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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2023/1542 and Regulation (EU) 2024/1244 as regards simplification of some requirements and reduction of administrative burden - Presidency compromise text

With a view to the meeting of the Antici Group on Simplification on 30 March 2026, delegations will find attached the Presidency compromise text.

Changes to the Commission proposal are marked in **bold** (added text) and deletions are marked with ~~strikethrough~~.

ANNEX

2025/0397 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending ~~Regulation~~Regulations (EU) 2023/1542 and ~~Regulation~~ (EU) 2024/1244 as regards simplification of some requirements and reduction of administrative burden

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 and Article 192(1) thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Economic and Social Committee[1],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure,

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1 OJ C , , p. .
2 OJ C , , p. .

Whereas:

(1) The political guidelines for the Commission's 2024-2029 term[3] point to the goal of simplifying legislation to eliminate any overlaps and contradictions while maintaining high standards and staying the course on the goals set out in the **Commission's communication of 11 December 2019 entitled "The** European Green Deal**" (the "European Green Deal")**.[4]

(2) In response to the 2024 **report entitled "The future of European competitiveness" (the "**Draghi report[5] ~~pointing~~**"), which pointed** to regulatory obstacles and the ~~regulatory~~ administrative burden as one of the key challenges**, in particular** ~~notably~~ for small and ~~medium sized~~**medium-sized** enterprises ~~('SME')~~, the **Commission, in its communication of 29 January 2025 entitled "A** Competitiveness Compass[6] ~~identifies~~ **for the EU", identified** a set of horizontal enablers to underpin competitiveness**,** including simplifying **the** regulatory environment, reducing burden and favouring speed and flexibility.

(3) In its communication of 11 February 2025 entitled 'A simpler and faster Europe: Communication on implementation and simplification',[7] ~~the European~~ **the** Commission set out a vision for an implementation and simplification agenda that delivers fast and visible improvements for people and businesses on the ground. That **agenda** requires more than an incremental approach**,** and the Union is to take bold action to achieve that goal. The ~~Commission, the~~ European Parliament, the Council, **the Commission, the** Member States'

~~3~~ ~~Europe's Choice, Political Guidelines for the next European Commission 2024–2029, Ursula von der Leyen~~

4 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 of 11 December 2019, 'The European Green Deal', COM/2019/640 final.

~~5~~ ~~Draghi, M. (2024) The future of European competitiveness. Available at: The Draghi report on EU competitiveness.~~

~~6~~ ~~Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 29 January 2025, A competitiveness Compass for the EU, COM(2025) final.~~

~~7~~ ~~Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 11 February 2025, 'A simpler and faster Europe: Communication on implementation and simplification', COM/2025/47 final.~~

authorities at all levels and stakeholders need to work together to streamline and simplify Union, national and regional rules and to implement policies more effectively.

(4) In the context of the Commission's commitment to reduce reporting burdens and compliance costs, advance interoperability~~,~~ and enhance competitiveness, it is necessary to ~~adapt~~**amend** certain provisions ~~set out in~~**of** Regulations (EU) 2023/1542[8] and (EU) 2024/1244[9] of the European Parliament and of the Council whilst maintaining the policy objectives[10] of the European Green Deal~~,~~ and **of the Commission communication of 8 March 2018 entitled "Action Plan: Financing**~~the~~ Sustainable ~~Finance Action Plan~~[11]~~.~~**Growth".**

(5) With a view to maintaining ~~coherence~~**consistency** with the original instruments and in order to preserve the legislative intent, ~~amendments to Regulation (EU) 2023/1542 are based on Article 114 of the Treaty and~~**the** amendments to Chapter VIII of Regulation (EU) 2023/1542 and to Regulation (EU) 2024/1244 are based on Article 192(1) of the Treaty**, and the amendments to other provisions of Regulation (EU) 2023/1542 are based on Article 114 of the Treaty**.

(6) With a view to ensuring that all operators**,** irrespective of the selling technique used**,** are covered by the definition of a producer in Regulation (EU) 2023/1542, it should be clarified that a manufacturer, importer ~~or~~**,** distributor or other natural or legal person that sells batteries in a Member State~~,~~ and **that** is established in another Member State or in a third country~~,~~ qualifies as a producer not only when selling by means of distance contracts.

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

9 Regulation (EU) 2024/1244 of the European Parliament and of the Council of 24 April 2024 on reporting of environmental data from industrial installations, establishing an Industrial Emissions Portal and repealing Regulation (EC) No 166/2006 (OJ L, 2024/1244, 2.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1244/oj).

~~**10** 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 of 11 December 2019, 'The European Green Deal', COM/2019/640 final.~~

~~**11** Communication from the Commission to the European Parliament, the European Council, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions of 8 March 2018, 'Action Plan: Financing Sustainable Growth', COM/2018/097 final.~~

(7) Pursuant to Article 13 of Regulation (EU) 2023/1542, batteries **are to** ~~should~~ bear a label indicating the presence of hazardous substances. In line with recital (44) of that Regulation, it is necessary to add further precision on the scope of the substances that need to be labelled by referring to substances of very high concern identified in accordance with Regulation (EC) No 1907/2006 **of the European Parliament and of the Council**[12] or Regulation (EC) 1272/2008 **of the European Parliament and of the Council**[13].

(8) The requirement for light means of transport (LMT) batteries and battery packs to be removable and replaceable at cell level ~~may~~**might** create unexpected safety concerns when faulty battery cells are not replaced in the right conditions. Thus, in order to achieve the right balance between safety ~~and~~**,** repairability **and second life**, it is appropriate to require that LMT batteries and LMT battery packs be readily removable and replaceable by independent professionals at module level. **LMT batteries should be designed in a way that individual modules are removable by independent professionals during the lifetime of the products in which they are incorporated. Second life operations, such as repurposing, preparation for repurposing, preparation for reuse and remanufacturing, are facilitated when LMT batteries are designed in such a way that individual battery cells in modules and packs are easily removable at the end of life of that battery. This Regulation should not prevent the placing on the market of LMT batteries where individual cells are removable during the lifetime of the product in which they are incorporated, if that can be done in a way that safety, performance and durability are safeguarded. LMT batteries which have been subject to repurposing, preparation for repurposing, preparation for reuse or remanufacturing,**

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12 **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, ELI: http://data.europa.eu/eli/reg/2006/1907/oj).**

13 **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, ELI: http://data.europa.eu/eli/reg/2008/1272/oj).**

by having some of their cells or modules replaced, should be safe for use when placed on the market again.

(9) **Article 76(4) of** Regulation (EU) 2023/1542 requires the Commission to publish a report on the results of the review of the information made available by the Member States **in accordance with Article 76 of that Regulation**. In practice, Article 76(4) ~~has been~~**of that Regulation is** too prescriptive ~~and meant~~**, means** that analysis of data on implementation is required at a time which does not align with evaluation cycles, and only covers part of the information. ~~This~~ **That** requirement should therefore be deleted, allowing for more flexible data reviewing. **However,** informed decision-making is integral to the governance processes within the Union.– Therefore, the Commission should continue to **collect and** review the ~~data~~**information** reported by the Member States **in accordance with Article 76 of that Regulation**.

(10) With a view to simplifying requirements on operators and companies, and ~~reduce~~ **reducing** the administrative burden stemming from reporting **requirements** pursuant to Article 6 of Regulation (EU) 2024/1244, while maintaining equivalent standards as regards the protection of human health and the environment, ~~it is appropriate to allow~~ Member States **should be allowed** to exempt operators of livestock production and aquaculture installations from reporting on off-site transfers of waste, off-site transfers of pollutants in ~~wastewater~~**waste water**, production volume and **the** number of operating hours, provided that **those data and that** ~~this~~ information can be gathered by other means~~, in view of fulfilling~~ **in order to fulfil** the requirements set out in Article 7 of that Regulation. **Where Member States consider that gathering that information by other means disproportionally increases the administrative burden for public authorities, they should be allowed not to make use of that possibility.** Furthermore, to ~~minimize~~**minimise** the administrative burden on operators of livestock production and aquaculture installations, they should not be required to report **data** on the use of water, energy and relevant raw materials.

(11) Regulations (EU) 2023/1542 and (EU) 2024/1244 should therefore be amended accordingly,

(11a) Since the objectives of this Directive cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) 2023/1542

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

(1) **in** Article ~~3(1)~~**3, paragraph 1** is amended as follows:

(a) in point (47), point (d) is replaced by the following:

‘(d) sells batteries, including those incorporated in appliances, light means of transport or other vehicles, directly to end-users, whether or not they are private households, in a Member State, and is established in another Member State or in a third country;’

(b) the following point ~~(69)~~ is added:

(69) ‘substance of very high concern’ means any substance which fulfils the criteria laid down in Article 57 of Regulation (EC) No 1907/2006 and is identified in accordance with Article 59(1) of that Regulation, or any substance which fulfils the criteria laid down in Article 57 of Regulation (EC) No 1907/2006 and **is** listed in Annex VI ~~of~~**to** Regulation (EC) 1272/2008.’

(2) in Article 11, paragraph 5 is replaced by the following:

‘5. Any natural or legal person that places on the market products incorporating LMT batteries shall ensure that those batteries, as well as individual battery modules included in the battery pack, are readily removable and replaceable by an independent professional at any time during the lifetime of the product;’

(2a) in Article 13, paragraph 6 is replaced by the following:

'6. From 18 February 2027, LMT batteries, industrial batteries with a capacity greater than 2 kWh and electric vehicles batteries shall be marked with a QR code as described in Part C of Annex VI. The QR code shall provide access to the battery passport established in accordance with Article 77.

From 18 months after the date of entry into force of the implementing act referred to in paragraph 10 of this Article, other batteries shall be marked with a QR code as described in Part C of Annex VI. The QR code shall provide access to the applicable information referred to in paragraphs 1 to 5 of this Article, to the declaration of conformity referred to in Article 18, to the report referred to in Article 52(3) and to the information regarding the prevention and management of waste batteries laid down in Article 74(1), points (a) to (f).

From 18 February 2027, SLI batteries shall be marked with a QR code as described in Part C of Annex VI. The QR code shall provide access to the amount of cobalt, lead, lithium or nickel recovered from waste and present in active materials in the battery, calculated in accordance with Article 8.

The information referred to in this paragraph shall be complete, up to date and accurate.'

(3) in Article 76(4), the second, third and fourth sentences are deleted.

(4) in Annex VI**, Part A,** point 8 ~~in Part A~~ is replaced by the following:

'8. the substances of very high concern ~~in the meaning of Article 3 (1) (69) which are~~ present in the battery, other than mercury, cadmium and lead, ~~with~~**in** a concentration ~~equal or above~~**of more than** 0,1%, weight ~~on~~**by** weight.'

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(4a) in Annex XIII, point 1(b) is replaced by the following:

'(b) the material composition of the battery, including its chemistry, substances of very high concern in the meaning of Article 3(1), point (69), present in the battery, other than mercury, cadmium or lead and critical raw materials present in the battery.'

Article 2

Amendments to Regulation (EU) 2024/1244

In Article 6 of Regulation (EU) 2024/1244, paragraph 9 is replaced by the following:

'9. The reporting requirements set out in paragraph 1, first subparagraph, point (d) shall not apply to operators of ~~installations carrying out activities referred to in rows 2 and 7 of Annex I ('operators of~~ livestock production ~~and~~**or** aquaculture installations~~')~~.

Member States may decide to quantify deliberate releases as referred to in paragraph 1, first subparagraph, point (a), themselves on behalf of operators of livestock production and aquaculture installations. In such cases, paragraphs 1 to 8 shall not apply to those operators in respect of such releases.

Member States may decide to exempt operators of livestock production and aquaculture installations from reporting on any of the items referred to in paragraph 1, first subparagraph, points (b), (c), (e), (f) and (g), of this Article, provided that such **data and** information can be gathered by Member States by other means in order to fulfil their obligations pursuant to Article 7. In such cases, paragraphs 1 to 8 of this Article shall not apply to those operators in respect of such ~~items~~**data and information**.'

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Article 3

Entry into force

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

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

Done at Brussels,

For the European Parliament	*For the Council*
The President	*The President*

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