

Motus-E Position Paper on the 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

Motus-E welcomes the European Commission's Regulation Proposal and fully supports the measures that aim to ensure a competitive, circular, sustainable and safe value chain for all batteries placed on the internal Union Market, overcoming the barriers to the functioning of recycling industry and the environmental problems related to the production, use and End-of-Life management of batteries. Motus-E considers the Commission proposal as a key enabler for sustainability-related policies, aiming at boosting the sustainability of the entire battery value chain while avoiding a loss of international competitiveness and market distortions.

According to the expertise and competences of the association's members, we reported in the following the main aspects of the proposed Regulation for which we recommend further improvements, modifications or clarifications.

Overall scope and definitions

- Motus-E supports the idea of a regulation for all types of batteries. The definition of a specific category for the electric vehicle (EV) batteries is of fundamental considering the increasing number of EVs sales. Considering the definition of 'light means of transport', we suggest to better define it since according to the current definition some batteries, such as steps and hoverboards, are excluded from this category because the travellers are not seated. Moreover, we recommend to introduce a specific category and targets for this type of batteries, since the proposed threshold values in terms of weight and power (5 kg and 750 W), could be easily overcome in the short-term period.
- In Art.2 there are specific definitions for 'reuse' and 'repurposing', but not for 'remanufacturing' even though it is often mentioned in the Regulation's articles. Following the given 'repurposing' definition, for 'remanufacturing' we propose: 'any operation that results in the complete battery being used for the *same purpose or application* than the one that the battery was originally designed for'.

Recycling efficiencies and recycled content

- Motus-E believes in the establishment of a circular economy approach to secure access to secondary raw materials through recycling, providing a strategic leverage to the future EU cell manufacturing industry. Even though ambitious targets represent a prerequisite for a sustainable batteries value chain, they should be realistic and based on evidence from available technology and processes. Targeting ambitious recycling efficiency not always is the optimum, since usually higher recycling rate come with higher cost, and potentially with higher environmental impacts.
- The possible introduction of mandatory levels of recycled contents in new batteries should be established after a complete and deep assessment of its real effects on the environment and international competition. Moreover, it should be compliant with the availability of secondary raw materials, avoiding a potential i) slowing of the EU production market if recovered volumes are insufficient to meet the demand, and ii) inflating of the recovered metals values, which could discourage the production of long-lasting batteries and encourage premature recycling, rather than remanufacturing and repurposing efforts. Motus-E welcomes the possibility to review or remove

the mandatory levels mentioned above according to an assessment of the market, of the environmental usefulness and of the economic impact of the establishment of minimum levels.

- Motus-e asks the Commission to bring flexibility to the requirements related to recycled material recovery and use of recovered materials in the active materials of new cells to ensure that the regulation does not jeopardize the roll-out of electromobility due to technical limits of recycling processes or shortages of recycled materials to produce new battery cells.

Labelling and information requirements

- Motus-E supports the introduction of policies and criteria for information, labelling and transparency, ensuring a complete battery identification and a proper End-of-Life management. In addition to the general information listed in Annex VI - Part A, Motus-E proposes to include other fundamental features of the battery pack.

Reuse, repurposing and remanufacturing

- Motus-E supports the regulatory intention to give the possibility to independent operators to access the Battery Management System (BMS), but the current scope and conditions to access the BMS data seem too wide, rising safety and other issues. However only must-have data should be shared and this should be done once there is a clear definition and certification of subjects entitled to get the data. Indeed, data stored in the BMS typically comprises proprietary information and cannot be disclosed without limitations.
- Battery State-of-Health (SoH) definition is not clear enough in the regulation; parameters for determining the SoH and expected lifetime of batteries are reported in Annex VII, but a methodology for its calculation is not defined.

Extended producer responsibility (EPR)

- The battery second life purpose is strictly connected to the transfer of responsibility from the producer of the original battery to the repurposer. The “new producer” should bear EPR obligations and comply with any applicable conditions for placing a second-life battery on the market.
- A full monitoring of the industrial and EV battery property should be provided by the National Register; in addition to the already requested information, it should be provided also the declaration of the serial number of the battery.

Battery Passport

- Prior to the definition of tools and data content, we call the EU Commission to perform an assessment of the real information needs of the involved stakeholders as well as the most efficient process of information provision. Motus-e also asks that the requested information is kept to a minimum to allow remanufacturing and repurposing and respects existing confidentiality and IP regulations.
- Motus-E welcomes the introduction of an Electronic Exchange System for battery information and of a Battery Passport. The instructions for the delegated act should specify that all the relevant information on battery should be reported in the Battery Passport. At least the status of the battery should be available.
- The detailed conditions of access and actors who should be entitled access to data should be clearly defined before the obligation to upload the information. The right to change content of the Passport is already guaranteed in case of second use, in which case the second user becomes responsible for updating status/data regarding the battery.