



APPLiA reaction

Proposal for a Regulation on Batteries

On the 10 December 2020, the European Commission published its proposal for a revision of the Battery Directive 2006/66/EC, amended by 2013/56/EU, part of the Green Deal and the Circular Economy Action Plan. Representing home appliances manufacturers which produce appliances containing batteries, APPLiA Home Appliance Europe welcomes this initiative for a more coherent battery legislative framework while preserving the single market competition and innovation and provides the industry's reaction with complementary comments below.

With the new proposal for a Regulation on Batteries, the European Commission is taking the right direction to modernise the EU rules on batteries and filling the gaps that were existing in the legislation. We welcome the revision towards a Regulation as it would deliver a better and fuller harmonisation of common rules for batteries and ensuring a level playing field across all Member States. APPLiA encourages the European Commission to pursue that goal in the continuity of the legislative process.

As manufacturers of electronic and electrical equipment, some containing batteries, we would like to request that legislators clearly differentiate between any new requirements on batteries themselves and requirements for products with built-in batteries. It is important to avoid any potential confusion due to additional requirements set by horizontal legislation and, therefore, to avoid double regulation, specifically when considering a European home appliances sector that is increasingly subject to a conflicting regulatory landscape. It is the case that our products are already covered by multiple regulations, such as the WEEE Directive, Ecodesign requirements, and we believe that any regulation should stay at product-specific level. In that regard, we welcome the efforts aimed at providing necessary differentiations (e.g. Article 51, paragraph 4) when dealing with waste batteries.

The willingness to provide a comprehensive framework with ambitious measures is acknowledged by APPLiA's members who support these steps in further developing the circular economy within the EU and moving towards carbon-neutrality. Further comments are included below to assist the EU Commission in better shaping the Proposed Regulation on Batteries.

APPLiA SPECIFIC COMMENTS ON THE PROPOSED MEASURES

CLASSIFICATION AND DEFINITION (MEASURE 1)

In relation to the proposed definition of portable batteries of general use, we would like to draw attention to the fact that the formats proposed are not synonymous with general use. Indeed, there are some examples of batteries with non-standard applications that use such formats (e.g. Nickel metal hydride batteries) which are not intended to be replaced periodically by end users. Such batteries should be considered as specialist portable batteries, rather than those of general use.



COLLECTION OF BATTERIES (MEASURE 3)

The current methodology lacks accuracy as it does not recognise the longer lifetime of rechargeable batteries. This results in an underestimated collection rate within a fast-growing market. Therefore, a new method of calculation using the approach “available for collection” instead of the actual “3 years average of POM” is welcomed to provide a more accurate result and be closer to reality. This method of calculation will also be better aligned with future battery technologies, more accurate and incentivizing lifetime prolongation. Therefore, we encourage the EU Commission to investigate further on the possibility to set a new methodology for collection rates as mentioned in Article 48, paragraph 5 and Annex XI.

REMOVABILITY & REPLACEABILITY (MEASURE 11)

Removability of batteries is today covered by multiple regulations, such as the Battery Directive Article 11, Annex VII of the WEEE Directive and in requirements foreseen for removability of batteries in future Ecodesign regulation for products, such as vacuum cleaners. In terms of these concepts, it should be considered that the integration of a battery into a particular product presents challenges specific to that product. As such, we feel that requirements of this nature should be expressed at product-specific level only.

While batteries in some applications may be suited for removal by the end user, not all batteries in all applications should necessarily be readily removable. Safety and usability concerns relating to internal rechargeable batteries may mean that certain batteries in some specific applications are more suitable for treatment by professional service centers. For manufacturers, safety of consumers is a top priority and correct handling by professionals with the required training would ensure that these important aspects are addressed. Significant injury from electrocution, or even fire, can occur in the cases where, for example, batteries in some applications are improperly removed, for example, in the case of wet-use batteries or incorrect handling of lithium batteries as it currently stands, the possibility for consumers or untrained operators to remove batteries in such appliances runs against existing

EU legislation (e.g. Low Voltage Directive 2014/35/EU) and harmonized EN standards (e.g. EN 60335-1).

APPLiA would also like to take this opportunity to underline that any new requirements resulting in changes to the design of products should include a transition period of at least 24 months between the entry into force of the regulation and the application of the specific requirement.

NON-RECHARGEABLE BATTERIES (MEASURE 8)

First, we would like to remind that rechargeable batteries do not necessarily improve the use of the product itself. Indeed, the properties of a rechargeable battery are not the same as a non-rechargeable one and may not ensure the optimal use of the product concerned. It would be the case regarding the energy provided by the battery which will not be the same. Therefore, we welcome and fully support the acknowledgement that replacing all non-rechargeable portable batteries with rechargeable ones does not make sense for all types of applications.

As a second point, a specific remark goes to the need to better define “shelf life” presented as one of the electrochemical performances and durability parameters for portable batteries in Annex III.

Finally, we consider the initiative to proceed to a feasibility study to phase-out the use of non-rechargeable portable batteries of general use by 31 December 2030 as a reasonable proposal. This will allow the legislators to base themselves on objective scientific-based evidence to act properly, especially for assessing the impact on the environment by increasing the rechargeable equipment needed. As a matter of fact, ‘rechargeable batteries’ means also charging power and production of this power emitting pollution. Thus, rechargeable solutions are the better option, if the lifetime of a non-rechargeable battery would be greatly shorter than the lifetime of the application and/or a high amount of energy is to be delivered to the application in a short period of time.

INFORMATION & LABELLING (MEASURE 12)

Manufacturers of home appliances in Europe already inform about the presence of batteries in their products with safety instructions and how to discard the products properly at the end-of-life. As already expressed in this paper, we make the safety of consumers one of our priorities in that regard.

Therefore, when reading Article 13 and its related Annex VI on the labelling requirements, we have some doubts about the relevance of some of the information requested. We invite the Commission to reflect on what information is relevant for each particular audience and to consider that a one-size-fits all approach may not be the best choice. While some information

is necessary for end-users, other information may be better suited to be stored as technical documentation.

A final remark is related to the QR code requirements as mentioned in Part C of Annex VI, which requests for it to be black. From a practical point of view, some of our products are black, making the QR code de facto invisible. Therefore, we are suggesting reformulating this requirement in order to have a distinction of colors.