adopted by the Commission pursuant to second subparagraph of Article 8(1) and the evidence and information determining the input data for those calculations,**	

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Annex VIII, point (2)(1), second paragraph, point (j)				
1087r			**(j) test reports.**	
Annex VIII, point (2)(2)				
1087s			**2.2 The manufacturer shall keep the technical documentation at the disposal of the national authorities for 10 years after the battery has been placed on the market.**	
Annex VIII, point (3)				
1087t			**3. Manufacturing**	
Annex VIII, point (3), first paragraph				
1087u			**The manufacturer shall take all measures necessary so that the manufacturing process and its monitoring ensure conformity of the manufactured battery with the applicable requirements referred to in point 1.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex VIII, point (4)				
1087v			**4. Verification**	
Annex VIII, Annex VIII, point (4)(1), first paragraph				
1087w			**4.1 A notified body chosen by the manufacturer shall carry out appropriate examinations, calculations, measurements and tests, set out in the relevant harmonised standards referred to in Article 15 and/or common specifications referred to in Article 16, or equivalent tests, to check the conformity of the battery with the applicable requirements referred to in point 1, or have them carried out. In the absence of such a harmonised standard and/or common specification the notified body concerned shall decide on the appropriate examinations, calculations, measurements and tests to be carried out.**	
Annex VIII, point (4)(1), second paragraph				
1087x			**The notified body shall issue a**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			certificate of conformity in respect of the examinations, calculations, measurements and tests carried out and shall affix its identification number to the approved battery, or have it affixed under its responsibility.	
Annex VIII, point (4)(2)				
1087y			**4.2 The manufacturer shall keep the certificates of conformity at the disposal of the national authorities for 10 years after the battery has been placed on the market.**	
Annex VIII, point (5)				
1087z			**5. CE marking and EU declaration of conformity**	
Annex VIII, point (5), first paragraph				
1087aa			**The manufacturer shall affix the CE marking and, under the responsibility of the notified body referred to in point 4, the latter's identification number to each battery that satisfies the**	

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			applicable requirements referred to in point 1, or, where that is not possible or not warranted due to the nature of the battery, to the packaging and the documents accompanying the battery.	
Annex VIII, point (5), second paragraph				
1087ab			**The manufacturer shall draw up an EU declaration of conformity in accordance with Article 18 for each battery and keep it at the disposal of the national authorities for 10 years after the battery has been placed on the market. The EU declaration of conformity shall identify the battery for which it has been drawn up.**	
Annex VIII, point (5), third paragraph				
1087ac			**A copy of the EU declaration of conformity shall be made available to the national authorities upon request.**	
Annex VIII, point (6)				

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1087ad			**6. Manufacturer's authorised representative**	
Annex VIII, point (6), first paragraph				
1087ae			**The manufacturer's obligations set out in points 2.2, 4.2 and 5 may be fulfilled by the manufacturer's authorised representative, on the manufacturer's behalf and under the manufacturer's responsibility, provided that they are specified in the mandate.**	
Annex IX				
1088	Annex IX EU Declaration of conformity No …		Annex IX EU Declaration of conformity No*** …** *** (identification number of the declaration)**~~…~~	
Annex IX, point (1)				
1089	1. Battery model (product, type, batch or serial number):		1. Battery model (product, ~~type~~**category**, **and** batch or serial number):	

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Annex IX, point (2)				
1090	2. Name and address of the manufacturer and, where applicable, his authorised representative		2. Name and address of the manufacturer and, where applicable, ~~his~~**its** authorised representative**:**	
Annex IX, point (3)				
1091	3. This declaration of conformity is issued under the sole responsibility of the manufacturer		3. This declaration of conformity is issued under the sole responsibility of the manufacturer**.**	
Annex IX, point (4)				
1092	4. Object of the declaration (identification of the battery allowing traceability): description of the battery.	4. Object of the declaration (identification of the battery allowing traceability***, and which may, where appropriate, include an image of the battery***): description of the battery.	4. Object of the declaration (identification of the battery allowing traceability): description of the battery.	
Annex IX, point (5)				
1093	5. The object of the declaration described in point 4 is in conformity with the relevant Union harmonisation legislation: … (reference to the other Union acts applied).		5. The object of the declaration described in point 4 is in conformity with the relevant Union harmonisation legislation: … (reference to the other Union acts applied).	

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Annex IX, point (6)				
1094	6. References to the relevant harmonised standards or the common specifications used or references to the other technical specifications in relation to which conformity is declared:		6. References to the relevant harmonised standards or the common specifications used or references to the other technical specifications in relation to which conformity is declared:	
Annex IX, point (7)				
1095	7. The notified body … (name, address, number) … performed … (description of intervention) … and issued the certificate(s): … (details, including its date, and, where appropriate, information on the duration and conditions of its validity).		7. The notified body … (name, address, number) … performed … (description of intervention) … and issued the certificate(s): … (details, including its date, and, where appropriate, information on the duration and conditions of its validity).	
Annex IX, point (8), introductory part				
1096	8. Additional information		8. Additional information	
Annex IX, point (8), first paragraph				
1097	Signed for and on behalf of:		Signed for and on behalf of:	

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Annex IX, point (8), second paragraph				
1098	(place and date of issue):		(place and date of issue):	
Annex IX, point (8), third paragraph				
1099	(name, function) (signature)		(name, function) (signature)	
Annex X				
1100	Annex X List of raw materials and risk categories		Annex X List of raw materials and risk categories	
Annex X, point (1), introductory part				
1101	1. Raw materials:		1. Raw materials:	
Annex X, point (1)(a)				
1102	(a) cobalt;		(a) cobalt;	
Annex X, point (1)(aa)				
1102a		***(aa) iron;***		
Annex X, point (1)(ab)				
1102b		***(ab) copper;***		

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Annex X, point (1)(ac)				
1102c		***(ac) bauxite;***		
Annex X, point (1)(b)				
1103	(b) natural graphite;		(b) natural graphite;	
Annex X, point (1)(c)				
1104	(c) lithium;		(c) lithium;	
Annex X, point (1)(d)				
1105	(d) nickel;		(d) nickel;	
Annex X, point (1)(e)				
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.	
Annex X, point (2), introductory part				
1107	2. Social and environmental risk		2. Social and environmental risk	

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	categories:		categories:	
Annex X, point (2)(a)				
1108	(a) air;	(a) air***, including air pollution***;	(a) ~~air;~~**environment, considering direct, induced, indirect and cumulative environmental pollution, including but not limited to:**	
Annex X, point (2), point (a)(i)				
1108a			**(i) air, including but not limited to air pollution, including greenhouse gas emissions;**	
Annex X, point (2), point (a)(ii)				
1108b			**(ii) water, including seabed and marine environment and including but not limited to water pollution, water use, water quantities (flooding or draughts) and access to water;**	
Annex X, point (2), point (a)(iii)				
1108c			**(iii) soil, including but not limited to soil pollution, soil erosion, land use and land**	

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			degradation;	
Annex X, point (2), point (a)(iv)				
1108d			**(iv) biodiversity, including but not limited to damage to habitats, wildlife, flora and ecosystems, including ecosystem services;**	
Annex X, point (2), point (a) (v)				
1108e			**(v) hazardous substances;**	
Annex X, point (2), point (a)(vi)				
1108f			**(vi) noise and vibration;**	
Annex X, point (2), point (a)(vii)				
1108g			**(vii) plant safety;**	
Annex X, point (2), point (a)(viii)				
1108h			**(viii) energy use;**	
Annex X, point (2), point (a)(ix)				
1108i				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(ix) waste and residues;	
Annex X, point (2)(b)				
1109	(b) water;	(b) water***, including access to water, pollution and depletion of freshwater, drinking water, oceans and seas***;	(b) ~~water;~~**labour rights and industrial relations, including but not limited to:**	
Annex X, point (2), point (b)(i)				
1109a			**(i) occupational health and safety,**	
Annex X, point (2), point (b)(ii)				
1109b			**(ii) child labour,**	
Annex X, point (2), point (b)(iii)				
1109c			**(iii) forced labour,**	
Annex X, point (2), point (b)(iv)				
1109d			**(iv) discrimination,**	
Annex X, point (2), point (b)(v)				
1109e				

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			(v) trade union freedoms;	
Annex X, point (2)(c)				
1110	(c) soil;	(c) soil***, including soil contamination from waste disposal and treatment***;	(c) ~~soil~~**human rights recognised in international law**;	
Annex X, point (2)(d)				
1111	(d) biodiversity;	(d) biodiversity***, including damage to wildlife, flora, natural habitats and ecosystems***;	(d) ~~biodiversity~~**community life**;	
Annex X, point (2)(da)				
1111a		***(da) climate, including greenhouse gas emissions;***		
Annex X, point (2)(db)				
1111b		***(db) waste management, including damage caused by mine tailing practices***		
Annex X, point (2)(e)				
1112	(e) human health;		(e) ~~human health;~~**access to information, public**	

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			participation in decision-making and access to justice in environmental matters.	
Annex X, point (2)(f)				
1113	(f) occupational health and safety;		*deleted*	
Annex X, point (2)(g)				
1114	(g) labour rights, including child labour;		*deleted*	
Annex X, point (2)(h)				
1115	(h) human rights;		*deleted*	
Annex X, point (2)(i)				
1116	(i) community life.	(i) community life~~.~~ ***, including that of indigenous peoples;***	*deleted*	
Annex X, point (2)(ia)				
1116a		***(ia) access to information, public participation in decision-making and access to justice in***		

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		environmental matters.		
Annex X, point (3), introductory part				
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:	
Annex X, point (3), point (a-a)				
1117a			**(a-a) UN Guiding Principles on Business and Human Rights;**	
Annex X, point (3), point (a-b)				
1117b			**(a-b) OECD Guidelines for Multinational Enterprises;**	
Annex X, point (3)(a)				
1118	(a) Ten Principles of the United Nations Global Compact;		(a) Ten Principles of the United Nations Global Compact;	
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;	

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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***, including*** 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;	
Annex X, point (3)(d)				
1121	(d) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;	(d) ~~*ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;*~~***deleted***	(d) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;	
Annex X, point (3)(e), point (e-a)				
1121a			**(e-a) Eight fundamental ILO Conventions,**	
Annex X, point (3)(e), point (e-b)				
1121b			**(e-b) ILO Declaration on Fundamental Principles and Rights at Work;**	
Annex X, point (3)(e), point (e-c)				
1121c			**(e-c) The International Bill of**	

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			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)				
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	
Annex X, point (3)(f)				
1123	(f) OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.	(f) ~~*OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.*~~***deleted***	(f) OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas~~.~~**;**	
Annex X, point (3), point (g)				
1123a		***3a The internationally recognized due diligence principles applicable to the due diligence requirements laid down in Article 39 of this Regulation: (a) UN Guiding Principles for Businesses and Human Rights;***	**(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.**	

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		(b) OECD Guidelines for Multinational Enterprises; ***(c) ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy;*** ***(d) OECD Due Diligence Guidance for Responsible Business Conduct;*** ***(e) OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.***		
Annex XI				
1124	Annex XI Calculation of collection rates of waste portable batteries		Annex XI Calculation of collection rates of waste portable batteries **and waste LMT batteries**	
Annex XI, point (1)				
1125	1. 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	1. 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	1. Producers or, where appointed in accordance with Article ~~47(2)~~**47a(1)**, producer responsibility organisations acting on their behalf, and Member States shall calculate the collection rate as the percentage	

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	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.	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.	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~~**make available on the market** directly to end-users or deliver to third parties in order to ~~sell~~**make available on the market** them to end-users in that Member State during ~~that year and the preceding two calendar years.~~**the 3 predecing 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**	
Annex XI, point (1a)				
1125a			**Year Data collections Calculations Reporting requirement**	
Annex XI, point (2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1125b			**Year 1 Sales in year 1 (S1)**	
Annex XI, point (3)				
1125c			**Year 2 Sales in year 2 (S2) -**	
Annex XI, point (4)				
1125d			**Year 3 Sales in year 3 (S3)**	
Annex XI, point (5)				
1125e		***(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***	**Year 4 Sales in year 4 (S4) Collection in year 4 (C4) Collection rate (CR4)=3*C4/(S1+S2+S3) CR4**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		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.		
Annex XI, point (6)				
1125f			**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)				
1125g			**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	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	2. Producers or, where appointed in accordance with Article ~~47(2)~~**47a(1)**, 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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	market for the first time withinthe territory of 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.	market– for the first time ~~withinthe~~***within the*** territory of 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.	market– for the first time ~~withinthe~~**within the** territory of 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. **These sales are calculated for portable batteries on the one hand and for LMT batteries on the other.**	
Annex XI, point (2a)				
1126a		***(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 before being sold to the end users.***		

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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.	
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~~**1 and 2** shall be based on collected data or statistically significant estimates based on collected data.	
Annex XII				
1129	Annex XII Treatment and recycling requirements		Annex XII **Storage,** treatment and recycling requirements	
Annex XII, A				
1130	A Part A		A Part A	
Annex XII, A, first heading				
1131	Treatment requirements		**Storage,** treatment requirements	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XII, A, point (1)				
1132	1. Treatment shall, as a minimum, include removal of all fluids and acids.		1. Treatment shall, as a minimum, include removal of all fluids and acids.	
Annex XII, A, point (2)				
1133	2. Treatment and any storage, including temporary storage, at treatment facilities shall take place in sites with impermeable surfaces and suitable weatherproof covering or in suitable containers.		2. Treatment and any storage, including temporary storage, at treatment **and recycling** facilities shall take place in sites with impermeable surfaces and suitable weatherproof covering or in suitable containers.	
Annex XII, A, point (3)				
1134	3. Waste batteries in treatment facilities shall be stored in such a way that waste batteries are not mixed with waste from conductive or combustible materials.		3. Waste batteries in treatment **and recycling** facilities shall be stored in such a way that waste batteries are not mixed with waste from conductive or combustible materials.	
Annex XII, A, point (4)				
1135	4. Special precautions and safety measures shall be in place for the treatment of waste lithium based	4. Special precautions and safety measures shall be in place for the treatment of waste lithium based	4. Special precautions and safety measures shall be in place for the treatment of waste lithium based	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	batteries that shall be protected from exposure to excessive heat, water, or any crushing or physical damage during handling, sorting and storage.	batteries that shall be protected from exposure to excessive heat, water, or any crushing or physical damage during handling, sorting. ***They shall be stored in a dry place, not exposed to high temperatures, fire or direct sunlight, and in their normally installed orientation, in well-ventilated areas, sheltered from water and rain. Waste lithium-based batteries shall also be covered with a high voltage rubber insulation mat. The*** ~~*and*~~ storage ***of waste lithium-based batteries shall be marked with a warning sign and only those batteries which are sufficiently insulated against short circuiting shall be stored***.	batteries ~~that shall be protected from exposure to excessive heat, water, or any crushing or physical damage during handling, sorting and storage.~~**during handling, sorting and storage. Such measures shall include protection from exposure to:**	
Annex XII, point (4), point (a)				
1135a			**(a) excessive heat (such as high temperatures, fire or direct sunlight),**	
Annex XII, point (4), point (b)				
1135b			**(b) water (stored in dry place, protected from precipitation**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			and flooding),	
Annex XII, point (4), point (c)				
1135c			**(c) any crushing or physical damage.**	
Annex XII, point (4), second paragraph				
1135d			**They shall be stored in their normally installed orientation (never inverted) in well-ventilated areas and covered with a high voltage rubber isolation. Storage facilities of waste lithium based batteries shall be marked with a warning sign.**	
Annex XII, point (4a)				
1135e			**4a. Mercury shall be separated during treatment and recycling into an identifiable stream, which is given a safe destination and cannot cause adverse effects on humans or the environment.**	
Annex XII, B				
1136				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	B Part B		B Part B	
Annex XII, B, first heading				
1137	Recycling efficiencies		**Minimum** recycling efficiencies	
Annex XII, B, point (1), introductory part				
1138	1. No later than 1 January 2025, recycling processes shall achieve the following minimum recycling efficiencies:		1. No later than ~~1 January 2025~~**36 months after entry into force of the Regulation**, recycling ~~processes~~ 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;	
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;	
Annex XII, B, point (1)(new c)				
1140a		***(ba) recycling of 85 % by average weight of nickel-***	**(new c) recycling of 75 % by average weight of nickel-**	

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		cadmium batteries;	**cadmium batteries;**	
Annex XII, B, point (1)(bb)				
1140b				
Annex XII, B, point (1)(c)				
1141	(c) recycling of 50 % by average weight of other waste batteries.		~~(c)~~**(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~~**96 months after entry into force of the Regulation**, recycling ~~processes~~ 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;	
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.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XII, B, point (2)(ba)				
1144a		***(ba) recycling of + 85 % by average weight of nickel-cadmium batteries;***		
Annex XII, B, point (2)(bb)				
1144b		***(bb) recycling of 70 % by average weight of other waste batteries.***		
Annex XII, C				
1145	C Part C		C Part C	
Annex XII, C, first heading				
1146	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~~**48 months after entry into force of the Regulation**, all recycling ~~processes~~ shall achieve the following **minimum** levels of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			materials recovery:	
Annex XII, C, point (1)(a)				
1148	(a) 90 % for cobalt;		(a) 90 % for cobalt;	
Annex XII, C, point (1)(b)				
1149	(b) 90 % for copper;		(b) 90 % for copper;	
Annex XII, C, point (1)(c)				
1150	(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;	
Annex XII, C, point (1)(e)				
1152	(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	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			following **minimum** levels of materials recovery:	
Annex XII, C, point (2)(a)				
1154	(a) 95 % for cobalt;		(a) 95 % for cobalt;	
Annex XII, C, point (2)(b)				
1155	(b) 95 % for copper;		(b) 95 % for copper;	
Annex XII, C, point (2)(c)				
1156	(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;	
Annex XII, C, point (2)(e)				
1158	(e) 95 % for nickel.		(e) 95 % for nickel.	
Annex XIII				
1159	Annex XIII Information to be stored in the European Electronic Exchange System		Annex XIII ~~Information to be stored in the~~ European Electronic Exchange System **and Battery**	

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			Passport	
Annex XIII, Part A				
1159a			**Part A**	
Annex XIII, first paragraph				
1160	Information and data shall be treated in accordance with Commission Decision (EU, Euratom) 2015/443[1]. The specific cyber-security arrangements of Commission Decision (EU, Euratom) 2017/46[2] and its implementing rules shall apply. The confidentiality level shall reflect the consequential harm that may result from disclosure of the data to unauthorised persons. _____ 1. Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission(OJ L 72, 17.3.2015, p. 41) 2. Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and		**Information to be stored in the System** Information and data shall be treated in accordance with Commission Decision (EU, Euratom) 2015/443[1]. The specific cyber-security arrangements of Commission Decision (EU, Euratom) 2017/46[2] and its implementing rules shall apply. The confidentiality level shall reflect the consequential harm that may result from disclosure of the data to unauthorised persons. _____ 1. Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41) 2. Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	information systems in the European Commission (OJ L 6, 11.1.2017, p. 40)		communication and information systems in the European Commission (OJ L 6, 11.1.2017, p. 40)	
Annex XIII, point (1), introductory part				
1161	1. PUBLICLY ACCESSIBLE PART OF THE SYSTEM		1. PUBLICLY ACCESSIBLE PART OF THE SYSTEM	
Annex XIII, point (1), first heading				
1162	Information to be stored and made available in the publicly accessible part of the system by the economic operator that places a battery on the market:		Information to be stored and made available in the publicly accessible part of the system by the economic operator that places a battery on the market **are at least the following**:	
Annex XIII, point (1)(a)				
1163	(a) Battery manufacturer;		(a) ~~Battery manufacturer~~**Information about LMT batteries, and industrial batteries with a capacity above 2 kWh, and about electric vehicle batteries specified in Part A of Annex VI**;	
Annex XIII, point (1)(b)				

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1164	(b) Battery type;		(b) **Material composition of the** battery**, including its chemistry, hazardous substances contained in the battery other than mercury, cadmium or lead, and critical raw materials contained in the battery** ~~type~~;	
Annex XIII, point (1)(c)				
1165	(c) General description of the model, sufficient for it to be unequivocally and easily identified, including the date of placing in the market;		*deleted*	
Annex XIII, point (1)(d)				
1166	(d) Manufacturing place and date;		*deleted*	
Annex XIII, point (1)(e)				
1167	(e) Battery composition, including critical raw materials;		*deleted*	
Annex XIII, point (1)(f)				
1168	(f) Carbon footprint information		(f) Carbon footprint information	

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	in the units indicated in the relevant implementing measure(s);		~~in the units indicated in the relevant implementing measure(s)~~**referred to in Articles 7(1) and 7(2)**;	
Annex XIII, point (1)(g)				
1169	(g) Information on responsible sourcing as indicated in the relevant implementing measure(s);		(g) Information on responsible sourcing as indicated in the ~~relevant implementing measure(s);~~**report on its supply chain due diligence policies referred to in Article 45e(3)**	
Annex XIII, point (1)(h)				
1170	(h) Recycled content information as indicated in the relevant implementing measure(s);		(h) Recycled content information as indicated in the ~~relevant implementing measure(s)~~**implementing acts referred to Article 8(1)**;	
Annex XIII, point (1)(i)				
1171	(i) Rated capacity (in Ah);		(i) Rated capacity (in Ah);	
Annex XIII, point (1)(j)				
1172	(j) Minimal, nominal and maximum voltage, with		(j) Minimal, nominal and maximum voltage, with	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	temperature ranges when relevant;		temperature ranges when relevant;	
Annex XIII, point (1)(k)				
1173	(k) Original power capability (in Watts) and limits, with temperature range when relevant ;		(k) Original power capability (in Watts) and limits, with temperature range when relevant-;	
Annex XIII, point (1)(l)				
1174	(l) Expected battery lifetime expressed in cycles, and reference test used ;		(l) Expected battery lifetime expressed in cycles, and reference test used-;	
Annex XIII, point (1)(m)				
1175	(m) Capacity threshold for exhaustion (only for EV batteries);		(m) Capacity threshold for exhaustion (only for ~~EV~~**electric vehicle** batteries);	
Annex XIII, point (1)(n)				
1176	(n) Temperature range the battery can withstand when not in use (reference test);		(n) Temperature range the battery can withstand when not in use (reference test);	
Annex XIII, point (1)(o)				
1177	(o) Period for which the		(o) Period for which the	

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	commercial warranty for the calendar life applies;		commercial warranty for the calendar life applies;	
Annex XIII, point (1)(p)				
1178	(p) Initial round trip energy efficiency and at 50% of cycle-life;		(p) Initial round trip energy efficiency and at 50% of cycle-life;	
Annex XIII, point (1)(q)				
1179	(q) Internal battery cell and pack resistance;		(q) Internal battery cell and pack resistance;	
Annex XIII, point (1)(r)				
1180	(r) C-rate of relevant cycle-life test.		(r) C-rate of relevant cycle-life test~~.~~**;**	
Annex XIII, point (1)(ra)				
1180a			**(s) The labelling requirements laid down in articles 13(3) and (4);**	
Annex XIII, point (1)(t)				
1180b			**(t) The EU declaration of conformity referred to in Article**	

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			18;	
Annex XIII, point (1)(u)				
1180c		***(ra) Status of the battery (first life, waste, repaired, repurposed, recycled).***	**(u) The information regarding the prevention and management of waste batteries laid down in point (a) to (f) of Article 60(1).**	
Annex XIII, point (2), introductory part				
1181	2. REQUIREMENTS FOR THE PART OF THE SYSTEM ACCESSIBLE ONLY TO ACCREDITED ECONOMIC OPERATORS AND THE COMMISSION		2. REQUIREMENTS FOR THE PART OF THE SYSTEM ACCESSIBLE ONLY TO ~~ACCREDITED~~ ECONOMIC OPERATORS AND THE COMMISSION	
Annex XIII, point (2), first heading				
1182	The part of the system that shall be accessible only to accredited remanufacturers, second-life operators and recyclers shall contain:		The part of the system that shall be accessible**, as relevant,** only to ~~accredited remanufacturers, second life~~**economic** operators and recyclers shall contain **at least the following**:	
Annex XIII, point (2)(a)				
1183	(a) Detailed composition,		(a) ~~Detailed~~ Composition,	

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	including materials used in the cathode, anode and electrolyte;		including materials used in the cathode, anode and electrolyte;	
Annex XIII, point (2)(b)				
1184	(b) Part numbers for components and contact details of sources for replacement spares;		(b) Part numbers for components and contact details of sources for replacement spares;	
Annex XIII, point (2)(c), introductory part				
1185	(c) Dismantling information, including at least:		(c) Dismantling information, including at least:	
Annex XIII, point (2)(c), first indent				
1186	- Exploded diagrams of the battery system/pack showing the location of battery cells,		- Exploded diagrams of the battery system/pack showing the location of battery cells,	
Annex XIII, point (2)(c), second indent				
1187	- Disassembly sequences,		- Disassembly sequences,	
Annex XIII, point (2)(c), third indent				
1188	- Type and number of fastening techniques to be unlocked,		- Type and number of fastening techniques to be unlocked,	

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Annex XIII, point (2)(c), fourth indent				
1189	- Tools required for disassembly,		- Tools required for disassembly,	
Annex XIII, point (2)(c), fifth indent				
1190	- Warnings if risk of damaging parts exist,		- Warnings if risk of damaging parts exist,	
Annex XIII, point (2)(c), sixth indent				
1191	- Amount of cells used and layout;		- Amount of cells used and layout;	
Annex XIII, point (2)(d)				
1192	(d) Safety measures.		(d) Safety measures.	
Annex XIII, point (3), introductory part				
1193	3. REQUIREMENTS FOR THE PART OF THE SYSTEM ACCESSIBLE ONLY TO NOTIFIED BODIES, MARKET SURVEILLANCE AUTHORITIES AND THE COMMISSION		3. REQUIREMENTS FOR THE PART OF THE SYSTEM ACCESSIBLE ONLY TO NOTIFIED BODIES, MARKET SURVEILLANCE AUTHORITIES AND THE COMMISSION	
Annex XIII, point (3)(a)				

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1194	(a) Results of tests reports proving compliance with the requirements laid out in this Regulation, and its implementing or delegated measures.		(a) Results of tests reports proving compliance with the requirements laid out in this Regulation,– and its implementing or delegated measures.	
Annex XIII, Part B				
1194a			**Part B**	
Annex XIII, point (1)				
1194b			**1. INFORMATION ABOUT THE BATTERY, COMMON TO ITS BATTERY MODEL**	
Annex XIII, point (1)(a)				
1194c			**(a) Information about batteries specified in Point 1 of Part A;**	
Annex XIII, point (2)				
1194d			**2. SPECIFIC INFORMATION AND DATA ABOUT THE INDIVIDUAL BATTERY**	
Annex XIII, point (2), point (a)				

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1194e			**(a) information about the values for performance and durability parameters referred to in Article 10(1), when the battery is placed on the market and when it is subject to changes in its status;**	
Annex XIII, point (2), point (b)				
1194f			**(b) information on the status of the battery, defined as [‘original’, ‘repurposed’, ‘reused’], or ‘waste’;**	
Annex XIII, point (2), point (c)				
1194g			**(c) information and data as a result of its use, including the number of charging and discharging cycles and negative events, such as accidents, as well as periodically recorded information on the operating environmental conditions, including temperature, and on the state of charge.**	
Annex XIV				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1195	Annex XIV Correlation table		Annex XIV ~~Correlation table~~**Minimum requirements for shipments of used batteries**	
Annex XIV, Table 3, Column 1, Row 1				
1196	Directive 2006/66/EC		*deleted*	
Annex XIV, Table 3, Column 1, Row 2				
1197	Article 1		*deleted*	
Annex XIV, Table 3, Column 1, Row 3				
1198	Article 1 first subparagarph point1		*deleted*	
Annex XIV, Table 3, Column 1, Row 4				
1199	Article 1 subparagraph 1 point 2		*deleted*	
Annex XIV, Table 3, Column 1, Row 5				
1200	Article 1, second subparagraph		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 1, Row 6				
1201	Article 2		*deleted*	
Annex XIV, Table 3, Column 1, Row 7				
1202	Article 2(1)		*deleted*	
Annex XIV, Table 3, Column 1, Row 8				
1203	Article 2(2)		*deleted*	
Annex XIV, Table 3, Column 1, Row 9				
1204	Article 2(2)(a)		*deleted*	
Annex XIV, Table 3, Column 1, Row 10				
1205	Article 2(2)(b)		*deleted*	
Annex XIV, Table 3, Column 1, Row 11				
1206				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 3		*deleted*	
Annex XIV, Table 3, Column 1, Row 12				
1207	Article 3 point 1		*deleted*	
Annex XIV, Table 3, Column 1, Row 13				
1208	Article 3 point 2		*deleted*	
Annex XIV, Table 3, Column 1, Row 14				
1209	Article 3 point 3		*deleted*	
Annex XIV, Table 3, Column 1, Row 15				
1210	Article 3 point 4		*deleted*	
Annex XIV, Table 3, Column 1, Row 16				
1211	Article 3 point 5		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 1, Row 17				
1212	Article 3 point 6		*deleted*	
Annex XIV, Table 3, Column 1, Row 18				
1213	Article 3 point 7		*deleted*	
Annex XIV, Table 3, Column 1, Row 19				
1214	Article 3 point 8		*deleted*	
Annex XIV, Table 3, Column 1, Row 20				
1215	Article 3 point 9		*deleted*	
Annex XIV, Table 3, Column 1, Row 21				
1216	Article 3 point10		*deleted*	
Annex XIV, Table 3, Column 1, Row 22				
1217	Article 3 point 11			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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Annex XIV, Table 3, Column 1, Row 23				
1218	Article 3 point 12		*deleted*	
Annex XIV, Table 3, Column 1, Row 24				
1219	Article 3 point 13		*deleted*	
Annex XIV, Table 3, Column 1, Row 25				
1220	Article 3 point 14		*deleted*	
Annex XIV, Table 3, Column 1, Row 26				
1221	Article 3 point 15		*deleted*	
Annex XIV, Table 3, Column 1, Row 27				
1222	Article 3 point 16		*deleted*	
Annex XIV, Table 3, Column 1, Row 28				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1223	Article 3 point 17		*deleted*	
Annex XIV, Table 3, Column 1, Row 29				
1224	Article 4		*deleted*	
Annex XIV, Table 3, Column 1, Row 30				
1225	Article 4(1)		*deleted*	
Annex XIV, Table 3, Column 1, Row 31				
1226	Article 4(1)(a)		*deleted*	
Annex XIV, Table 3, Column 1, Row 32				
1227	Article 4(1)(b)		*deleted*	
Annex XIV, Table 3, Column 1, Row 33				
1228	Article 4(2)		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 1, Row 34				
1229	Article 4(3)		*deleted*	
Annex XIV, Table 3, Column 1, Row 35				
1230	Article 4(3)(a)		*deleted*	
Annex XIV, Table 3, Column 1, Row 36				
1231	Article 4(3)(b)		*deleted*	
Annex XIV, Table 3, Column 1, Row 37				
1232	Article 4(3)(c)		*deleted*	
Annex XIV, Table 3, Column 1, Row 38				
1233	Article 4(4)		*deleted*	
Annex XIV, Table 3, Column 1, Row 39				
1234	Article 5			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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Annex XIV, Table 3, Column 1, Row 40				
1235	Article 6		*deleted*	
Annex XIV, Table 3, Column 1, Row 41				
1236	Article 6(1)		*deleted*	
Annex XIV, Table 3, Column 1, Row 42				
1237	Article 6(2)		*deleted*	
Annex XIV, Table 3, Column 1, Row 43				
1238	Article 7		*deleted*	
Annex XIV, Table 3, Column 1, Row 44				
1239	Article 8		*deleted*	
Annex XIV, Table 3, Column 1, Row 45				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1240	Article 8(1)		*deleted*	
Annex XIV, Table 3, Column 1, Row 46				
1241	Article 8(1)(a)		*deleted*	
Annex XIV, Table 3, Column 1, Row 47				
1242	Article 8(1)(b)		*deleted*	
Annex XIV, Table 3, Column 1, Row 48				
1243	Article 8(1)(c)		*deleted*	
Annex XIV, Table 3, Column 1, Row 49				
1244	Article 8(1)(d)		*deleted*	
Annex XIV, Table 3, Column 1, Row 50				
1245	Article 8(1), second subparagraph		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 1, Row 51				
1246	Article 8(2)		*deleted*	
Annex XIV, Table 3, Column 1, Row 52				
1247	Article 8(2)(a)		*deleted*	
Annex XIV, Table 3, Column 1, Row 53				
1248	Article 8(2)(b)		*deleted*	
Annex XIV, Table 3, Column 1, Row 54				
1249	Article 8(2)(c)		*deleted*	
Annex XIV, Table 3, Column 1, Row 55				
1250	Article 8(3)		*deleted*	
Annex XIV, Table 3, Column 1, Row 56				
1251	Article 8(4)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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Annex XIV, Table 3, Column 1, Row 57				
1252	Article 9		*deleted*	
Annex XIV, Table 3, Column 1, Row 58				
1253	Article 10		*deleted*	
Annex XIV, Table 3, Column 1, Row 59				
1254	Article 10(1)		*deleted*	
Annex XIV, Table 3, Column 1, Row 60				
1255	Article 10(1) second subparagraph		*deleted*	
Annex XIV, Table 3, Column 1, Row 61				
1256	Article 10(2)		*deleted*	
Annex XIV, Table 3, Column 1, Row 62				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1257	Article 10(2)(a)		*deleted*	
Annex XIV, Table 3, Column 1, Row 63				
1258	Article 10(2)(b)		*deleted*	
Annex XIV, Table 3, Column 1, Row 64				
1259	Article 10(3)		*deleted*	
Annex XIV, Table 3, Column 1, Row 65				
1260	Article 10(4)		*deleted*	
Annex XIV, Table 3, Column 1, Row 66				
1261	Article 11		*deleted*	
Annex XIV, Table 3, Column 1, Row 67				
1262	Article 11, first subparagraph		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 1, Row 68				
1263	Article 11, second subparagraph		*deleted*	
Annex XIV, Table 3, Column 1, Row 69				
1264	Article 12		*deleted*	
Annex XIV, Table 3, Column 1, Row 70				
1265	Article 12(1)		*deleted*	
Annex XIV, Table 3, Column 1, Row 71				
1266	Article 12(1)(a)		*deleted*	
Annex XIV, Table 3, Column 1, Row 72				
1267	Article 12(1)(b)		*deleted*	
Annex XIV, Table 3, Column 1, Row 73				
1268	Article 12(1), second			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	subparagraph		*deleted*	
Annex XIV, Table 3, Column 1, Row 74				
1269	Article 12(1), third subparagraph		*deleted*	
Annex XIV, Table 3, Column 1, Row 75				
1270	Article 12(2)		*deleted*	
Annex XIV, Table 3, Column 1, Row 76				
1271	Article 12(3)		*deleted*	
Annex XIV, Table 3, Column 1, Row 77				
1272	Article 12(4)		*deleted*	
Annex XIV, Table 3, Column 1, Row 78				
1273	Article 12(5)		*deleted*	
Annex XIV, Table 3, Column 1, Row 79				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1274	Article 12(6)		*deleted*	
Annex XIV, Table 3, Column 1, Row 80				
1275	Article 13		*deleted*	
Annex XIV, Table 3, Column 1, Row 81				
1276	Article 13(1)		*deleted*	
Annex XIV, Table 3, Column 1, Row 82				
1277	Article 13(2)		*deleted*	
Annex XIV, Table 3, Column 1, Row 83				
1278	Article 14		*deleted*	
Annex XIV, Table 3, Column 1, Row 84				
1279	Article 15		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 1, Row 85				
1280	Article 15(1)		*deleted*	
Annex XIV, Table 3, Column 1, Row 86				
1281	Article 15(2)		*deleted*	
Annex XIV, Table 3, Column 1, Row 87				
1282	Article 15(3)		*deleted*	
Annex XIV, Table 3, Column 1, Row 88				
1283	Article 16		*deleted*	
Annex XIV, Table 3, Column 1, Row 89				
1284	Article 16(1)		*deleted*	
Annex XIV, Table 3, Column 1, Row 90				
1285	Article 16(1)(a)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			deleted	
Annex XIV, Table 3, Column 1, Row 91				
1286	Article 16(1)(b)		*deleted*	
Annex XIV, Table 3, Column 1, Row 92				
1287	Article 16(2)		*deleted*	
Annex XIV, Table 3, Column 1, Row 93				
1288	Article 16(3)		*deleted*	
Annex XIV, Table 3, Column 1, Row 94				
1289	Article 16(4)		*deleted*	
Annex XIV, Table 3, Column 1, Row 95				
1290	Article 16(5)		*deleted*	
Annex XIV, Table 3, Column 1, Row 96				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1291	Article 16(6)		*deleted*	
Annex XIV, Table 3, Column 1, Row 97				
1292	Article 17		*deleted*	
Annex XIV, Table 3, Column 1, Row 98				
1293	Article 18		*deleted*	
Annex XIV, Table 3, Column 1, Row 99				
1294	Article 18(1)		*deleted*	
Annex XIV, Table 3, Column 1, Row 100				
1295	Article 18(2)		*deleted*	
Annex XIV, Table 3, Column 1, Row 101				
1296	Article 18(3)		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 1, Row 102				
1297	Article 19		*deleted*	
Annex XIV, Table 3, Column 1, Row 103				
1298	Article 19(1)		*deleted*	
Annex XIV, Table 3, Column 1, Row 104				
1299	Article 19(2)		*deleted*	
Annex XIV, Table 3, Column 1, Row 105				
1300	Article 20		*deleted*	
Annex XIV, Table 3, Column 1, Row 106				
1301	Article 20(1)		*deleted*	
Annex XIV, Table 3, Column 1, Row 107				
1302	Article 20(1)(a)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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Annex XIV, Table 3, Column 1, Row 108				
1303	Article 20(1)(b)		*deleted*	
Annex XIV, Table 3, Column 1, Row 109				
1304	Article 20(1)(c)		*deleted*	
Annex XIV, Table 3, Column 1, Row 110				
1305	Article 20(1)(d)		*deleted*	
Annex XIV, Table 3, Column 1, Row 111				
1306	Article 20(1)(e)		*deleted*	
Annex XIV, Table 3, Column 1, Row 112				
1307	Article 20(2)		*deleted*	
Annex XIV, Table 3, Column 1, Row 113				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1308	Article 20(3)		*deleted*	
Annex XIV, Table 3, Column 1, Row 114				
1309	Article 21		*deleted*	
Annex XIV, Table 3, Column 1, Row 115				
1310	Article 21(1)		*deleted*	
Annex XIV, Table 3, Column 1, Row 116				
1311	Article 21(2)		*deleted*	
Annex XIV, Table 3, Column 1, Row 117				
1312	Article 21(3)		*deleted*	
Annex XIV, Table 3, Column 1, Row 118				
1313	Article 21(4)		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 1, Row 119				
1314	Article 21(5)		*deleted*	
Annex XIV, Table 3, Column 1, Row 120				
1315	Article 21(6)		*deleted*	
Annex XIV, Table 3, Column 1, Row 121				
1316	Article 21(7)		*deleted*	
Annex XIV, Table 3, Column 1, Row 122				
1317	Article 22a		*deleted*	
Annex XIV, Table 3, Column 1, Row 123				
1318	Article 23 Review		*deleted*	
Annex XIV, Table 3, Column 1, Row 124				
1319	Article 23(1)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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Annex XIV, Table 3, Column 1, Row 125				
1320	Article 23(2)		*deleted*	
Annex XIV, Table 3, Column 1, Row 126				
1321	Article 23(2)(a)		*deleted*	
Annex XIV, Table 3, Column 1, Row 127				
1322	Article 23(2)(b)		*deleted*	
Annex XIV, Table 3, Column 1, Row 128				
1323	Article 23(2)(c)		*deleted*	
Annex XIV, Table 3, Column 1, Row 129				
1324	Article 23(3)		*deleted*	
Annex XIV, Table 3, Column 1, Row 130				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1325	Article 23a		*deleted*	
Annex XIV, Table 3, Column 1, Row 131				
1326	Article 23a(1)		*deleted*	
Annex XIV, Table 3, Column 1, Row 132				
1327	Article 23a(2)		*deleted*	
Annex XIV, Table 3, Column 1, Row 133				
1328	Article 23a(3)		*deleted*	
Annex XIV, Table 3, Column 1, Row 134				
1329	Article 23a(4)		*deleted*	
Annex XIV, Table 3, Column 1, Row 135				
1330	Article 23a(5)		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 1, Row 136				
1331	Article 24		*deleted*	
Annex XIV, Table 3, Column 1, Row 137				
1332	Article 24(1)		*deleted*	
Annex XIV, Table 3, Column 1, Row 138				
1333	Article 24(2)		*deleted*	
Annex XIV, Table 3, Column 1, Row 139				
1334	Article 24(2), second subparagraph		*deleted*	
Annex XIV, Table 3, Column 1, Row 140				
1335	Article 25		*deleted*	
Annex XIV, Table 3, Column 1, Row 141				
1336	Article 26			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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Annex XIV, Table 3, Column 1, Row 142				
1337	Article 27		*deleted*	
Annex XIV, Table 3, Column 1, Row 143				
1338	Article 28		*deleted*	
Annex XIV, Table 3, Column 1, Row 144				
1339	Article 29		*deleted*	
Annex XIV, Table 3, Column 1, Row 145				
1340	Article 30		*deleted*	
Annex XIV, Table 3, Column 1, Row 146				
1341	Annex I		*deleted*	
Annex XIV, Table 3, Column 1, Row 147				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1342	Annex II		*deleted*	
Annex XIV, Table 3, Column 1, Row 148				
1343	Annex III		*deleted*	
Annex XIV, Table 3, Column 1, Row 149				
1344	Annex III Part A		*deleted*	
Annex XIV, Table 3, Column 1, Row 150				
1345	Annex III Part B		*deleted*	
Annex XIV, Table 3, Column 1, Row 151				
1346	Annex IV Procedural requirements for registration		*deleted*	
Annex XIV, Table 3, Column 2, Row 1				
1347	This Regulation		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 2				
1348	Article 1		*deleted*	
Annex XIV, Table 3, Column 2, Row 3				
1349	Article 1(1)		*deleted*	
Annex XIV, Table 3, Column 2, Row 4				
1350	Article 1(1)		*deleted*	
Annex XIV, Table 3, Column 2, Row 5				
1351	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 6				
1352	Article 1(2) and (3)		*deleted*	
Annex XIV, Table 3, Column 2, Row 7				
1353	Article 1(2)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
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Annex XIV, Table 3, Column 2, Row 8				
1354	Article 1(3)		*deleted*	
Annex XIV, Table 3, Column 2, Row 9				
1355	Article 1(3)(a)		*deleted*	
Annex XIV, Table 3, Column 2, Row 10				
1356	Article 1(3)(b)		*deleted*	
Annex XIV, Table 3, Column 2, Row 11				
1357	Article 2		*deleted*	
Annex XIV, Table 3, Column 2, Row 12				
1358	Article 2 point 1		*deleted*	
Annex XIV, Table 3, Column 2, Row 13				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1359	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 14				
1360	Article 2 point 7		*deleted*	
Annex XIV, Table 3, Column 2, Row 15				
1361	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 16				
1362	Article 2 point 10		*deleted*	
Annex XIV, Table 3, Column 2, Row 17				
1363	Article 2 point 11		*deleted*	
Annex XIV, Table 3, Column 2, Row 18				
1364	Article 2 point 39		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 19				
1365	Article 2 point 49		*deleted*	
Annex XIV, Table 3, Column 2, Row 20				
1366	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 21				
1367	Article 2 point 42		*deleted*	
Annex XIV, Table 3, Column 2, Row 22				
1368	Article 2 point 23		*deleted*	
Annex XIV, Table 3, Column 2, Row 23				
1369	Article 2 point 37		*deleted*	
Annex XIV, Table 3, Column 2, Row 24				
1370	Article 2 point 55			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			deleted	
Annex XIV, Table 3, Column 2, Row 25				
1371	Article 2 point 14		*deleted*	
Annex XIV, Table 3, Column 2, Row 26				
1372	Article 2 point 19		*deleted*	
Annex XIV, Table 3, Column 2, Row 27				
1373	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 28				
1374	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 29				
1375	Article 6		*deleted*	
Annex XIV, Table 3, Column 2, Row 30				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1376	Annex I		*deleted*	
Annex XIV, Table 3, Column 2, Row 31				
1377	Annex I first entry point 1		*deleted*	
Annex XIV, Table 3, Column 2, Row 32				
1378	Annex I second entry points 1 to 3		*deleted*	
Annex XIV, Table 3, Column 2, Row 33				
1379	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 34				
1380	Annex I second entry point 2		*deleted*	
Annex XIV, Table 3, Column 2, Row 35				
1381	Annex I second entry point 2 (a)		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 36				
1382	Annex I second entry point 2 (b)		*deleted*	
Annex XIV, Table 3, Column 2, Row 37				
1383	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 38				
1384	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 39				
1385	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 40				
1386	Article 3		*deleted*	
Annex XIV, Table 3, Column 2, Row 41				
1387	Article 3(1)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			deleted	
Annex XIV, Table 3, Column 2, Row 42				
1388	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 43				
1389	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 44				
1390	Article 48, Article 49, Article 50, Article 51, Article 52, Article 53, Article 54		*deleted*	
Annex XIV, Table 3, Column 2, Row 45				
1391	Article 48		*deleted*	
Annex XIV, Table 3, Column 2, Row 46				
1392	Article 48(1)(a) Article 48(1)(b)		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 47				
1393	Article 50		*deleted*	
Annex XIV, Table 3, Column 2, Row 48				
1394	Article 49(1) Article 50(1)		*deleted*	
Annex XIV, Table 3, Column 2, Row 49				
1395	Article 48(2)(a)(ii) Article 49(1)(b)		*deleted*	
Annex XIV, Table 3, Column 2, Row 50				
1396	Article 48(5)		*deleted*	
Annex XIV, Table 3, Column 2, Row 51				
1397	Article 48(1) Article 48 (2)		*deleted*	
Annex XIV, Table 3, Column 2, Row 52				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
1398	Article 48(1) Article 48(2)		*deleted*	
Annex XIV, Table 3, Column 2, Row 53				
1399	Article 48(2)		*deleted*	
Annex XIV, Table 3, Column 2, Row 54				
1400	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 55				
1401	Article 49		*deleted*	
Annex XIV, Table 3, Column 2, Row 56				
1402	Article 49		*deleted*	
Annex XIV, Table 3, Column 2, Row 57				
1403	---		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 58				
1404	Article 55		*deleted*	
Annex XIV, Table 3, Column 2, Row 59				
1405	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 60				
1406	Article 61 (3)		*deleted*	
Annex XIV, Table 3, Column 2, Row 61				
1407	Article 55(1)		*deleted*	
Annex XIV, Table 3, Column 2, Row 62				
1408	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 63				
1409				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 55(1)(a)		*deleted*	
Annex XIV, Table 3, Column 2, Row 64				
1410	Article 55(2), Article 62(1) second subparagraph		*deleted*	
Annex XIV, Table 3, Column 2, Row 65				
1411	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 66				
1412	Article 11		*deleted*	
Annex XIV, Table 3, Column 2, Row 67				
1413	Article 11(1)		*deleted*	
Annex XIV, Table 3, Column 2, Row 68				
1414	Article 11(2)		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 69				
1415	Article 56		*deleted*	
Annex XIV, Table 3, Column 2, Row 70				
1416	Article 56(2)		*deleted*	
Annex XIV, Table 3, Column 2, Row 71				
1417	Article 48 (1)(e) , Article 49(3)(c)		*deleted*	
Annex XIV, Table 3, Column 2, Row 72				
1418	Article 57(1)		*deleted*	
Annex XIV, Table 3, Column 2, Row 73				
1419	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 74				
1420	---			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			deleted	
Annex XIV, Table 3, Column 2, Row 75				
1421	Article 57(2)		*deleted*	
Annex XIV, Table 3, Column 2, Row 76				
1422	Article 51(3) ; Article 56(3)		*deleted*	
Annex XIV, Table 3, Column 2, Row 77				
1423	Article 57(2) ; Article 57(3)		*deleted*	
Annex XIV, Table 3, Column 2, Row 78				
1424	Article 61(4)(c) ; 62(1)(c)		*deleted*	
Annex XIV, Table 3, Column 2, Row 79				
1425	Article 57(4)		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 80				
1426	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 81				
1427	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 82				
1428	Recital 78		*deleted*	
Annex XIV, Table 3, Column 2, Row 83				
1429	Article 56(1)		*deleted*	
Annex XIV, Table 3, Column 2, Row 84				
1430	Article 58		*deleted*	
Annex XIV, Table 3, Column 2, Row 85				
1431	Article 58(1)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			deleted	
Annex XIV, Table 3, Column 2, Row 86				
1432	Article 58(2)		*deleted*	
Annex XIV, Table 3, Column 2, Row 87				
1433	Article 58(3)		*deleted*	
Annex XIV, Table 3, Column 2, Row 88				
1434	Article 47		*deleted*	
Annex XIV, Table 3, Column 2, Row 89				
1435	Article 47(1)		*deleted*	
Annex XIV, Table 3, Column 2, Row 90				
1436	Article 47(1)(a)		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 91				
1437	Article 47 (1)(a)		*deleted*	
Annex XIV, Table 3, Column 2, Row 92				
1438	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 93				
1439	Article 47(1)(d) and (e)		*deleted*	
Annex XIV, Table 3, Column 2, Row 94				
1440	Article 60(5)		*deleted*	
Annex XIV, Table 3, Column 2, Row 95				
1441	---		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 96				
1442	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 97				
1443	Article 46		*deleted*	
Annex XIV, Table 3, Column 2, Row 98				
1444	Article 47(4) (c)		*deleted*	
Annex XIV, Table 3, Column 2, Row 99				
1445	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 100				
1446	---		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 101				
1447	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 102				
1448	Article 48(1), 49(1), 50-54		*deleted*	
Annex XIV, Table 3, Column 2, Row 103				
1449	Article 48(2), 49(1), 50, 52-54		*deleted*	
Annex XIV, Table 3, Column 2, Row 104				
1450	Article 47(4) (c)		*deleted*	
Annex XIV, Table 3, Column 2, Row 105				
1451	Article 60		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 106				
1452	Article 60(1)		*deleted*	
Annex XIV, Table 3, Column 2, Row 107				
1453	Article 60(1)(f)		*deleted*	
Annex XIV, Table 3, Column 2, Row 108				
1454	Article 60(1)(b)		*deleted*	
Annex XIV, Table 3, Column 2, Row 109				
1455	Article 60(1)(c)		*deleted*	
Annex XIV, Table 3, Column 2, Row 110				
1456	Article 60(1)(b)		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 111				
1457	Article 60(1)(e)		*deleted*	
Annex XIV, Table 3, Column 2, Row 112				
1458	Article 60		*deleted*	
Annex XIV, Table 3, Column 2, Row 113				
1459	Article 60(4)		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 114				
1460	Article 20 Rules and conditions for affixing the CE marking; Article 13, Annex VI Part A, B, C		*deleted*	
Annex XIV, Table 3, Column 2, Row 115				
1461	Article 13(3)		*deleted*	
Annex XIV, Table 3, Column 2, Row 116				
1462	Article 13(2)		*deleted*	
Annex XIV, Table 3, Column 2, Row 117				
1463	Article 13(4)		*deleted*	
Annex XIV, Table 3, Column 2, Row 118				
1464	Article 13(3)		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 119				
1465	Article 13(3)		*deleted*	
Annex XIV, Table 3, Column 2, Row 120				
1466	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 121				
1467	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 122				
1468	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 123				
1469	Article 55(3), Article 77		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 124				
1470	Article 77(1)		*deleted*	
Annex XIV, Table 3, Column 2, Row 125				
1471	Article 77(2)		*deleted*	
Annex XIV, Table 3, Column 2, Row 126				
1472	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 127				
1473	Article 55(3) ; Article 77 2(d)		*deleted*	
Annex XIV, Table 3, Column 2, Row 128				
1474	Article 56(4)		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 129				
1475	Article 77(2) second subparagraph		*deleted*	
Annex XIV, Table 3, Column 2, Row 130				
1476	Article 73		*deleted*	
Annex XIV, Table 3, Column 2, Row 131				
1477	Article 73(1)		*deleted*	
Annex XIV, Table 3, Column 2, Row 132				
1478	Article 73(2)		*deleted*	
Annex XIV, Table 3, Column 2, Row 133				
1479	Article 73(3)		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 134				
1480	Article 73(5)		*deleted*	
Annex XIV, Table 3, Column 2, Row 135				
1481	Article 73(6)		*deleted*	
Annex XIV, Table 3, Column 2, Row 136				
1482	Article 74		*deleted*	
Annex XIV, Table 3, Column 2, Row 137				
1483	Article 74(1)		*deleted*	
Annex XIV, Table 3, Column 2, Row 138				
1484	Article 74(3)		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 139				
1485	Article 74(3) second subparagraph		*deleted*	
Annex XIV, Table 3, Column 2, Row 140				
1486	Article 76		*deleted*	
Annex XIV, Table 3, Column 2, Row 141				
1487	---		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 142				
1488	---		*deleted*	
Annex XIV, Table 3, Column 2, Row 143				
1489	Article 78		*deleted*	
Annex XIV, Table 3, Column 2, Row 144				
1490	Article 79		*deleted*	
Annex XIV, Table 3, Column 2, Row 145				
1491	--		*deleted*	
Annex XIV, Table 3, Column 2, Row 146				
1492	Annex XI		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, Table 3, Column 2, Row 147				
1493	Annex VI Part B		*deleted*	
Annex XIV, Table 3, Column 2, Row 148				
1494	Annex XII		*deleted*	
Annex XIV, Table 3, Column 2, Row 149				
1495	Annex XII Part A		*deleted*	
Annex XIV, Table 3, Column 2, Row 150				
1496	Annex XII Part B		*deleted*	
Annex XIV, Table 3, Column 2, Row 151				
1497	---		*deleted*	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, point (1)				
1497a			**1 In order to distinguish between used and waste batteries, where the holder , meaning the natural or legal person in possession of the used batteries or the waste batteries claims that it intends to ship or is shipping used batteries and not waste, that holder may be required to have available the following to substantiate this claim:**	
Annex XIV, point (1), point (a)				
1497b			**(a) a copy of the invoice and contract relating to the sale or transfer of ownership of the battery which states that the equipment is destined for direct re-use and that it is fully functional;**	
Annex XIV, point (1), point (b)				
1497c			**(b) evidence of evaluation or testing in the form of a copy of the records (certificate of testing, proof of functionality)**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			on every item within the consignment and a protocol containing all record information according to point 3;	
Annex XIV, point (1), point (c)				
1497d			**(c) a declaration made by the holder who arranges the transport of the used battery that none of the material or equipment within the consignment is waste as defined by Article 3(1) of Directive (EU) 2008/98; and**	
Annex XIV, point (1), point (d)				
1497e			**(d) appropriate protection against damage during transportation, loading and unloading in particular through sufficient packaging and appropriate stacking of the load.**	
Annex XIV, point (2)				
1497f			**2. By way of derogation, point 1(a) and (b) and point 3 do not**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			apply where it is documented by conclusive proof that the shipment is taking place in the framework of a business-to-business transfer agreement and that:	
Annex XIV, point (2), point (a)				
1497g			**(a) the used battery is sent back to the producer or a third party acting on his behalf as defective for repair under warranty with the intention of re-use; or**	
Annex XIV, point (2), point (b)				
1497h			**(b) the used battery for professional use is sent to the producer or a third party acting on his behalf or a third-party facility in countries to which Decision C(2001)107/Final of the OECD Council concerning the revision of Decision C(92)39/Final on control of transboundary movements of wastes destined for recovery operations applies, for refurbishment or repair under a valid contract with the intention**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			of re-use; or	
Annex XIV, point (2), point (c)				
1497i			**(c) the defective used battery for professional use is sent to the producer or a third party acting on his behalf for root cause analysis under a valid contract, in cases where such an analysis can only be conducted by the producer or third parties acting on his behalf.**	
Annex XIV, point (3)				
1497j			**3. In order to demonstrate that the object being shipped constitute used batteries, rather than waste, its holder shall carry out the following steps for testing and record keeping for used batteries:**	
Annex XIV, point (3), introductory part				
1497k			**Step 1: Testing**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, point (3), point (a)				
1497l			**(a) The battery shall be tested for its State of Health and the presence of hazardous substances shall be evaluated;**	
Annex XIV, point (3), point (b)				
1497m			**(b) Results of evaluation and testing shall be recorded.**	
Annex XIV, point (3), second introductory part				
1497n			**Step 2: Record**	
Annex XIV, point (3), second point (a)				
1497o			**(a) The record shall be fixed securely but not permanently on either the used battery itself (if not packed) or on the packaging so it can be read without unpacking the equipment.**	
Annex XIV, point (3), second point (b)				
1497p			**(b) The record shall contain the following information:**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, point (3), second point (b), first indent				
1497q			**- name of item,**	
Annex XIV, point (3), second point (b), second indent				
1497r			**- identification number of the item, where applicable,**	
Annex XIV, point (3), second point (b), third indent				
1497s			**- year of production, if available,**	
Annex XIV, point (3), second point (b), fourth indent				
1497t			**- name and address of the company responsible for testing the State of Health,**	
Annex XIV, point (3), second point (b), fifth indent				
1497u			**- result of tests as described in step 1 (including the date of the test),**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Annex XIV, point (3), second point (b), sixth indent				
1497v			**- kind of tests performed.**	
Annex XIV, point (4)				
1497w			**4. In addition to the documentation requested in points 1, 2 and 3, every load (e.g. shipping container, lorry) of used batteries shall be accompanied by:**	
Annex XIV, point (4), point (a)				
1497x			**(a) a relevant transport document;**	
Annex XIV, point (4), point (b)				
1497y			**(b) a declaration by the liable person on its responsibility.**	
Annex XIV, point (5)				
1497z			**5. In the absence of proof that an object is used battery, and not waste, through the appropriate documentation**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			required in points 1, 2, 3 and 4 and of appropriate protection against damage during transportation, loading and unloading in particular through sufficient packaging and appropriate stacking of the load, which are the obligations of the holder who arranges the transport, the object shall be considered waste and it shall be presumed that the load comprises an illegal shipment. In these circumstances the load will be dealt with in accordance with Articles 24 and 25 of Regulation (EC) No 1013/2006.	